

QUALIFIED DOMESTIC RELATIONS ORDER

STATE OF WISCONSIN CIRCUIT COURT _____ COUNTY

Family Court Branch

in re the marriage of: _____ and _____

Case No. _____

IT IS HEREBY ORDERED AS FOLLOWS:

I. Definition of Terms Pursuant to Plan and Retirement Equity Act.

A. “Domestic Relations Order” is a judgment, decree or order (including approval of property settlement agreement) which:

- (1) relates to the provision of the child support, alimony/maintenance payments, or marital property rights to a spouse, former spouse, child or other dependent of a Participant, and
- (2) is made pursuant to a State domestic relations law (including a community property law).

B. “Qualified Domestic Relations Order” is a Domestic Relations Order which:

- (1) creates or recognizes the existence of an Alternate Payee’s right to receive all or a portion of benefits with respect to a Participant under a plan, and
- (2) clearly specifies certain facts, as set forth in Section II of this Order, and
- (3) does not alter the amount or form of benefits under a plan, as set forth in Section III of this Order.

C. Participant. The “Participant” is the employee spouse. Said Participant is named in Section II A of this Order.

D. Alternate Payee. Pursuant to Section 414(p)(8) of the Internal Revenue Code of 1986 (herein also called the “Code”), the “Alternate Payee” is a spouse, former spouse, child or other dependent of the Participant who is recognized by a Domestic Relations Order as having a right to receive all, or a portion of, the retirement benefits payable under a plan with respect to such Participant.

- E. **Surviving Spouse.** Pursuant to Section 414(p)(5) of the Code, this is the spouse entitled to receive preretirement survivor benefits under Section 401(a)(11) and 417 of the Code. This spouse may be the surviving former spouse.
- F. **Earliest Retirement Age.** Pursuant to Section 414(p)(4)(B) of the Code, the term "Earliest Retirement Age" means the earlier of:
 - (1) the date on which Participant is entitled to a distribution under the Plan, or
 - (2) the later of:
 - (a) the date the participant reaches age 50,
 - or
 - (b) the earliest date on which the participant could begin receiving benefits under the plan if the participant separated from service.

II. Factual Recitals and Provisions Regarding Creation and/or Assignment of Retirement Benefits.

The following facts pursuant to Section 414(p)(2) of the Code are relevant to the creation (and/or) assignment of retirement benefits provided herein:

- A. Name, last known mailing address, date of birth and social security number of:

Participant:

Name _____

Address _____

Birthdate _____ Social Security Number _____

Alternate Payee:

Name _____

Address _____

Birthdate _____ Social Security Number _____

- B. Name of Plan to which this Order applies:

Building Trades United Pension Trust Fund, Milwaukee & Vicinity

Said plan is also referred to herein as the "Plan."

- C. Participant assigns to Alternate Payee the actuarially equivalent value of _____% of the credits Participant accrued prior to _____. Such credits are to be used to pay benefits commencing at Participant's Normal Retirement Age as a monthly benefit. In the event the Participant is eligible for early retirement benefits, such assigned amount shall be paid to the Alternate Payee as an annuity commencing at any age on or after the Participant's Early Retirement Date that the Alternate Payee may elect, in an actuarially reduced amount, and payable to the Alternate Payee during his/her continued lifetime.

If the Alternate Payee elects to commence receiving benefits on the Participant's normal retirement date, and is alive on such date, the Alternate Payee would receive \$ _____ per month commencing _____ to be paid during Alternate Payee's lifetime.

If the Alternate Payee is eligible for, and elects an early retirement benefit, and is alive when such benefits commence, then the Alternate Payee would receive \$ _____ per month reduced by a true actuarial reduction without any subsidy, to be paid during the Alternate Payee's lifetime.

If at the time the Alternate Payee's benefit commences the circumstances are other than those described above, the monthly benefit amount will be determined by actuarial calculation.

No improvements made by the Plan after the divorce shall affect the Alternate Payee's benefits.

The Alternate Payee's benefit is not affected by the Participant's death either before or after the Participant's retirement.

III. Covenants Regarding Non-Alteration of Benefits.

Pursuant to Section 414(p)(3) of the Code, this Order:

- A. does not require the Plan to provide any type or form of benefit, or any option not otherwise provided under the Plan, and
- B. does not require the Plan to provide increased benefits (determined on the basis of actuarial value), and
- C. does not require the payment of benefits to the Alternate Payee which are required to be paid to another Alternate Payee under another order previously determined to be a Qualified Domestic Relations Order.

IV. Additional Provisions Regarding Payments to be Made to Alternate Payee.

- A. Based upon Sections 414(p)(4)(A) and (B) of the Code, this Order shall not be treated as failing to meet the requirements of Section III of this Order solely because it requires that payment of benefits be made to the Alternate Payee:
- (1) in the case of any payment before the Participant has separated from service on or after the date on which the Participant attains (or would have attained) earliest retirement age as defined herein, and
 - (2) as if the Participant had retired on the date on which such payments are to begin under this order (but taking into account only the present value of the benefits actually accrued and not taking into account the present value of any employer subsidy for early retirement), and
 - (3) in any form in which such benefits may be paid under the plan to the Participant (other than in the form of a joint and survivor annuity with respect to the Alternate Payee and his or her subsequent spouse).
- B. If the Alternate Payee begins to receive retirement benefits pursuant to this Order, and the Participant subsequently retires with subsidized early retirement benefits, the amount payable to said Alternate Payee shall be recomputed and the Alternate Payee will receive a share of said subsidized benefits.
- C. If and when the Alternate Payee becomes eligible to receive retirement benefits pursuant to this order, the Participant may not delay the commencement of said benefits in any manner whatsoever.

V. Death of Participant and Survivor Benefits

The Alternate Payee shall not be treated as the surviving spouse of the Participant for purposes of Preretirement survivor benefits or survivor benefits accrued under the Plan.

VI. Death of Alternate Payee

In the event the Alternate Payee dies before receipt of the benefits described in this order, benefits awarded revert to the Participant.

VII. Miscellaneous Provisions

- A. It is intended that this Order will qualify as a Domestic Relations Order under the Retirement Equity Act, and this Order shall be administered and interpreted in conformity with said Act.

- B. The Court retains jurisdiction to amend this order, but only for the purpose of establishing or maintaining its qualification as a Qualified Domestic Relations Order under the Retirement Equity Act; provided that no such amendment shall require the plan to provide any type or form of benefit, or any option not otherwise provided under said Plan, and further provided that no such amendment shall be effective until the Plan Administrator approves the amendment to the Qualified Domestic Relations Order.

- C. A certified copy of this Order shall be served upon the Plan Administrator forthwith by counsel for _____. Said Order shall take effect immediately upon service of a Certified Copy of this Executed Order on the Plan Administrator and remain in effect until further order of the Court.

SO STIPULATED:

 Dated: _____ Dated: _____

APPROVED AS TO FORM:

 Dated: _____ Dated: _____

APPROVED as a Qualified Domestic Relations Order subject to being executed by the Court, and subject to the Fund's receipt of a certified copy of the executed order.

 Dated: _____

ORDER

UPON THE ABOVE AND FOREGOING stipulation, and upon the approval of the Participant, the Alternate Payee and the Plan Administrator, and the Court having previously approved a Final Stipulation and executed a Judgment of Divorce in accordance therewith, now enters the above and foregoing as a Qualified Domestic Relations Order.

Dated at _____ this _____ day of _____, 20_____.
