

MODEL QDRO - PARTICIPANT NOT IN PAY STATUS

(This model is for informational purposes only and may not represent all of the alternatives available in drafting a QDRO. It assumes that the Alternate Payee is the spouse or former spouse of the Participant. This Model should not be used if the Order is intended to provide for child support. The parties should consult with their attorneys to ensure that their intentions are accurately reflected in the order they submit for review).

[Court Caption]

QUALIFIED DOMESTIC RELATIONS ORDER

In accordance with the agreement of the parties, this order disposes of all or a portion of the Participant's pension benefit in the Central Pennsylvania Teamsters Defined Benefit Plan (the "Plan").

1. Participant Information:

Name: _____

Address: _____

Date of Birth: _____

*Social Security No.: _____

The Participant is not currently receiving a monthly pension from the Plan.

2. Alternate Payee Information:

Name: _____

Address: _____

Date of Birth: _____

*Social Security No.: _____

* Social Security numbers do not have to be included in the court order. However, they must be provided to the Fund Office in writing.

3. **Date of Marriage and Separation/Divorce:** The Participant and the Alternate Payee were married on _____, and were separated/divorced on _____.

4. **Assignment of Benefit to Alternate Payee:** The Alternate Payee is hereby assigned a portion of the Participant's vested accrued benefit under the Plan. The Fund is to make payment of the Alternate Payee's benefits directly to the Alternate Payee.

5. **Form of Benefit:** Check one of the following options.

The Alternate Payee is entitled to a separate interest. This means that she will be entitled to an annuity for her life, with a guarantee that three years of payments will be made to her (or her beneficiary, if she dies prior to receiving 36 monthly payments). The death of the Participant will not have an effect on the Alternate Payee's receipt of benefits.

or

The Alternate Payee is entitled to a shared interest. This means that she will receive a portion of each monthly payment to which the Participant is entitled. The Alternate Payee only will be entitled to receive her benefits as, if, and when the Participant elects to receive his benefits.

6. **Shared Interest: (Do not complete this Section if a Separate Interest was selected above.)** If the Participant dies prior to retirement, no benefits will be paid to the Alternate Payee unless the Alternate Payee is treated as the Participant's surviving spouse for purpose of the qualified pre-retirement survivor annuity ("QPSA"). The QPSA is equal to fifty percent of the Participant's entire benefit (actuarially reduced if the Participant is less than age 65 when he dies). The Alternate Payee will be treated as the surviving spouse for purposes of the qualified pre-retirement survivor annuity if the Participant *dies prior to retirement*, unless the parties check one of the following options:

If the Participant dies prior to retirement, then the Alternate Payee will not get any benefits under this Order.

or

If the Participant dies prior to retirement, then the Alternate Payee will get a portion of the QPSA, equal to _____ percent of the QPSA.

If the Participant dies after retirement, the Alternate Payee's benefits will cease unless the Alternate Payee is treated as the surviving spouse for purposes of the qualified joint and survivor annuity ("QJSA"). The Participant is required to elect a joint and 50 percent survivor annuity and treat the Alternate Payee as his surviving spouse for purposes of the QJSA, unless the parties check one of the following options:

The Participant is required to elect a Qualified Joint and 100 percent Survivor Annuity. The Alternate Payee will be treated as the Participant's surviving spouse to the extent of and will receive _____ percent of the survivor annuity.

or

The Alternate Payee's benefits under the Order will stop on the Participant's death.

7. **Formula for Determining Alternate Payee's Benefit: (Must be completed for both Separate Interest and Shared Interest.)** Check one of the following options and complete the applicable blank.

The Alternate Payee shall be entitled to \$_____ per month.

or

The Alternate Payee shall be entitled to _____ percent of the Participant's entire monthly benefit.

or

The Alternate Payee shall be entitled to _____ percent of the Participant's monthly benefit that accrued from the date of the marriage to the date of the parties separation/divorce on _____ [insert date].

If the Participant elects to receive the "Combined Minimum Monthly Benefit" (CMMB) or the "Rule of 82 to 85" Benefit, it is assumed that the Alternate Payee is entitled to the subsidized portion of the monthly benefit (if any), but not entitled to the portion of the benefit, if any, that is attributable to amounts the Participant transferred from the Central Pennsylvania Teamsters Retirement Income Plan 1987 or the Retirement Income Plan 2000. If this is not the intention of the Parties, the Order must specifically provide otherwise.

If the Participant is eligible for the Rule of 82 to 85 Benefit, or the CMMB, and the parties have provided for the percentage of the monthly benefit to be paid to the Alternate Payee, the Alternate Payee's monthly benefit will be increased effective as of the date the Participant elects to receive Rule of 82-85 benefit or the CMMB.

8. **Commencement of Payments to the Alternate Payee:**

Separate Interest. The Alternate Payee may elect to receive her benefits at any time after the Participant's "earliest retirement age" within the meaning of Section 414(p) of the Internal Revenue Code of 1986, as amended.

Shared Interest. The Alternate Payee's benefits will commence (if at all) when the Participant's benefits commence.

9. **Construction:** This order is not intended, and shall not be construed in such a manner as, to require the Plan Administrator:

- (a) to provide any 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; or
- (c) to require the payment of any benefits to the Alternate Payee under another order which previously was deemed to be a Qualified Domestic Relations Order.

10. **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 Plan to the Alternate Payee pursuant to this order. The Fund will issue a Form 1099-R to the Alternate Payee with respect to each calendar year in which the Alternate Payee receives benefits and will report such income to the IRS under the Alternate Payee's name and Social Security Number.

11. **Continued Jurisdiction:** The Court shall retain jurisdiction over this matter to amend the order if necessary to establish or maintain its qualification as a Qualified Domestic Relations Order under applicable law.

12. **Qualification:** The Order is intended to constitute a qualified domestic relations order within the meaning of Section 414(p) of the Internal Revenue Code of 1986, as amended, and Section 206(d) of the Employee Retirement Income Security Act of 1974, as amended, and shall be interpreted in a manner consistent with such intention.

So ORDERED, this _____ day of _____ 20_____.

Judge

Plan Participant

Attorney for Participant/Address

Alternate Payee

Attorney for Alternate Payee/Address