

**IN THE COURT OF COMMON PLEAS  
DOMESTIC RELATIONS DIVISION  
\_\_\_\_\_ COUNTY, OHIO**

|            |   |                    |
|------------|---|--------------------|
| _____      | ) | CASE NO.:          |
|            | ) |                    |
| Plaintiff, | ) |                    |
|            | ) |                    |
| and        | ) | JUDGE              |
|            | ) |                    |
| _____      | ) | QUALIFIED DOMESTIC |
|            | ) | RELATIONS ORDER    |
| Defendant. | ) |                    |

**WHEREAS**, the Court previously entered a judgment entry/decree of divorce in this matter on \_\_\_\_\_ (the "Decree"), terminating the marriage of \_\_\_\_\_ ("Husband") and \_\_\_\_\_ ("Wife"); and

**WHEREAS**, in connection therewith, the Husband and Wife intended and have agreed that Wife was to waive any and all interests that she might have in Husband's pension benefits under the Laborers' District Council and Contractor's Pension Fund of Ohio (the "Plan").

**WHEREAS**, the Plan has advised the parties that they must submit to the Plan an appropriate "qualified domestic relations order" ("QDRO"), as 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 ("Code"), each as amended to date, providing for the Court ordered divestiture of any interest that Wife may have in Husband's pension benefits under the Plan and the subsequent, prospective increase in the amount of Husband's monthly pension benefit under the Plan.

IT IS HEREBY ORDERED AS FOLLOWS:

**1. Effect of This Order as a Qualified Domestic Relations Order:** To effect the purpose and intent of the Decree with respect to this matter, this Order provides for the divestiture of the surviving spouse interest under the qualified joint and survivor annuity pursuant to which the Participant's benefits are being paid under the Plan, which is a multiemployer defined benefit pension plan that is qualified and maintained under applicable provisions of the Code and ERISA, each as amended to date. It is intended that this Order constitutes a QDRO under Code Section 414 (p) and ERISA Section 206(d)(3).

**2. Participant Information:** The name, last known address, Social Security number and date of birth of the "Participant" are:

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

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

Soc. Sec. No.: \_\_\_\_\_

Birth Date: \_\_\_\_\_

The Participant designates himself/herself to receive all notices regarding the status of this Order and all matters related thereto.

**3. Alternate Payee Information:** The name, last known address, Social Security number and date of birth of the "Alternate Payee" are:

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

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

Soc. Sec. No.: \_\_\_\_\_

Birth Date: \_\_\_\_\_

The Alternate Payee is hereby designated as the person to receive all notices regarding the status of this Order and all matters related thereto.

**4. Plan Name:** The name of the Plan to which this Order applies is the Laborers' District Council and Contractors' Pension Fund of Ohio Pension Plan, currently located at 800 Hillsdowne Road, Westerville, Ohio 43081. Further, any successor plan to the Plan or any other plan(s) to which liability for provision of the Participant's benefits described below is incurred shall also be subject to the terms of this Order.

**5. Pursuant to State Domestic Relations Law:** This Order is entered pursuant to the authority granted in the applicable domestic relations laws of the State of Ohio.

**6. For Provision of Marital Property Rights:** This Order relates to the determination of marital property rights regarding the Plan under and as a result of the Decree.

**7. Divestiture of Surviving Spouse and Related Interests:** Any and all interests that the Alternate Payee may have in the retirement benefits of the Participant under the Plan, including (without limitation) any interest, right or entitlement she may have in or to (i) any post-retirement surviving spouse annuity that would otherwise be payable under the qualified joint and survivor annuity form of payment selected by the Participant at retirement or (ii) any other post-retirement death benefit otherwise payable under the Plan to the Alternate Payee, whether as a surviving spouse, ex-spouse or designated beneficiary under the Plan, are hereby waived, disclaimed, divested and forfeited in their entirety. Any and all prior designations by the Participant of the Alternate Payee as his beneficiary under the Plan are hereby declared to be null and void. This Order is for the purpose of, inter alia, permitting the Participant's monthly retirement benefit to be prospectively restored to its original amount (which will be determined by the Plan

administrator after elimination of the post-retirement surviving spouse annuity coverage) under the so-called “pop-up” provisions of the Plan’s program of benefits.

**8. Savings Clause:** This Order is not intended and shall not be construed in such a manner as to require the Plan:

- (a) to provide any type or form of benefit option not otherwise provided under the terms of the Plan; or
- (b) to require the Plan to provide increased benefits determined on the basis of actuarial value.

**9. Certification of Necessary Information:** All payments made pursuant to this Order shall be conditioned on the certification by the Participant to the Plan administrator of such information as the Plan administrator may reasonably require to make the necessary calculation of the benefit payments to be provided to the Participant hereunder.

**10. Continued Qualified Status of order:** It is the intention of the Court that this Order continue to qualify as a QDRO under Code Section 414(p) and ERISA Section 206(d), as the same may be amended from time to time, and the provisions hereof shall be administered and interpreted in conformity therewith. The Plan administrator shall reserve the right to reconfirm the qualified status of the Order at any time that benefits are payable in accordance herewith.

**11. Continued Jurisdiction:** The Court shall retain jurisdiction with respect to this Order to the extent required to maintain its qualified status and the original intent of the Decree as regards the subject matter hereof.

**12. Receipt and Approval of This Order by the Plan:** The Participant shall be obligated to furnish a copy of this Order to the Plan administrator. The Participant shall inform the Plan administrator of the Court’s intent that this Order constitute a qualified domestic relations order under applicable provisions of ERISA and the Code. The Participant shall take such further action as may be necessary to ensure that a prompt determination is made by the Plan administrator or a court of competent jurisdiction that this Order constitutes a qualified domestic relations order under applicable provisions of ERISA and the Code.

IT IS SO ORDERED.

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JUDGE

Submitted By:

Alternate Payee

\_\_\_\_\_

\_\_\_\_\_  
Attorney (Ohio Reg. No. \_\_\_\_\_)

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

Phone: \_\_\_\_\_

Participant

\_\_\_\_\_

\_\_\_\_\_  
Attorney (Ohio Reg. No. \_\_\_\_\_)

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

Phone: \_\_\_\_\_