

REQUIREMENTS FOR A QUALIFIED DOMESTIC RELATIONS ORDER

1. Must clearly identify the Plan name: United Food and Commercial Workers Union Local 655 Food Employers Joint Pension Plan.
2. Must list the name, address, social security number and date of birth for the Plaintiff.
3. Must list the name, address, social security number and date of birth for the Defendant.
4. Must specify the amount payable to the Alternate Payee, either by specifying a dollar amount or specifying a percentage of the participants benefit.
5. Must specify how long payments are to be made to the Alternate Payee.
6. Compliance - **MUST** clearly state that this Order does not require the Plan to provide any type or form of benefit, or any option, not otherwise provided under the Plan Rules and Regulations.
7. Ms. Donna Frame, Administrative Manage for the Pension Fund, is the Plan's agent for service of legal process. Accordingly, if legal disputes involving the Plan arise, any legal documents should be served upon Ms. Frame at the Pension Fund Office or upon any individual Trustee. Ms. Frame's direct line (636) 736-2712 or email address dframe@ufcw655.org.
8. UFCW Local 655 Food Employers Joint Pension Plan
300 Weidman Road
Ballwin, MO 63011

Phone Number (636) 736-2777 or (636) 394-6500
Fax Number (636) 394-5006

STATE OF _____)

COUNTY OF _____)

THE CIRCUIT COURT OF _____

IN RE: THE MARRIAGE OF:)

)

)

Petitioner,)

)

and)

)

)

Respondent.)

MODEL 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 participant’s accrued benefit as of _____, the date the Dissolution of Marriage was entered, earned under the Plan during the Period beginning _____ {date of marriage} and ending _____ {date of Dissolution of Marriage} 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. Prior to the commencement of benefits to the alternate payee, the alternate payee is to be treated as the surviving spouse for purposes of the qualified pre-retirement survivor annuity with regard to ___percent of the participant’s accrued benefit earned under the Plan during the period beginning _____ {date of marriage} and ending _____, the date the Dissolution of Marriage was entered.

3. The participant is _____ {name of participant}: whose last known mailing address is _____ {Street Address, City, State Zip Code}; whose social security number is _____; and whose date of birth is _____.
4. The alternate payee is _____ {name of alternate payee}: whose last known mailing address is _____ {Street Address, City, State Zip Code}; whose social security number is _____; and whose date of birth is _____.
5. The name and address of the retirement fund is United Food and Commercial Workers Union Local 655 Food Employers Joint Pension Plan (the 'Plan'), 300 Weidman Road, Ballwin, Missouri 63011.
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 be re-computed, and the alternate payee's benefit adjusted, so that the alternate payee will receive a share of such early retirement subsidy to which the participant is entitled, based on the benefit formula set forth in this Order.
8. The alternate payee *shall OR shall not [please elect which pertains to this Order]* be entitled to share in any benefit increase that may be granted the participant retrospectively after the date of divorce [based on the assignment set forth in Item 1 of this Order].
9. 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.
10. 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.
11. If the alternate payee predeceases the participant prior to the commencement of benefits to the alternate payee, the benefits assigned under this Order shall revert to the participant.
12. 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.

- 13. 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.
- 14. An attested copy of this Order shall be promptly delivered to the Plan Administrator, Donna Frame, 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.
- 15. All notices shall be mailed to the 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.
- 16. The participant and the alternate payee shall each be responsible for the payment of all taxes on the portion of benefits each receives under the laws that apply at the time of distribution of benefits.
- 17. The 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.
- 18. The intent of this Order does not require the Plan to provide any type or form of benefit, or any option, not otherwise provided under the Plan Rules and Regulations.

Date this ____ day of _____, _____.

BY THE COURT:

JUDGE

Approved as to form this

_____ day of _____, _____.

Attorney for Petitioner