

**CARPENTER FUNDS ADMINISTRATIVE OFFICE  
OF NORTHERN CALIFORNIA**

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**Re: Model Qualified Domestic Relations Order**

Enclosed you will find a model of a Qualified Domestic Relations Order (QDRO) which includes the necessary elements with respect to this Fund and satisfies federal law. We suggest you provide your attorney with a copy of this model order.

Be advised that even though you may believe you are entitled to some type of benefit from the Pension Fund, no benefit will be paid until:

- The Domestic Relations Order has been filed **with and entered by** the Court;
- The order has been received by the Fund; **AND**,
- The Plan Administrator has determined the order is a Qualified Domestic Relations Order.

For an order to qualify as a QDRO, certain information is mandatory. The enclosed model contains this required information.

*In providing the enclosed model QDRO, neither the Fund nor its agents or attorneys do so as your representative, agent or attorney. We recommend you contact your attorney regarding your legal rights, interest and obligations in this matter. If you or your attorney choose to draft your own order, we recommend the order incorporate the required provisions contained in the model.*

**Please send final Judgment of Dissolution of Marriage and Marital Settlement Agreement if you have not already done so.**

If you have **ANY** questions concerning preparation of the Domestic Relations Order, please do not hesitate to contact the Fund office.

Very truly yours,

Benefits Department

opeiu 29 afl-cio (125)

modelqdo/wp

1 Name, address, tel.)

2 Attorney for \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

5  
6 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 IN AND FOR THE COUNTY OF \_\_\_\_\_

8  
9 In re the Marriage of,

10 Plaintiff,

11 and

12 Respondent

) Case No.: \_\_\_\_\_

) STIPULATION AND ORDER

) DIVIDING COMMUNITY PROPERTY

) INTEREST IN CARPENTERS PENSION

) FUND (QDRO)

13  
14  
15  
16 WHEREAS:

17  
18 A. Petitioner and Respondent were married to each other on \_\_\_\_\_ and separated on \_\_\_\_\_  
19 and a Judgment of Dissolution of Marriage was entered in this action on \_\_\_\_\_ finally Dissolving the  
20 marriage on \_\_\_\_\_

21 B. This court has personal jurisdiction over both Petitioner and Respondent and  
22 jurisdiction over the subject matter of this Order.

23 C. Petitioner and Respondent intend this Order to be a Qualified Domestic Relations Order (QDRO)  
24 as defined in 206 (d) (3) of the Retirement Income Security Act of 1974 (ERISA), as amended by the  
25 Retirement Equity Act of 1984, 29 U.S.C. § 1056 (d) (3).

1 **D. Petitioner and Respondent hereby stipulate to entry of the following Order:**

2 **1. As used in this Order the following terms shall apply:**

3 **a. "Participant" is**

4 Name: \_\_\_\_\_

5 Address: \_\_\_\_\_

6 Social Security Number and Date of Birth:

7 **(To be provided under separate cover)**

8 **b. "Alternate Payee"**

9 Name: \_\_\_\_\_

10 Address: \_\_\_\_\_

11 Social Security Number and Date of Birth:

12 **(To be provided under separate cover)**

13 **c. "Plan refers to the Pension Plan maintain by the Carpenters Pension**  
14 **Trust Fund for Northern California, whose Plan Administrator is the**  
15 **Board of Trustees of the Carpenters Pension Trust Fund for Northern**  
16 **California.**

17 **2. Participant has accrued benefits in the Plan which are the community property of**  
18 **Participant and Alternate Payee. For the purpose of dividing this community property, Alternate Payee**  
19 **is assigned as his/her separate property one-half of the portion of the Participant's monthly Pension**  
20 **benefit that accrued between the date of marriage and the date of separation.**

21 **3. Alternate Payee shall begin receiving payment of her share from the Plan the first day of the**  
22 **month of \_\_\_\_\_, year\_\_\_\_, subject to the following conditions:**

- 23 **a. The beginning date may not be earlier than the first day of the first month after the**  
24 **Fund received notice of Alternate Payee's claim of a community property interest**  
25 **in Participant's Pension.**

1           **b.** If Participant retired on a Disability Pension prior to reaching earliest retirement age  
2           under the Plan for a non-disability pension, the beginning date may not be earlier than  
3           the first day of the first month after Participant reaches (or would have reached) the  
4           earliest retirement age under the plan for a non-disability pension.

5           **4.** If Participant ret retired on a Disability Pension, Alternate Payee's share, as defined in  
6           Paragraph 2, will be calculated as of the date Participant retired (or, if Participant retired prior to early  
7           retirement age, as of the earliest retirement date for retirement on a non-disability pension) on the largest  
8           non-disability pension fort which he hen would have been eligible.

9           **5.** Since participant retired and began receiving payment of pension benefits from the Plan prior  
10          to entry of this Order, Alternate Payee shall receive payment of her share, as defined in paragraph 2,  
11          subject to the terms of the pension awarded to Participant and only so long as benefits are payable under  
12          that pension.

13          **6.** Alternate Payee shall be treated as Participant's surviving spouse to the extent of the  
14          community property portion of Participant's pension for the purposed of any Surviving Spouse Benefit  
15          Or other Post-retirement benefit which becomes payable under the Pension.

16          **7.** Alternate Payee shall share equally in any post-retirement benefit increases awarded to  
17          Participant to the extent such increases are based on accrual of benefits between the date of marriage and  
18          the date of separation.

19          **8.** Nothing in this order shall be construed to require the Plan to provide a type of form of  
20          benefit or an option not otherwise provided under the Plan.

21          **9.** Nothing in this order shall be construed to require the Plan to provide increased benefits  
22          determined on the basis of actuarial value.

23          **10.** This order does not require the Plan to pay to Alternate Payee benefits which are required  
24          to be paid to another Alternate Payee under another order previously determined to be a Qualified  
25          Domestic Relations Order.

1           **11.** This Order is intended to be a QDRO made pursuant to ERISA and provisions shall be  
2 administered and interpreted in conformity with ERISA as amended from time to time. If ERISA is  
3 amended or the law regarding QDRO'S is otherwise changed or modified, then either party may take  
4 such changes, amendments and/or modification if permissible under any such change, amendment,  
5 modification to ERISA or the laws regarding QDRO'S the Plan Administrator may elect to treat this  
6 order as a qualifying order.

7           **12.** The court shall retain jurisdiction for the purpose of amending this order so that it may  
8 qualify or continue to qualify as a QDRO.

9 **APPROVED AS TO FORM AND CONTENT:**

10          Date: \_\_\_\_\_

\_\_\_\_\_

Petitioner

11          Date: \_\_\_\_\_

\_\_\_\_\_

Attorney for Petitioner

12          Date: \_\_\_\_\_

\_\_\_\_\_

Respondent

13          Date: \_\_\_\_\_

\_\_\_\_\_

Attorney for Respondent

14          **IT IS SO ORDERED.**

15          Date: \_\_\_\_\_

\_\_\_\_\_

Judge of the Superior Court