

**MICHIANA AREA ELECTRICAL WORKERS' PENSION FUND**

**SEPARATE INTEREST  
QUALIFIED DOMESTIC RELATIONS ORDER**

STATE OF \_\_\_\_\_)

COUNTY OF \_\_\_\_\_)

THE \_\_\_\_\_ COURT OF \_\_\_\_\_

IN RE: THE MARRIAGE OF: \_\_\_\_\_ )

\_\_\_\_\_  
Petitioner, \_\_\_\_\_ )

and \_\_\_\_\_ )  
\_\_\_\_\_  
\_\_\_\_\_ )

Respondent. \_\_\_\_\_ )

**QUALIFIED DOMESTIC RELATIONS ORDER**

WHEREAS, by order issued \_\_\_\_\_ [date of Order], the marriage of \_\_\_\_\_ [Participant] and \_\_\_\_\_ [Alternate Payee] has been dissolved.

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].

WHEREAS, this Order is issued pursuant to the laws of the State of \_\_\_\_\_ relating to the provisions of child support, alimony payments or marital property rights between spouses and former spouses and actions for dissolution of marriage.

**IT IS HEREBY ORDERED:**

1. The Participant is \_\_\_\_\_ [name of Participant]; whose last known mailing address is \_\_\_\_\_; whose social security number is \_\_\_\_\_; and whose date of birth is \_\_\_\_\_.

2. The Alternate Payee is \_\_\_\_\_ [name of Alternate Payee]; whose last known mailing address is \_\_\_\_\_; whose social security number is \_\_\_\_\_; and whose date of birth is \_\_\_\_\_.
3. The Participant and Alternate Payee were married on \_\_\_\_\_ [date of marriage]; and were divorced on \_\_\_\_\_ [date of divorce].
4. The Alternate Payee will receive payments from the following retirement plan ("Plan") as provided in this Order:

Plan: Michiana Area Electrical Workers' Pension Fund Pension Plan

Plan Identification Number: 001

Plan Taxpayer Identification Number: 35-62699273

Plan Administrator: Board of Trustees  
Michiana Area Electrical Workers' Pension Fund  
c/o TIC International Corporation  
6525 Centurion Drive  
Lansing, MI 48917-9275

5. The Alternate Payee is assigned a benefit equal to \_\_\_\_\_ percent (\_\_\_\_%) of the actuarial equivalent of the Participant's Accrued Benefit earned from the date of marriage through \_\_\_\_\_, to be paid in the form of a single life annuity, for the life of the Alternate Payee. Because the Alternate Payee's assigned benefit is to be paid over the life of the Alternate Payee, then the benefit will be distributed in any form available under the terms of the Plan in effect at the date the Alternate Payee elects to commence receipt of benefits (other than a Qualified Joint and Survivor Annuity with a subsequent spouse) but only if the form elected complies with the minimum distribution requirements of section 401(a)(9) of the Internal Revenue Code. It will be the responsibility of the Alternate Payee to advise the Plan Administrator as to the date on which payment of benefits is to commence. Payments to the Alternate Payee pursuant to this Order shall commence on any date elected by the Alternate Payee (and such election shall be made in accordance with the terms of the Plan), but not earlier than the Participant's earliest retirement age, and not later than the earlier of (A) the date the Participant would be required to commence benefits under the terms of the Plan or (B) the latest date permitted by section 401(a)(9) of the Internal Revenue Code. For purposes of this Order, the Participant's earliest retirement age shall be the earlier of (i) the date on which the Participant is entitled to a distribution under the Plan, or (ii) the later of (I) the date the Participant attains age 50, or (II) the earliest date on which the Participant could begin receiving benefits under the plan if the Participant separated from service.

6. Prior to the Participant's earliest early retirement date under the Plan, the Alternate Payee is to be treated as the surviving spouse for purposes of the qualified pre-retirement survivor annuity to be provided in accordance with Code Sections 401(a)(11) and 417. Should the Participant die before his earliest early retirement date under the Plan, the Alternate Payee instead shall receive a qualified pre-retirement survivor annuity based on the Participant's entire Accrued Benefit earned during the marriage in the same percentage as described in the preceding Item 5.
7. The Alternate Payee's assigned benefit will be actuarially adjusted based on the Alternate Payee's life expectancy and commencing at the Alternate Payee's election anytime after the Participant's attainment of earliest possible retirement age but not later than the Participant's commencement of benefits. Should the Participant die after the Alternate Payee's commencement of benefits, the Alternate Payee's benefit will not be affected. In the event of the Alternate Payee's death after commencement of benefits, any remaining benefit will be paid in accordance with the Alternate Payee's election at commencement and the Participant's benefit will be unaffected.
8. 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 recalculated to include the full value of such subsidy.
9. The Alternate Payee shall not be entitled to share in any benefit increase that may be granted the Participant retrospectively after the date of divorce based on the benefit formula set forth in this Order.
10. 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.
11. 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.
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. a. Counsel for the Alternate Payee shall promptly send an attested copy of this Order to the Plan Administrator of the Plan after entry by the Court.

- b. If this Order has been approved in advance by the Plan's legal counsel as a Qualified Domestic Relations Order, the Plan Administrator shall promptly proceed to carry it out.
  - c. If this Order has not been approved in advance by the Plan's legal counsel as a Qualified Domestic Relations Order, the Plan Administrator shall, within the time prescribed under Section 414(p) of the Internal Revenue Code, notify the appropriate parties of the receipt of this Order and the Plan's procedures for review of this Order's qualified status, and within a reasonable period of time after receipt of this Order consult with the Plan's legal counsel to make a determination whether this Order is a Qualified Domestic Relations Order and notify the Participant and the Alternate Payee of such determination.
15. All notices shall be mailed to 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. 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.
17. The following understandings and conditions apply to this Order:
- a. The Alternate Payee's benefit will be actuarially adjusted using the Plan factors in effect at the time benefits commence and an interest rate factor based on the date of the Order so that the present value of the benefit payable to the Alternate Payee will be equal to the present value of such benefit if it were payable to the Participant.
  - b. This Order shall apply to the Plan designated in this Order and to any successor plan(s) or other plan(s) to which liability for payment of the benefit may be transferred.
  - c. Changes in the Plan Administrator or Plan Name shall not affect this Order.
  - d. Upon the death of the Alternate Payee prior to commencement of benefits to the Alternate Payee, the Alternate Payee's assigned benefit will revert to the Participant.
  - e. If the Alternate Payee elects to commence benefits at an early retirement date which is prior to the Participant's commencement of benefits, payments will be reduced to reflect early retirement discounting on a true actuarially equivalent basis based on the Participant's age when the Alternate Payee's benefit starts.

- f. The Participant and the Alternate Payee must advise the Plan Administrator of any changes in the mailing address(es) or legal name(s) as previously set forth in this Order.
- g. By the submission of this Order, the interested parties in this cause certify that they are not aware of any prior Orders which purport to dispose of the benefits described in this Order. Should a prior Order exist, it is the responsibility of the interested parties to advise the Plan Administrator before the Plan Administrator's determination of the "qualified status" of this Order.
- h. The subsequent remarriage of either party shall not affect the division of pension benefits as described in the preceding Item 5.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BY THE COURT:

\_\_\_\_\_  
JUDGE

Approved as to form this

\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Attorney for Petitioner

\_\_\_\_\_  
Attorney for Defendant