



**CARPENTER FUNDS ADMINISTRATIVE OFFICE
OF NORTHERN CALIFORNIA, INC.**

carpenterfunds.com

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Re: Model Qualified Domestic Relations Order

Attached you will find a sample Qualified Domestic Relations Order (QDRO) which is not a "fill-in" form but a document that includes the necessary elements with respect to the Pension, Annuity or 401(k) Funds and satisfies federal law. We suggest you provide this document to your attorney or legal aid service or, you may prepare the QDRO yourself.

Please be aware that no benefits will be paid by the Retirement Trust Funds until the following steps are complete:

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

The Fund Office also needs your final Judgment of Dissolution of Marriage and Marital Settlement Agreement. Please send the documents to the Fund Office if you have not already done so.

In providing the enclosed model QDRO, neither the Fund(s) nor its agents or attorneys do so as your representative, agent or attorney. Your attorney should be contacted regarding your legal rights, interest and obligations in this matter. If you or your attorney choose to draft your own order, it is recommended the order incorporate the required provisions contained in the enclosed model.

For additional information on how to handle divorce and the related processes, we encourage you to read our article "**Dealing with Divorce**". Simply scan the QR code below with your phone or tablet to access the article. If you have any questions concerning preparation of a Domestic Relations Order, please don't hesitate to reach out to the Fund office at (888) 547-2054 or benefitservices@carpenterfunds.com.



Very truly yours,
Benefits Department
opeiu 29 afl-cio (125)

[Attorney Name]
[Attorney Business Address]

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF _____

In re the Marriage of,) Case No.: _____
)
Plaintiff,) STIPULATION AND ORDER
)
and) DIVIDING COMMUNITY PROPERTY
)
Respondent) INTEREST IN CARPENTERS PENSION
)
) FUND (QDRO)

WHEREAS:

A. Petitioner and Respondent were married to each other on _____ and separated on _____
and a Judgment of Dissolution of Marriage was entered in this action on _____ finally Dissolving the
marriage on _____

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

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

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

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

a. "Participant" is

Name: _____

Address: _____

Social Security Number and Date of Birth:

(To be provided under separate cover)

1 **b. "Alternate Payee"**

2 Name: _____

3 Address: _____

4 Social Security Number and Date of Birth:

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

6

7 **c. "Plan refers to the Pension Plan maintain by the Carpenters Pension**
8 Trust Fund for Northern California, whose Plan Administrator is the
9 Board of Trustees of the Carpenters Pension Trust Fund for Northern
10 California.

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

15 **3.** Alternate Payee shall begin receiving payment of her share from the Plan the first day of the
16 month of _____, year____, subject to the following conditions:

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

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

24 **4.** If Participant retired on a Disability Pension, Alternate Payee's share, as defined in
25 Paragraph 2, will be calculated as of the date Participant retired (or, if Participant retired prior to early
26

1 retirement age, as of the earliest retirement date for retirement on a non-disability pension) on the largest
2 non-disability pension for which he then would have been eligible.

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

7 **6.** Alternate Payee shall be treated as Participant's surviving spouse to the extent of the
8 community property portion of Participant's pension for the purpose of any Surviving Spouse Benefit
9 or other Post-retirement benefit which becomes payable under the Pension.

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

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

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

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

20 **11.** This Order is intended to be a QDRO made pursuant to ERISA and provisions shall be
21 administered and interpreted in conformity with ERISA as amended from time to time. If ERISA is
22 amended or the law regarding QDRO'S is otherwise changed or modified, then either party may take
23 such changes, amendments and/or modification if permissible under any such change, amendment,
24 modification to ERISA or the laws regarding QDRO'S. The Plan Administrator may elect to treat this
25 order as a qualifying order.
26

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

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

4 Date: _____

Petitioner

6 Date: _____

Attorney for Petitioner

8 Date: _____

Respondent

10 Date: _____

Attorney for Respondent

12 **IT IS SO ORDERED.**

13 Date: _____

Judge of the Superior Court