

Plaintiff		: IN THE COURT OF _____
v.		: OF _____ COUNTY, _____
Defendant		: CIVIL ACTION – LAW
		: NO. _____
		: _____

The parties, _____, Plaintiff, and _____, Defendant, do hereby Agree and Stipulate as follows:

1. The name of the plan to which this Order applies is the IUPAT District Council No. 21 Annuity Fund, which is a multiemployer defined contribution plan that is qualified under Section 401 of the Internal Revenue Code of 1986, as amended (the "Code") and subject to the Employee Retirement Income Security Act of 1974, as amended ("ERISA").

2. The [Plaintiff] [Defendant] is a participant (the "Participant") in the Plan. The Participant's name, last known address, birth date, and social security number are:

- (a) Name: [INSERT NAME]
- (b) Address: [INSERT ADDRESS]
- (c) Social Security Number: [INSERT SOCIAL SECURITY NUMBER] [Provided under separate cover.]
- (d) Birth Date: [INSERT BIRTH DATE] [Provided under separate cover.]

3. The [Plaintiff] [Defendant] is the [spouse] [former spouse] [child] [dependent] of the Participant (the "Alternate Payee"). The name, last known address, birth date, and social security number of the Alternate Payee are:

- (a) Name: [INSERT ALTERNATE PAYEE'S NAME]
- (b) Address: [INSERT ALTERNATE PAYEE'S ADDRESS]
- (c) Social Security Number: [INSERT ALTERNATE PAYEE'S SOCIAL SECURITY NUMBER] [Provided under separate cover.]
- (d) Birth Date: [ALTERNATE PAYEE'S BIRTH DATE] [Provided under separate cover.]

The Alternate Payee shall have the duty to notify the plan administrator in writing of any changes in the Alternate Payee's name or mailing address subsequent to the entry of this Order.

4. The name and address of the plan administrator of the Plan (the "Plan Administrator") are:

- (a) Name: IUPAT District Council No. 21 Annuity Fund Board of Trustees
- (b) Address: 2980 Southampton Road, Philadelphia, PA 19154

5. This Order is issued under the domestic relations laws of [INSERT JURISDICTION] and is intended to constitute a qualified domestic relations order ("QDRO") within the meaning of Code Section 414(p) and ERISA Section 206(d) that creates and recognizes the existence of the Alternate Payee's right to receive a portion of the Participant's benefits payable under the Plan. Any successor plan to this Plan or any other plan(s) to which liability for provision of the Participant's benefits described below is incurred, shall also be subject to the terms of this Order. Any benefits accrued by the Participant under a predecessor plan of the employer or any other defined contribution plan sponsored by the Participant's employer, whereby liability for benefits accrued under such predecessor plan or other defined contribution plan has been transferred to the Plan, shall also be subject to the terms of this Order..

6. This Order relates to the provision of [marital property rights] [spousal support] [child support] to the Alternate Payee as a result of an order of [divorce] [spousal support] [child support], dated [INSERT DATE], that entitles the Alternate Payee to a portion of the Participant's retirement benefits in the Plan.

7. The Alternate Payee is hereby awarded, assigned, and granted an interest (the "Awarded Interest") in a portion of the Participant's total account balance under the Plan (the "Participant's Account") in an amount [INSERT AMOUNT OR METHOD FOR DETERMINING AWARDED INTEREST], determined as of [INSERT DATE], or the Plan's nearest preceding valuation date thereto (the "Determination Date"). For purposes of the preceding, the Participant's Account shall include outstanding loan balances and unvested amounts.

8. As soon as administratively feasible following the Plan Administrator's receipt of this Order, the Plan Administrator shall cause the Awarded Interest to be segregated and transferred from the Participant's Account to an account established on behalf of the Alternate Payee. The Awarded Interest shall be segregated on a pro rata basis from all investments and subaccounts comprising the Participant's Account, excluding unvested amounts and any amounts attributable to outstanding loan balances. In no event shall the Awarded Interest exceed 100% of the vested portion of the Participant's Account as of date on which the Awarded Interest is segregated (the "Segregation Date").

9. The Awarded Interest [shall] [shall not] include any interest or investment earnings or losses from the Determination Date through the Segregation Date. In the event the Alternate Payee does not elect or is not entitled to immediately receive a distribution of the Awarded Interest after it has been segregated from the Participant's Account, the Awarded Interest [shall] [shall not] include any interest or investment earnings or losses from the Segregation Date through the date on which the Awarded Interest is distributed to the Alternate Payee.

