

Notice of Disclaimer

The following is sample separate interest 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 Separate Interest QDRO]

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,

and

[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:

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1.1 “Participant” *[Participant’s Name]*
Date of Birth & SSN: *To be provided under separate cover.*
Address: *[Address]*

The Participant’s social security number and date of birth will be provided separately to the Plan Administrator.

1.2 “Alternate Payee”:
Date of Birth & SSN: *[Alternate Payee’s Name]*
Relationship to *To be provided under separate cover.*
Participant: *[Relationship to Participant]*
Address: *[Address]*

The Alternate Payee’s social security number and date of birth will be provided separately to the Plan Administrator.

1.3 “Plan”:
Alaska United Food and Commercial Workers Pension Fund

1.4 “Plan Administrator”:
Address: Board of Trustees
c/o Zenith American Solutions
12205 SW Tualatin Rd., Suite 200
Tualatin, OR 97062

2. Division of Marital Property. This Order is entered into pursuant to *[State Domestic Relations Statute]* governing division of marital property between spouses and former spouses in dissolution actions. This Order hereby creates and recognizes the existence of the Alternate Payee’s right to receive a portion of the Participant’s benefits under the Plan.

3. Factual Basis for Order. This Order is based upon the following facts:

3.1 Participant *[is not presently vested, but may become vested in the future]* *[is vested]*.

3.2 Participant is *[age]* years of age; and

3.3 Participant at the time of entry of this Order *[is/is not]* receiving benefit payments under the Plan.

1 **4. Payments to Alternate Payee.**

2 **4.1 Segregation, Form, and Commencement of Alternate Payee's**
3 **Benefits.** Subject to the provisions in paragraphs 4.3 and 4.4 below, Alternate Payee is awarded
4 *[what %]* of the Participant's accrued benefit in the Plan earned from *[beginning date]* to
5 *[separation/dissolution date]*, and calculated as of the Alternate Payee's benefit commencement
6 date. Alternate Payee is also entitled to any increase(s) on their share of the benefit. Alternate
7 Payee *[is] [is not]* entitled to share in any "thirteenth" or "bonus" benefit checks and/or
8 supplements. The level of benefit payments shall be calculated as the actuarial equivalent as
9 defined by the Plan. Subject further to the provisions in paragraph 4.3 below, Alternate Payee's
10 benefits shall be segregated into a separate benefit on behalf of Alternate Payee and payable based
11 upon the lifetime of Alternate Payee.

12 The Alternate Payee may elect to receive his or her awarded benefits in any
13 form that the Plan permits, except (1) a joint-and-survivor annuity with a subsequent spouse as the
14 beneficiary or (2) as a disability benefit. If the form of payment elected by the Alternate Payee
15 provides for payment to a beneficiary, the Alternate Payee shall designate a beneficiary in
16 accordance with the Plan's procedures. If the Alternate Payee fails to designate a beneficiary, the
17 default beneficiary provisions of the Plan shall apply.

18 **4.2 Commencement of Benefits.** Subject to paragraph 4.3 below, Alternate
19 Payee's benefits shall commence upon application by Alternate Payee at any time after
20 Participant reaches the earliest retirement age under the Plan as provided in Section 414(p)(4) of
21 the Internal Revenue Code of 1986, as amended, but not later than the Participant's
commencement of benefits (other than on a disability) and not later than the required beginning
date under the Plan.

 In the case of any payment before the Participant has retired, Alternate
Payee's benefits shall not take into account the present value of any subsidy for early retirement;
however, if the Participant later takes an early retirement following the commencement of the
Alternate Payee's benefits and receives a subsidized early retirement benefit, the amount payable
to the Alternate Payee shall be recalculated prospectively based upon the subsidized reduction
factors for early retirement, without affecting the Participant's benefits.

4.3 Pre-Retirement Survivor Benefits. If Participant dies prior to
commencement of Alternate Payee's benefits, and Alternate Payee survives Participant,
Alternate Payee shall not be entitled to receive the benefits awarded under paragraph 4.1 of this
Order. Instead, Alternate Payee shall be Participant's sole surviving spouse for purposes of any
pre-retirement death benefits earned from *[beginning date]* to *[separation/dissolution date]*.

 If Alternate Payee dies prior to commencement of his or her benefits,
Alternate Payee's benefits shall revert to Participant and will be paid to Participant pursuant to

1 the terms of the Plan. Accordingly, if Participant dies prior to commencement of Alternate
2 Payee's benefits and Alternate Payee has not survived Participant, any pre-retirement death
3 benefits that are available to a non-spouse beneficiary shall be payable to Participant's
4 designated beneficiary.

5 4.4 **Post-Retirement Survivor Benefits.** Alternate Payee *[shall] [shall not]*
6 be treated as the Participant's sole surviving spouse for purposes of any post-retirement survivor
7 benefits earned from *[beginning date]* to *[separation/dissolution date]*.

8 4.5 **Disability Benefits.** In the event Participant becomes disabled and is
9 entitled to begin receiving a disability benefit from the Plan, such benefits are the separate
10 property of Participant and do not affect the disposition of benefits or commencement date of
11 Alternate Payee's benefits.

12 **5. Limitations on Order.** Nothing contained in this Order shall be construed to
13 require the Plan:

14 5.1 To provide for any type or form of benefits, or any option, not otherwise
15 provided under the Plan at the time benefits commence to the Alternate Payee;

16 5.2 To provide increased benefits (determined on the basis of actuarial value)
17 not available to the Participant;

18 5.3 To provide benefits to the Alternate Payee which are required to be paid
19 to another Alternate Payee under another order previously determined to be a qualified domestic
20 relations order; and

21 5.4 To provide the payment to the Alternate Payee of benefits forfeited by the
Participant.

22 **6. Action To Be Taken.** The Plan Administrator shall be provided with a copy of
the Order by counsel for the Alternate Payee. Upon receipt, the Plan Administrator shall:

6.1 Within a reasonable period of time, determine if this Order is a qualified
domestic relations order, and notify the Participant and Alternate Payee of such determination.

6.2 Pending determination of a whether this Order is a qualified domestic
relations order, separately account within the Plan for the amount ("segregated amounts") which
would have been payable to the Alternate Payee (if this Order is established to be a qualified
domestic relations order) during the determination period, as described in Section 414(p)(7) of
the Internal Revenue Code of 1986, as amended. No segregation is necessary if benefits are not
payable during the determination period.

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

4 DONE IN OPEN COURT this _____ day of *[month]*, *[year]*.

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JUDGE/COURT COMMISSIONER

Presented by:

[NAME OF ATTORNEY'S OFFICE]

By _____
[NAME OF ATTORNEY]
Bar No. *[00000]*
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

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