

**SHEET METAL WORKERS' LOCAL 36 401(k) PLAN**  
**INSTRUCTIONS FOR QUALIFIED DOMESTIC RELATIONS ORDER FORM**

- 1) Insert Respondent's name. It is assumed that the Participant is the Respondent. If the Respondent is the spouse, then the designation of Petitioner and Respondent needs to be reversed.
- 2) Provide Respondent's Social Security Number, date of birth, and complete address with zip code on a separate sheet of paper.
- 3) Insert Petitioner's name. It is assumed that the Petitioner is the spouse. If the Petitioner is the Participant, then the designation of Petitioner and spouse needs to be reversed. It is also assumed that the alternative payee in the order is the spouse. The form needs to be altered if the alternate payee is not the spouse. A dependent child can be an alternate payee.
- 4) Provide Petitioner's Social Security Number, date of birth, and complete address with zip code on a separate sheet of paper.
- 5) Insert amount of Participant/Respondent's account balance in the 401(k) Plan that is awarded to the Petitioner as of the date of dissolution of the marriage. Note, a percentage of the Respondent's account, rather than a specific dollar amount, may be used or the Petitioner may be assigned a percentage of the marital portion of the Respondent's accrued benefit under the Plan. The marital portion of Respondent's accrued benefit would be the total benefit which was earned from the date of marriage until the date of dissolution.
- 6) Insert date of dissolution of marriage, or other date for the separation of the account.
- 7) This form is drafted such that the Petitioner is entitled to elect any benefit form offered by the 401(k) Plan. The Order can state otherwise.
- 8) The parties must decide if the Petitioner will be considered the surviving spouse of the Respondent for any pre-retirement survivor benefit.
- 9) The parties must decide how benefits that would have been payable to the Petitioner should be paid in the event the Petitioner dies before beginning such benefits (i.e., to the beneficiaries of the Petitioner, to the Respondent, etc.).

Contact the office at \_\_\_\_\_ if you have any questions.

**SPECIMEN COPY OF QUALIFIED DOMESTIC RELATIONS ORDER  
FOR SHEET METAL WORKERS' LOCAL 36 401(K) PLAN**

In The Circuit Court  
County, Missouri

Petitioner	)	
	)	
v.	)	Cause Number
	)	
Respondent	)	
	)	

**QUALIFIED DOMESTIC RELATIONS ORDER**

1. This Order is intended to be a Qualified Domestic Relations Order (QDRO), as that term is defined in section 206(d) of the Employee Retirement Income Security Act of 1974 (ERISA) and section 414(p) of the Internal Revenue Code of 1986, as amended (Code). This Order is granted in accordance with the Domestic Relations Law of the State of Missouri, which relates to marital property rights, child support, and/or spousal support between spouses and former spouses in matrimonial actions.
2. This Order applies to benefits under the Sheet Metal Worker' Local 36 401(k) ("Plan").
3. Respondent's name is \_\_\_\_\_ 1/. The Respondent's Social Security Number, birth date, and address are provided on a separate sheet 2/.
4. Petitioner's name is \_\_\_\_\_ 3/. The Petitioner's Social Security Number, birth date, and address are provided on a separate sheet 4/.
5. The Court orders as part of its Decree of Dissolution of Marriage that Petitioner, is awarded \$ \_\_\_\_\_ 5/ from Respondent's interest in the Sheet Metal Workers' Local 36 401(k) Plan as of \_\_\_\_\_ 6/ subject to any adjustments upward for net income or downward for net loss after the date in the account balance awarded to Petitioner pursuant to the rules of the 401(k) Plan for periodic adjustment of account balances of Participants.
6. The Petitioner's benefit will be distributed to the Petitioner after Petitioner's written application to the Fund in a lump sum at the earliest of: (1) the date the

Respondent commences receiving any benefit from the Fund; (2) upon the death of the Respondent; (3) the date when the Respondent attains age 50; or (4) the earliest date on which the Respondent could begin receiving a termination benefit under the 401(k) Plan. No amount shall be paid to the Petitioner prior to the time the Plan Administrator determines that this Order complies with the requirements of the Plan, with the applicable administrative procedures, and with section 414(p)(1)(A)(I) of the Code.

7. The portion of the Respondent's benefits assigned to the Petitioner under this Order shall be paid to the Petitioner in any form permitted under the Plan, as the Petitioner shall elect. 7/

8. The Respondent's benefits will be reduced by the Plan to take into account any benefits to be paid to the Petitioner.

9. Unless otherwise specified, this Order does not restrict the Respondent's ability to retire or begin receiving benefits (other than the portion assigned to the Petitioner under this Order) at any time otherwise available under the Plan, nor does it restrict the Respondent's ability to receive payment of benefits (other than the portion assigned to the Petitioner under this Order) in any form otherwise available under the Plan.

10. Notwithstanding any other provision in this Order, the benefits assigned to the Respondent and the Petitioner under this Order shall not exceed 100% of the Respondent's vested accrued benefit taking into account any amounts due to a prior Alternate Payee under an existing Order.

11. The Petitioner shall not be entitled to share in any increase in the Respondent's accrued benefit earned or otherwise awarded after the date of dissolution except for any investment earnings or losses incurred on the account balance awarded to the Petitioner.

12. If the Respondent dies and has not yet begun to receive benefits, the Participant (((shall/shall not))) 8/ be considered the surviving spouse for the Respondent's benefit.

13. If the Petitioner dies before beginning benefits, any benefits that would have been payable to the Petitioner shall \_\_\_\_\_ 9/. If the Petitioner dies after beginning to receive benefits, the beneficiary(ies) of the Petitioner shall be entitled to any death benefits that are payable under the Plan based upon the Petitioner's share of Respondent's benefit.

14. General Provisions:

(a) It is intended that this Order shall satisfy the requirement of section 414(p)(1)(A)(I) of the Internal Revenue Code. The provisions of this Order shall be administered in compliance with such provisions.

(b) Nothing in this Order shall require the Plan or Plan Administrator to:

- (1) Pay any benefits not permitted under the Code or ERISA;
- (2) Provide any type or form of benefit, or any, option otherwise not provided under the terms of the Plan;
- (3) Pay total benefits with a value in excess of the value of the benefits the Respondent would have otherwise received; or
- (4) Pay benefits to the Petitioner that are required to be paid to another Alternate Payee under another QDRO that is in effect prior to this Order.

(c) All amounts paid to the Petitioner pursuant to this Order shall be subject to withholding for federal and state tax, unless an election to waive withholding (if permitted by law) from the Petitioner is on file with the Plan Administrator.

(d) A certified copy of this Order shall be served upon the Plan Administrator forthwith. The Plan Administrator shall, within a reasonable time after receipt of this Order, determine whether this Order meets the applicable requirements for a QDRO and shall so notify the Respondent, the Petitioner and their respective counsel. During the period while the determination is being made, the Plan Administrator shall take such action as is authorized or requested by section 414(p)(7) of the Code.

(e) If the Plan Administrator determines that this Order satisfies the applicable requirements for a QDRO, the parties shall be so notified. If the Plan Administrator determines that this Order does not satisfy the applicable requirements for a QDRO, the parties shall be informed of the reasons for the determination.

(f) The Court shall retain jurisdiction to amend this Order to the extent necessary to cause the Order to satisfy the applicable requirements for a QDRO and to affect the intent of the parties. No change to this Order shall be effective until the Plan Administrator determines that the change does not adversely affect the Order's status under the applicable requirements of ERISA and the Code.

So Ordered \_\_\_\_\_

Date \_\_\_\_\_