

MODEL QDRO – PARTICIPANT ALREADY RECEIVING PENSION

IAM NATIONAL PENSION FUND

(This model is for informational purposes only. It does not represent all of the alternatives available in drafting a QDRO. The parties to the order should consult with their attorneys to ensure that their intentions are accurately reflected in the order submitted for review.)

In the _____ Court of _____,

State of _____

_____, Plaintiff)

vs.)

_____, Defendant)

Case No. _____

QUALIFIED DOMESTIC RELATIONS ORDER

In accordance with the agreement of the parties, the following disposition is made of the Participant’s pension benefit accrued through his participation in the pension plan named below.

IAM National Pension Fund
99 M St. SE
Suite 600
Washington, D.C. 20003-3799

1. Plan Participant Information:

Name _____

Address _____

Social Security # _____

Date of Birth _____

The Participant is currently receiving a monthly pension from the IAM National Pension Fund.

2. Alternate Payee Information:

Name _____

Address _____

Social Security # _____

Date of Birth _____

3. **Date of Marriage and Divorce:** The Participant and the Alternate Payee were married on _____, and were granted a divorce on _____.
4. **Assignment of Benefits to Alternate Payee:** The Alternate Payee is hereby assigned a portion of the monthly pension benefit that the Participant is currently receiving. The Fund is to make payment of the Alternate Payee's benefit directly to him or her.
5. **Formula for Determining Alternate Payee Benefit:** The Fund shall determine the Alternate Payee's portion of the Participant's benefit as follows:

Instructions: There are three sample formulas listed below, which are commonly used in domestic relations orders. To be qualified, the order must contain **ONE** formula which will instruct the Fund in how to determine the Alternate Payee's portion of the Participant's benefit. All three formulas are acceptable for use with the sharing method of apportioning benefits. The parties are **NOT** required to use any of the sample formulas, nor must the percentage assigned to the Alternate Payee be 50%. The parties may use any formula, provided it is calculable under the Plan of Benefits. However, because the Participant is already receiving a benefit, the parties must use the sharing method.

$$50\% \times \frac{\text{Participant's Credited Service Accrued During the Marriage}}{\text{Participant's Total Credited Service}} \times \text{Participant's Monthly Benefit Amount}$$

OR

50% of the Participant's monthly benefit amount accrued from the date of marriage to the date of divorce

OR

50% of the Participant's monthly benefit amount

6. **Commencement Of Payments To Alternate Payee:** The Alternate Payee shall receive benefits as a share of each payment to which the Participant is entitled effective with the first payment after the Fund receives a court-certified copy of this order and after the Participant has established a Pension Effective Date. At the Participant's death, benefits to the Alternate Payee under this order will cease. Should the Alternate Payee predecease the Participant, the portion of the benefit assigned to the Alternate Payee by this order will revert to the Participant.

Important Information about Payments To Alternate Payee—Paragraph 6 [choose one option]: The order can provide for a shorter period of payments to the Alternate Payee than until the earlier of the Participant's or Alternate Payee's death. For example, it can provide that payments to the Alternate Payee will cease upon his or her remarriage.

The order can provide that payments to the Alternate Payee can commence at some time other than when the order is received. For example, it can say that payments to the Alternate Payee can start once the Participant reaches a specific age.

Also, the order can name a successor Alternate Payee who, if the Alternate Payee predeceases the Participant, would receive the benefits previously payable to the Alternate Payee. If the parties wish to name a successor Alternate Payee(s), the successor Alternate Payee(s)' name, last known address, and their relationship to the Participant must be included in the order.

Finally, if the Participant was married to the Alternate Payee when entering into pay status, and the Participant elected to receive benefits in a surviving spouse form, the Alternate Payee would retain the right to be treated as the Participant's Qualified Spouse for the Surviving Spouse Pension, payable for the Alternate Payee's life should the Participant die first. Should this be the case, the language of Paragraph 6 should read as follows:

6. **Commencement of Payments to Alternate Payee.** The Alternate Payee shall receive benefits as a share of each payment to which the Participant is entitled effective with the first payment after the Fund receives a court-certified copy of this order and upon the Participant's Pension Effective Date. At the Participant's death, the Alternate Payee shall continue to receive benefits for life under the Surviving Spouse Pension, as the Participant's Qualified surviving spouse. The Alternate Payee's award will be paid in proportion to his or her award as set forth in Section 5 of the order.
7. **Savings Clause.** This order is not intended, and shall not be construed in such a manner as, to require the Fund to do the following:
- (a) to provide any form of benefit option not otherwise provided under the terms of the Plan of Benefits;
 - (b) to require the Fund to provide increased benefits determined on the basis of actuarial value; or

(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 Qualified Domestic Relations Order.

8. Federal Tax Reporting: For Federal income tax purposes, the Alternate Payee and not the Participant shall be treated as the distributee of all benefits made by the Fund to the Alternate Payee pursuant to this order. The Fund will issue a 1099-R to the Alternate Payee at the end of each calendar year and report such income to the IRS under the Alternate Payee's name and Social Security Number.

9. Continued Jurisdiction: The Court retains jurisdiction over this matter to amend this order if necessary to establish or maintain its qualification as a Qualified Domestic Relations Order under the Retirement Equity Act and the rules of the Fund.

SO ORDERED, this _____ day of _____, 20_____.

Judge

Plan Participant

Alternate Payee

Attorney for Participant /Address

Attorney for Alternate Payee / Address