

**Alaska U.F.C.W. Pension Trust**

Labor Trust Services, Inc., Administrators

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In response to your request, we are providing the enclosed Sample Language for a Qualified Domestic Relations Order (QDRO). Please note that this Sample Language is not provided with any warranty or representation on our part that it is appropriate for use or applies to this situation, nor is it represented to be the only form of QDRO that could be drafted, nor is it represented to be the best form for use in this particular case.

We also offer no opinion or estimate regarding the appropriateness of any formula or amount for the division of benefits between the Participant and his spouse, or what effect the Order may have on his/her pension or the amount of pension benefit payable either to the Participant or his/her spouse. We also do not "pre-approve" any draft Order prior to submittal of the Order to the Court.

Upon receipt by our office of a QDRO signed by the Court, we will obtain legal advice as to the "qualified" status of the Order and will notify in writing, you and all parties to the Order for which we have obtained addresses.

Should you have any questions regarding this matter, I can be reached on Extension 4229.

Sincerely,

Barbara M. Thaman  
Account Executive

BMT: \_\_\_\_\_

Enclosure

CHECKLIST AND GUIDE TO PREPARATION OF A  
QUALIFIED DOMESTIC RELATIONS ORDER

\_\_\_\_\_  
*Identification of the Court, such as::*

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
THIRD JUDICIAL DISTRICT AT ANCHORAGE

*Case Caption:*

IN RE THE MARRIAGE OF

\_\_\_\_\_,  
Petitioner,

vs.

\_\_\_\_\_,  
Respondent.

Case No. \_\_\_\_\_

*Title of Document:*

**QUALIFIED DOMESTIC RELATIONS ORDER**

*Pleading:*

WHEREAS, this court entered an absolute [Decree /or/ Dissolution] of Divorce in  
the above-entitled proceeding on \_\_\_\_\_, 20\_\_;

WHEREAS, this court has personal jurisdiction over both parties in this  
proceeding and jurisdiction over the subject matter of this order; and

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*Checklist-Guide/1*

Sophia/Generic letters and forms/QDROs/Checklist and Guide-DB Plans.doc

WHEREAS, the parties to this action and the court intend this Order to be a Qualified Domestic Relations Order as that term is used in 29 U.S.C. § 1056, as amended,

NOW, THEREFORE, IT IS HEREBY ORDERED BY THIS COURT AS FOLLOWS:

1. **Parties:** *In 3 separate paragraphs, identify and define by name and address, including zip code:*

(a) *The Participant (person with pension credit service).*

**Example:** \_\_\_\_\_ (Name of participant, Social Security #, address \_\_\_\_\_) (hereinafter, "Participant"), has been a participant in the \_\_\_\_\_ Plan (hereinafter "Pension Plan") since (date) and is still active. Participant ( is/or/is not ) vested.

**Or:**

\_\_\_\_\_ (Name and Social Security #, address \_\_\_\_\_), (hereinafter "Participant") was a participant in the \_\_\_\_\_ Plan (hereinafter "Pension Plan") from \_\_\_\_\_ to \_\_\_\_\_, and is now inactive. Participant is/or/is not vested.

(b) *The Alternate Payee (spouse of participant).*

**Example:** \_\_\_\_\_ (Name of participant, Social Security #, address \_\_\_\_\_) is the spouse of the Participant (hereinafter, "Alternate Payee"), who has an interest in Participant's monthly pension benefit from the Pension Plan.

(c) *The Pension Plan to which the Order applies.*

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**Example:** This domestic relations order applies to \_\_\_\_\_ Plan.

2. **Period of Marriage:** *Identify the alternate payee as the former spouse of the participant with date of marriage and date of dissolution or decree of divorce.*

**Example:** The Pension Plan is advised that the parties to the above-captioned matter were married on \_\_\_\_ (date) \_\_\_\_ and separated on \_\_\_\_ (date) \_\_\_\_ . During that time period, Participant accrued \_\_\_\_\_ years of credited service. Participant has accrued credit in the Pension Plan which may entitle Participant to receive a monthly benefit at a later date. The amount of said benefit payment shall be based upon the amount of credited service accrued at the time of retirement.

3. **Division of Benefits:** *Identify the percentage, formula or portion of the accrued benefit of the participant to be paid or assigned to the alternate payee.*

**Example:** \_\_\_\_\_ Alternate Payee has an interest in the Participant's monthly pension benefit from the Pension Plan. Payment of benefits to the Alternate Payee shall commence at (insert one of the following, as applicable):

- Participant's early retirement date (age \_\_\_\_)
- Participant's normal retirement date (age \_\_\_\_)

Provided, however, that, if Participant retires and begins receiving benefits prior to Participant's normal retirement date, Alternate Payee benefits will commence at the same time.

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(a) *The method of allocation should either be by simple mathematic calculation or simple percentage of the accrued benefit earned by the participant at a particular date or event.*

(b) *If some amount of the accrued benefit is to be left out of the calculation or apportionment, i.e., benefits accrued during time periods the parties were not married, the calculation should identify the periods of time to be excluded.*

(c) *If some amounts are to be supplemented to the calculation of benefit, i.e., benefit increases or bonuses subsequent to the divorce, the calculation should identify how such increases are to be apportioned.*

(d) *Set forth either the number of payments to which the Order applies or the period of time – beginning date or occurrence and ending date or occurrence – to which the payments to alternate payee must be made.*

4. **Pre-Retirement Survivor Benefit:** *Describe how alternate payee shall be treated in the event participant predeceases alternate payee before distribution of benefit identified above.*

**Example:** In the event Participant dies before retirement, it is ordered that       (insert one of the following, as applicable      ) :

- Alternate Payee shall be entitled to the preretirement survivor annuity earned during the period of the marriage.
- Alternate Payee shall not be entitled to preretirement survivor annuity.

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5. Describe how distribution of benefits is to be made if the Alternate Payee dies prior to distribution of benefits as set forth above.

**The two paragraphs below should always be included in every Order:**

6. Nothing contained in this Order shall be construed to require any plan or administrator:

- (a) to provide to the Alternate Payee any type or form of benefit or any option, not otherwise provided to the Participant under the Pension Plan;
- (b) to provide to the Alternate Payee increased benefits (determined on the basis of actuarial value) not otherwise available to the Participant under the Pension Plan; or
- (c) to pay any benefits to the Alternate Payee which are required to be paid to another payee under another order previously determined by the administrator to be a qualified domestic relations order.

7. The court retains jurisdiction to amend this Order for purposes of establishing or maintaining its qualifications as a qualified domestic relations order under the Retirement Equity Act of 1984; provided that, no such amendment shall require an increase in the alternate payee's benefits other than that which has been ordered in the divorce; and further provided that, no such amendment shall require the plan to provide any type of form of benefit or any option otherwise provided by the plan.

DATED: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE \_\_\_\_\_ COURT

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APPROVED AS TO FORM AND CONTENT:

By: \_\_\_\_\_  
Petitioner

By: \_\_\_\_\_  
Respondent

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