

THE DIVISION OF RETIREMENT BENEFITS INVOLVES MANY COMPLEX TAX AND LEGAL ISSUES. THE SOUTHWESTERN ILLINOIS LABORERS' ANNUITY PLAN *STRONGLY* RECOMMENDS THAT INDIVIDUALS SEEK THE ADVICE OF LEGAL COUNSEL OR OTHER QUALIFIED EXPERTS BEFORE THE DIVISION OF RETIREMENT PLAN BENEFITS UPON DIVORCE.

THE FOLLOWING IS INTENDED AS GENERAL INFORMATION; IT SHOULD *NOT* BE RELIED ON BY ANY PARTY AS THE SOLE METHOD OF DIVIDING RETIREMENT BENEFITS. PLEASE NOTE THAT NEITHER THE SOUTHWESTERN ILLINOIS LABORERS' ANNUITY PLAN, ITS DESIGNATED AGENTS, NOR ITS ADMINISTRATORS MAY PROVIDE LEGAL ADVICE, AND THE FOLLOWING IS *NOT* INTENDED AS SUCH.

JANE DOE,
Plaintiff,

Docket Number: _____

V.

STIPULATED QUALIFIED
DOMESTIC RELATIONS ORDER
ASSIGNED JUDGE:

JOHN DOE,
Defendant.

Hon: _____

QUALIFIED DOMESTIC RELATIONS ORDER
[DRAFT]

WHEREAS, the parties were married to each other on (insert date) and were separated on _____; and

WHEREAS, this Court has personal jurisdiction over both parties and jurisdiction over the subject matter of this Order and this dissolution of marriage action; and

WHEREAS, the parties and the Court intend that this Order shall be a Qualified Domestic Relations Order (QDRO) as defined in Section 414(p) of the Internal Revenue Code of 1986, as amended (the Code) and Section 206(d) of the Employee Retirement Income Security Act of 1974, as amended (ERISA); and

WHEREAS, the parties have stipulated that the Court shall enter this Order;

NOW IT IS ORDERED AND ADJUDGED AS FOLLOWS:

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

(a) "Participant" shall mean (insert complete name), whose current mailing address is (insert complete mailing address), who was born on (insert complete date), and whose Social Security number is (insert complete number).

(b) "Alternate Payee" shall mean (insert complete name), whose current mailing address is (insert complete mailing address), who was born on (insert complete date), and whose Social Security number is (insert complete number).

(c) "Plan" shall mean the SOUTHWESTERN ILLINOIS LABORERS' ANNUITY PLAN, hereinafter referred to as the Plan.

(d) "Third Party Administrator" shall mean the SOUTHWESTERN ILLINOIS

LABORERS' ANNUITY FUND OFFICE, 100 North 17th Street, Belleville, Illinois, 62226.

This Order hereby creates and recognizes the existence of the Alternate Payee's right to receive (insert all or a portion) of the benefits payable to the Participant from the Plan as set forth below: (*The following is merely an example of different methods of dividing retirement benefits under the Plan; the advice of legal counsel or another qualified expert should be sought before determining whether it is applicable.*)

2. (a) The Alternate Payee is hereby awarded from the Plan as (*insert his or her*) sole and separate property (insert percentage) percentage of the Participant's account balance in the Plan as of the last day of the month of (insert month), 20___, or the Plan valuation date closest to that date (Optional Provision: plus any earnings or losses attributable to such amount until the valuation date before the date of distribution to the Alternate Payee). [*Alternate Provision: The Alternate Payee is awarded from the Plan as his or her sole and separate property (insert specific dollar amount).*]

(b) The Alternate Payee's distribution shall be allocated pro rata among the Participant's funds in the Plan.

(c) The Alternate Payee's distribution shall be made in the form of a lump-sum payment, which shall be distributed as soon as administratively feasible after the approval of this Order as a QDRO.

3. The Participant and the Alternate Payee shall each be responsible for his or her own federal, state, and local income taxes or other taxes attributable to distributions from the Plan that are received by the Participant and the Alternate Payee, respectively.

4. In the event of the death of the Alternate Payee before (insert his or her) distribution from the Plan, but after this Order has been adjudicated by the Court as a QDRO, the amount set forth in Provision(s) (insert 2(a)) shall be payable to the Alternate Payee's designated beneficiary, (insert complete name, mailing address, and Social Security number). In the event that the beneficiary predeceases the Alternate Payee or that the Alternate Payee fails to designate a beneficiary, the benefit shall be paid to the Alternate Payee's estate.

5. The parties shall cause a copy of this Order to be served on the Plan's Third Party Administrator for the Plan forthwith. This Order shall remain in effect until further order of this Court or its terms and obligations have been discharged by the distribution of benefits from the Plan.

6. Nothing contained in this Order shall be construed to require the Plan or Plan's Third Party Administrator to:

(a) Provide to the Alternate Payee any type or form of benefit or any option not otherwise available to the Participant under the Plan.

(b) Provide to the Alternate Payee increased benefits (determined on the basis of actuarial value) not available to the Participant; or

(c) Pay any benefits to the Alternate Payee that are required to be paid to another alternate payee under another order previously determined by the Plan to be a QDRO.

7. In the event the Plan does not approve the form of this Order, then each party shall cooperate and do all things reasonably necessary to devise a form of order acceptable to the Plan.

8. This Court retains jurisdiction to enforce, revise, modify, or amend this Order insofar as necessary to establish or maintain its qualification as a QDRO or to amend this Order for other reasons, provided, however, neither this Order nor any subsequent revision, modification, or amendment shall require the Plan to provide any benefit not otherwise provided by the Plan.

9. If the Plan inadvertently pays to the Participant any benefit that is assigned to the Alternate Payee pursuant to the terms of this order, the Participant will immediately reimburse the Alternate Payee to the extent that the Participant has received such benefit payments and shall forthwith pay such amounts so received to the Alternate Payee within ten (10) days of receipt.

If the Plan inadvertently pays to the Alternate Payee any benefit that is actually payable to the Participant, the Alternate Payee must make immediate reimbursement. If the Participant's benefit have not begun, the Alternate Payee shall immediately reimburse the Plan. If the Participant's benefits have begun, the Alternate Payee shall immediately reimburse the Participant. In either case, the Alternate Payee must make reimbursement to the extent that he or she has received such benefit payments and shall forthwith pay such amount so received to either the Plan or the Participant within ten (10) days of receipt.

10. All payments made pursuant to this order shall be conditioned on the certification by the Alternate Payee and the Participant to the Plan of such information as the Plan or the Plan's Third Party Administrator may reasonably require from such parties to make the necessary calculation of the benefit amounts contained herein.

IT IS HEREBY ORDERED:

Executed on: _____

Judge

APPROVED AS TO FORM AND CONTENT:

By: _____ Date: _____
Participant

By: _____ Date: _____
Attorney for Participant

By: _____ Date: _____
Alternate Payee

By: _____ Date: _____
Attorney for Alternate Payee