

**SEPARATE INTEREST
QUALIFIED DOMESTIC RELATIONS ORDER**

STATE OF _____)

COUNTY OF _____)

THE CIRCUIT COURT OF _____

IN RE: THE MARRIAGE OF:)
)
)
)
Petitioner,)
)
and)
)
)
Respondent.)

SAMPLE QUALIFIED DOMESTIC RELATIONS ORDER

WHEREAS, by order issued _____ [date of Order], the marriage of _____ [participant] and _____ [alternate payee] has been dissolved: and

WHEREAS, in connection with the property settlement executed relative to the distribution of property between _____ [participant] and _____ [alternate payee], certain retirement benefits earned by _____ [participant] are to be transferred to _____ [alternate payee].

IT IS HEREBY ORDERED:

1. The alternate payee is assigned a benefit equal to ___ percent of the actuarial present value of the Marital Portion of participant's accrued benefit as of _____, the date the Dissolution of Marriage was entered, to be paid in the form of a single life annuity with no survivor benefit, for the life of the alternate payee [participant], at the alternate payee's election as early as the participant's earliest retirement age under the plan.

2. The participant is _____ [name of participant]; whose last known mailing address is _____; whose social security number is _____ (See attached correspondence); and whose date of birth is _____ (See attached correspondence).
3. The alternate payee is _____ [name of alternate payee]; whose last known mailing address is _____; whose social security number is _____ (See attached correspondence); and whose date of birth is _____ (See attached correspondence).
4. The participant and alternate payee were married on _____ [date of marriage]; and were divorced on _____ [date of divorce].
5. The name and address of the retirement plan is:

**Electrical Contractors' Association and Local Union No. 134 IBEW
Joint Pension Trust of Chicago
Pension Plan No. 2
221 N. La Salle Street, Suite 200
Chicago, IL 60601**
6. The alternate payee shall have the right to elect to commence benefit payments at any time beginning when the participant attains the earliest retirement age as defined in Section 414(p) of the Internal Revenue Code.
7. If the alternate payee elects to commence benefit payments at the participant's earliest retirement age under the plan, and the participant subsequently retires with subsidized early retirement benefits, the amount payable to the alternate payee shall not be re-computed.
8. The alternate payee shall not be entitled to share in any benefit increase that may be granted the participant retrospectively after the date of divorce based on the benefit formula set forth in this Order.
9. The alternate payee shall be treated as the surviving spouse for purposes of determining the qualified pre-retirement survivor annuity (QPSA) as such term is defined in Section 417 of the Code and not treated as the surviving spouse for purposes of determining the Preretirement Enhanced Surviving Spouse Pension. If the participant predeceases the alternate payee, and neither the participant nor the alternate payee has commenced his or her benefits under the

Plan, such alternate payee shall be designated as the surviving spouse of the participant for purposes of establishing the alternate payee's entitlement to receipt of the QPSA. For purposes of determining the eligibility for the QPSA, the participant and the alternate payee have satisfied the requirement of being married for more than one year. The alternate payee shall be treated as the participant's surviving spouse for purposes of the QPSA for the Marital Portion of the participant's benefit as set forth in paragraph 1 of this Order.

10. The benefits payable under the retirement plan shall not be increased, on an actuarial basis, and shall not be a type or form of benefit, or any option, not otherwise provided under the plan.
11. If the Plan inadvertently pays to either party any benefits that were payable to the other party pursuant to the terms of this Order, the party who received the incorrect payment shall immediately return the amounts to the Plan but no later than ten (10) days after receipt. Further, the Plan shall have the right to offset any overpayments made to a party against future payments due to said party.
12. This Order does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee under another Order previously determined to be a Qualified Domestic Relations Order.
13. It is intended that this Order will qualify as a Qualified Domestic Relations Order under Section 414(p) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 206(d)(3) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), and the provisions hereof shall be administered and interpreted in conformity with such Code and ERISA.
14. The Court retains jurisdiction to amend this Order only for purposes of establishing or maintaining its qualification as a Qualified Domestic Relations Order under the Code and ERISA.
15. An attested copy of this Order shall be promptly delivered to the Plan Administrator, who shall within the time prescribed under Section 414(p)(6) of the Internal Revenue Code notify the appropriate parties of the receipt of this Order, the plan's procedure for review of its qualified status, and its determination as to whether the Order is a Qualified Domestic Relations Order.

16. All notices shall be mailed to alternate payee at the mailing address stated in this Order or to such other address as the alternate payee shall from time to time specify by notifying the Plan Administrator, in writing.
17. Participant and alternate payee shall cooperate fully and execute any and all documents necessary to obtain an amended Order, if necessary, meeting all requirements of a Qualified Domestic Relations Order.

ENTERED:

Dated: _____

Hon. _____

Circuit Court Judge

Attorney for Petitioner

Attorney for Respondent