10. The Alternate Payee may elect to receive the Awarded Interest as soon as administratively feasible upon the execution of this Order and receipt by the Plan Administrator of all forms and documentation required by the Plan Administrator to effectuate a distribution, or at the earliest date otherwise permitted under the Plan and Code Section 414(p). The Alternate Payee may elect to receive the Awarded Interest in any form of benefit available under the Plan, including an eligible rollover distribution but excluding a qualified joint and survivor annuity.

11. On and after the date that the Plan Administrator has accepted this Order as a QDRO but before the Awarded Interest has been distributed to the Alternate Payee, the Alternate Payee shall be entitled to all of the rights and privileges that the Plan affords to participants, including, but not limited to, the rules regarding the right to designate a beneficiary for death benefit purposes and the right to direct Plan investments, but only to the extent permitted under the provisions of the Plan.

12. If the Alternate Payee dies after commencing distribution of the Awarded Interest, the form of benefit in which the Awarded Interest is being paid at the time of the Alternate Payee's death shall determine whether death benefits are payable. If the Alternate Payee dies prior to commencing distribution of the Awarded Interest, the Awarded Interest shall [be paid to the Alternate Payee's designated beneficiary(ies) or, if none, in accordance with the terms of the Plan] [revert to the Participant].

13. The Participant's death shall not reduce, abate, terminate, or otherwise adversely affect the Alternate Payee's right to receive the Awarded Interest under the terms of this Order. Any designation of the Alternate Payee as the Participant's beneficiary that was filed with the Plan Administrator prior to the execution date of this Order shall be null and void. Notwithstanding the preceding, the Alternate Payee shall be deemed to be the Participant's [surviving spouse] [designated beneficiary] only if and to the extent necessary under the terms of the Plan for the Alternate Payee to receive the Awarded Interest.

14. This Order is not intended and shall not be construed in such a manner as to require the Plan:

(a) to provide any type or form of benefit option not otherwise provided under the terms of the Plan;

(b) to require the Plan to provide increased benefits determined on the basis of actuarial value;

(c) to require the payment of any benefits to the Alternate Payee which are required to be paid to another alternate payee under another order which was previously deemed to be a QDRO; or

(d) to make any payment or take any action which is inconsistent with any federal or state law, rule, regulation or applicable judicial decision.

15. All payments made pursuant to this Order shall be conditioned on the certification by the Alternate Payee and the Participant to the Plan Administrator of such information as the

Plan Administrator may reasonably require from such parties to make the necessary calculation of the benefit amounts contained herein.

16. It is the intention of the parties that this QDRO continue to qualify as a QDRO under Code Section 414(p) and that the Plan Administrator shall reserve the right to reconfirm the qualified status of the Order at the time benefits become payable hereunder.

17. For purposes of Code Sections 402(a)(1) and 72, the Alternate Payee shall be treated as the distributee of any distribution or payments made to the Alternate Payee under the terms of this Order, and as such, will be required to pay the appropriate federal income taxes on such distribution.

18. In the event that the Plan erroneously pays to the Participant any portion of the Awarded Interest or to the Alternate Payee any portion of the Participant's Account that is not a part of the Awarded Interest, then the Participant or Alternate Payee, as applicable, shall return such erroneous payment to the Plan as soon as administratively feasible.

19. The court shall retain jurisdiction to establish and maintain the status of this Order as a QDRO and to effectuate the original intent of the parties as stipulated herein. The court shall also retain jurisdiction to enter such further orders as are necessary to enforce the Alternate Payee's entitlement to the Awarded Interest. Furthermore, the court retains jurisdiction to enter orders, including *nunc pro tunc* orders, to the extent consistent with the Code and ERISA.

20. In the event of the Plan's termination, the Alternate Payee shall be entitled to receive the Awarded Interest as stipulated herein in accordance with the Plan's termination provisions for participants and beneficiaries.

21. Neither the Alternate Payee nor the Participant shall take any actions, affirmative or otherwise, to circumvent the terms and provisions of this Order or diminish or extinguish the rights and entitlements of the other as set forth herein.

22. The Plan Administrator shall have full discretionary authority to implement and interpret this Order after it is determined to be a QDRO, including any uncertain, vague or unclear terms, in order to comply with the provisions of the Plan and applicable law.

Dated: [DATE]

[ALTERNATE PAYEE'S FULL NAME]

[PARTICIPANT'S FULL NAME]

IT IS SO ORDERED.

JUDGE [JUDGE'S NAME]