

## **Notice of Disclaimer**

**The following is sample shared interest (retiree in pay status) QDRO language for the Alaska United Food and Commercial Workers Pension Fund. As sample language, this document does not (1) contain all of the provisions that may be provided in a QDRO or (2) address all of the issues that may arise in the drafting of a QDRO. In short, use of the sample language is not a substitute for legal counsel that is familiar with defined benefit pension plans. The provision of this sample language does not constitute legal advice concerning the terms of the Plan or any QDRO and should not be relied upon as legal advice.**

**Whether or not you use the sample language, you should provide a draft of your QDRO for the Plan Administrator's review before submitting the order to court. Advance review will save time and money in the event changes must be made to the order.**

[SAMPLE TRANSMITTAL LETTER]

[Date]

Board of Trustees  
Alaska United Food and Commercial Workers Pension Fund  
c/o Zenith American Solutions  
Attn: Pension Department  
12205 SW Tualatin Rd., Suite 200  
Tualatin, OR 97062

Re: QDRO – [Participant] and [Alternate Payee]

Dear Plan Administrator:

Enclosed is a [draft] [court approved] Qualified Domestic Relations Order (“Order”) impacting the benefits of [Participant] under the Alaska United Food and Commercial Workers Pension Fund.

As noted in the Order, the social security number and date of birth of the Participant and Alternate Payee will be provided separately. They are as follows:

**Participant**

Participant: [Participant’s Name]  
Social Security Number: [Participant’s SSN]  
Date of Birth: [Participant’s Birth Date]

**Alternate Payee**

Alternate Payee: [Alternate Payee’s Name]  
Social Security Number: [Alternate Payee’s SSN]  
Date of Birth: [Alternate Payee’s Birth Date]

If further information is needed in connection with this Order, please contact [name] at [number].

Sincerely,

[name]  
Counsel for [Participant] [Alternate Payee]

cc: [name], Counsel for [Participant] [Alternate Payee]

[Sample Shared Interest (Retiree in Pay Status) QDRO]

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IN THE SUPERIOR COURT OF THE STATE OF [STATE]  
IN AND FOR THE COUNTY OF [COUNTY]

IN RE THE MARRIAGE OF:

***[PETITIONER'S NAME],***

Petitioner,

v.

***[RESPONDENT'S NAME],***

Respondent.

NO. \_\_\_\_\_

QUALIFIED DOMESTIC RELATIONS  
ORDER

WHEREAS, the Court has jurisdiction over all parties and over the subject matter in this dissolution action; and

WHEREAS, the parties and this Court intend this Qualified Domestic Relations Order (hereinafter referred to as "Order") to be a "qualified domestic relations order," as that term is used in the Retirement Equity Act of 1984, as amended, and interpreted in accordance with that Act; and

WHEREAS, the parties have stipulated that the Court shall enter this Order as an Addendum to the ***[Decree of Dissolution of Marriage]*** filed herein on ***[date filed with court]***, NOW, THEREFORE,

IT IS HEREBY ORDERED by the Court as follows:

1) **Definitions.** The following are the definitions used in this Order:

- 1 a) “Participant” *[Participant’s Full Legal Name]*  
 Date of Birth & SSN: *To be provided under separate cover.*  
 Address: *[Address]*
- 2
- 3 b) “Alternate Payee” *[Alternate Payee’s Full Legal Name]*  
 Date of Birth & SSN: *To be provided under separate cover.*  
 Relationship to  
 Participant: *[Relationship to Participant]*  
 Address: *[Address]*
- 4
- 5
- 6 c) “Plan” Alaska United Food and Commercial Workers  
 Pension Fund
- 7
- 8 d) “Plan Administrator” Board of Trustees  
 Address: c/o Zenith American Solutions  
 12205 SW Tualatin Rd., Suite 200  
 Tualatin, OR 97062
- 9

10 **2) Division of Marital Property.** This Order is made pursuant to and in accordance  
 11 with *[insert state statute]* and other applicable related domestic relations laws of the State of  
 12 *[insert name of state]*. This Order hereby creates and recognizes the existence of the Alternate  
 Payee’s rights to receive a portion of the Participant’s benefits under the Plan.

13 **3) Participant’s Retirement.** Participant retired effective *[date]* and is receiving  
 14 benefits in the form of a life annuity.

15 **4) Payments to Alternate Payee.**

16 a) Effective with benefits payable the first of the month after approval of this Order  
 17 by the Plan as a qualified domestic relations order, the Alternate Payee is awarded *[dollar  
 amount or percentage]* of each of the Participant’s monthly benefit payments from the Plan.  
 Alternate Payee *[is] [is not]* entitled to a pro rata share of any bonus checks and/or supplements.

18 b) The Alternate Payee’s benefits will cease at the earliest of the Participant’s death  
 19 or the Alternate Payee’s death. If the Alternate Payee predeceases the Participant, the Alternate  
 Payee’s share shall revert to the Participant.

20 c) The Alternate Payee *[shall] [shall not]* be treated as the Participant’s sole  
 21 surviving spouse for purposes of any post-retirement survivor benefits earned from *[beginning  
 date]* to *[separation/dissolution date]*.

22 d) In the event the Participant returns to work after retirement, the Participant’s  
 23 benefits may be suspended. In such event, the Alternate Payee’s benefits shall also be suspended.

1           **5) Limitations on Order.** Nothing contained in this Order shall be construed to  
2 require the Plan:

3           a) To provide for any type or form of benefits, or any option, not otherwise provided  
4 under the Plan at the time benefits commence to the Alternate Payee;

5           b) To provide increased benefits (determined on the basis of actuarial value) not  
6 available to the Participant;

7           c) To provide benefits to the Alternate Payee which are required to be paid to  
8 another Alternate Payee under another order previously determined to be a qualified domestic  
9 relations order; and

10           d) To provide the payment to the Alternate Payee of benefits forfeited by the  
11 Participant.

12           **6) Action to Be Taken.** The Plan Administrator shall be provided with a copy of  
13 the Order by the Alternate Payee or Participant. Pending determination of whether this Order  
14 is a qualified domestic relations order, the Plan Administrator shall separately account within  
15 the Plan for the amount (“segregated amounts”) which would have been payable to the Alternate  
16 Payee (if this Order is established to be a qualified domestic relations order) during the  
17 determination period, as described in Section 414(p)(7) of the Internal Revenue Code of 1986,  
18 as amended. No segregation is necessary if benefits are not payable during the determination  
19 period.

20           **7) Continuing Jurisdiction.** The Court retains jurisdiction over this matter to  
21 amend this Order to establish or maintain its status as a qualified domestic relations order under  
22 the Retirement Equity Act of 1984, as amended.

23           DONE IN OPEN COURT this \_\_\_\_\_ day of *[month]*, *[year]*.

\_\_\_\_\_  
JUDGE/COURT COMMISSIONER

Presented by:

*[NAME OF ATTORNEY'S OFFICE]*

By \_\_\_\_\_  
*[NAME OF ATTORNEY]*  
Bar No. *[00000]*

QUALIFIED DOMESTIC RELATIONS  
ORDER – 5

Attorney for Respondent

Copy Received, Approved for Entry,  
Notice of Presentment Waived:

*[NAME OF ATTORNEY'S OFFICE]*

By \_\_\_\_\_  
*[NAME OF ATTORNEY]*  
Bar No. *[00000]*  
Attorney for Petitioner

QUALIFIED DOMESTIC RELATIONS  
ORDER – 6