



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

[carpenterfunds.com](http://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 are 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 questions concerning preparation of a Domestic Relations Order, please contact the Fund office reach out to the Fund office at (510) 633-0333 or [benefitservices@carpenterfunds.com](mailto:benefitservices@carpenterfunds.com).



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

1 Name, address, tel. ) (for court use only)

2

3 Attorney for \_\_\_\_\_

4 \_\_\_\_\_

5 \_\_\_\_\_

6 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

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

8 In re the Marriage of: ) Case No.: \_\_\_\_\_

9 ) STIPULATION AND ORDER DIVIDING

10 ) COMMUNITY PROPERTY INTEREST IN

11 ) CARPENTERS ANNUITY FUND (QDRO)

12 ) Respondent

13 )

14 )

15 WHEREAS:

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

19 B. This court has personal jurisdiction over both petitioner and  
20 respondent and jurisdiction over the subject matter of this Order.

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

25 1.

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

3 IT SHALL BE ORDERED AS FOLLOW:

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

5 a. "Participant"

6 Name: \_\_\_\_\_

7 Address: \_\_\_\_\_

8 Social Security No and Date of Birth:

9 (To be provided under separate cover)

10 b. "Alternate Payee"

11 Name: \_\_\_\_\_

12 Address: \_\_\_\_\_

13 Social Security No and Date of Birth:

14 (To be provided under separate cover)

15 C. "Plan" refers to the Annuity Plan maintained by the  
16 Carpenters Annuity Trust fund for Northern California, whose Plan  
17 Administrator is the Board of Trustees of the Carpenters Annuity  
18 Trust Fund for Northern California.

19 2. Participant has accrued benefits in the Plan, which are the  
20 community property of Participant and Alternate Payee. For the purpose  
21 of dividing this community property, Alternate Payee is assigned as  
22 his/her separate property one-half of that portion of the Participant's  
23 Accumulated share in the Plan accrued between the date of marriage and  
24 the date of separation, adjusted by investment gain or loss and  
25 expenses attributable to such one-half share from the date of  
separation to the date of distribution.

1           3.     Within a reasonable period after determination by the Plan  
2           Administrator or its designee of the qualified status of this Order  
3           within the meaning of Section 206(d) (3) of ERISA, the Annuity Fund  
4           shall distribute to Alternate Payee his/her share of the Participants'  
5           accumulated Share in the Annuity Plan as defined in paragraph 2 above.  
6           Upon distribution to the Alternate Payee of his/her share, Alternate  
7           Payee hereby relinquishes all further community quasi-community, or  
8           marital property right, title, and interest therein, whether under this  
9           Qualified Domestic Relations Order or otherwise, and any claim to  
10          treatment as the Surviving Spouse of the Participant with respect to  
11          the Annuity Plan or any benefits thereunder, or to be considered a  
12          Beneficiary under the Annuity Plan.

13          4.     If, after entry of this Order and prior to determination of the  
14          qualified status of the Order participant predeceases Alternate Payee,  
15          Alternate Payee's share as described in paragraph 2 shall be distributed  
16          to her as a surviving spouse of Participant.

17          5.     Nothing in this Order shall be construed to require the Plan to  
18          provide a type or form of benefit or an option not otherwise provided  
19          under the Plan.

20          6.     Nothing in this Order shall be construed to require the Plan to  
21          provide increased benefits determined on the basis of actuarial value.

22          7.     This Order shall not require the Plan to pay to an Alternate  
23          Payee, benefits which are required to be paid to another Alternate  
24          Payee under another Order previously determined to be a Qualified  
25          Domestic Relations Order.

1 8. Nothing in this Order shall be construed to require the Plan to  
2 provide a type or form of benefit or an option not otherwise provided  
3 under the Plan.

4 9. This Order is intended to be a QDRO made pursuant to ERISA, and  
5 its provisions shall be administered and interpreted in conformity  
6 with ERISA as amended from time to time. If ERISA is amended or the  
7 law regarding QDRO'S if otherwise changed or modified, then either  
8 party may take such steps as are necessary to amend this order to  
9 comply with such changes, amendments, and/or modifications, or, if  
10 permissible under any such change amendment, or modification to ERISA  
11 or the laws regarding QDRO'S, the Plan Administrator may elect to  
12 treat this Order as a qualifying Order.

13 APPROVED AS TO FORM AND CONTENT:

14 Date: \_\_\_\_\_

15 Name: Petitioner

16 Date: \_\_\_\_\_

17 Name: Attorney for Petitioner

18 Date: \_\_\_\_\_

19 Name: Respondent

20 Date: \_\_\_\_\_

21 Name: Attorney for Respondent

22 IT IS SO ORDERED

23 Date: \_\_\_\_\_

24 Judge of the Superior Court

25 4.