

# NEW MEXICO PIPE TRADES PENSION PLAN B

6301 Indian School  
Road NE, Suite 660  
ALBUQUERQUE NM 87110

TELEPHONE (505) 881-3141  
FACSIMILE (505) 884-7968

## IMPORTANT INFORMATION CONCERNING QUALIFIED DOMESTIC RELATIONS ORDERS

### TABLE OF CONTENTS

|  |   |
|--|---|
| <b>INTRODUCTION</b> .....  | 1 |
| <b>DEFINITIONS</b> .....   | 2 |
| <b>TYPE OF RETIREMENT PLAN</b> .....                                     | 3 |
| <b>DRAFTING OF QDROS</b> .....   | 3 |
| <b>INFORMATION ABOUT PARTICIPANT’S ACCUMULATED SHARE</b> .....           | 4 |
| <b>COMMENCEMENT OF BENEFITS TO THE ALTERNATE PAYEE</b> .....             | 4 |
| <b>PROCEDURES FOR PROCESSING DOMESTIC RELATIONS<br/>ORDERS</b> .....     | 5 |
| <b>ERISA PROVISIONS ON QUALIFIED DOMESTIC RELATIONS<br/>ORDERS</b> ..... | 7 |
| <b>ATTACHMENT: MODEL QDRO - PARTICIPANT NOT YET IN PAY STATUS</b>        |   |

### INTRODUCTION

If you are involved in a divorce or other domestic relations proceeding that might allocate some of the benefits you have earned under the New Mexico Pipe Trades Pension Plan B, these materials will provide you with important information. A federal law, the Employee Retirement Income Security Act (“ERISA”), provides that a domestic relations order may allocate retirement benefits to a non-employee spouse, former spouse, child, or other dependent if the retirement fund determines that the order meets certain legal requirements that make it a Qualified Domestic Relations Order (“QDRO”).

## DEFINITIONS

A **domestic relations order** is any judgment, decree, or order (including approval of a property settlement agreement) that relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of the Plan Participant, and is made pursuant to a state domestic relations law (including community property law).

An **alternate payee** means any spouse, former spouse, child, or other dependent of a Participant who is recognized by a domestic relations order as having a right to receive all, or a portion of, the benefits payable under the Plan with respect to the Participant.

The term **qualified domestic relations order** means a domestic relations order that (a) creates or recognizes the existence of an Alternate Payee's right to, or assigns to an Alternate Payee the right to, receive all or a portion of the benefits payable with respect to a Participant under the Pension Plan, and (b) clearly specifies:

1. the name and last known mailing address (if any) of the Participant and the name and mailing address of each Alternate Payee covered by the order,
2. the amount or percentage of the Participant's benefits to be paid by the Plan to each such Alternate Payee, or the manner in which such amount or percentage is to be determined,
3. the number of payments or period to which such order applies, and
4. each plan to which such order applies.

In addition, a domestic relations order meets the requirements to be a QDRO only if the order:

1. does not require a plan to provide any type or form of benefit, or any option, not otherwise provided under the Plan,
2. does not require the plan to provide increased benefits (determined on the basis of actuarial value), and
3. does not require the payment of benefits to an Alternate Payee which are required to be paid to another Alternate Payee under another order previously determined to be a QDRO.

## TYPE OF RETIREMENT PLAN

The New Mexico Pipe Trades Pension Plan B is a defined contribution plan. If you are preparing a QDRO you should carefully review the book that contains the Summary Plan Description and the Pension Plan B Rules, as well as any amendments to the Plan adopted since the book was issued. If you have any questions or need a copy of the SPD/ Plan Rules book, please contact the Fund Office.

Until October 1, 1997, the Board of Trustees administered the New Mexico Pipe Trades Pension Plan A, a defined benefit plan. On that date, the Plan was merged into the Plumbers and Pipefitters National Pension Plan. All questions concerning that Plan's benefits should be addressed to:

The Plumbers & Pipefitters National Pension Fund  
103 Oronoco Street  
Alexandria Virginia 22314-2047

(800) 638-7442  
(800) 638-7442 x 3333 (Spanish)

The National Pension Plan has QDRO materials on its website at [www.ppnpf.org](http://www.ppnpf.org)

## DRAFTING OF QDROS

The Plan is not allowed to pay benefits to an Alternate Payee unless required to do so by a QDRO. It is therefore important that the QDRO be drafted in a manner that will meet the statutory requirements, so that implementation of the QDRO will not be delayed while you or your attorney go through numerous re-drafts of the order.

A model QDRO is included in these materials. You are welcome, but not required, to use the model. **Please note that the Plan does not give legal advice and that the use of the model will not be appropriate for all circumstances. Participants and potential Alternate Payees should seek competent legal and tax advice before preparing a QDRO, even if the QDRO is based on the model.**

It is strongly recommended that you **submit a draft of your QDRO to the Fund Office before you have a QDRO entered by a court** so that any deficiencies may be corrected without the parties having to go through the delay and expense of asking the court to rescind the first order and enter another one.

Any person preparing a QDRO, even if it is based on the model QDRO attached, should review the Summary Plan Description and the Plan Rules, copies of which have been

distributed to each Participant. Additional copies are available from the Fund Office. The model QDRO is only an example and will not be appropriate in all circumstances.

**QDROs, the Division of Pensions Through Qualified Domestic Relations Orders**, is a publication of the U. S. Department of Labor, Employee Benefits Security Administration (“EBSA”) that is available online at [www.dol.gov/ebsa](http://www.dol.gov/ebsa) and is also available to sensory impaired individuals by calling TTY 1-877-889-5627.

## **INFORMATION ABOUT THE PARTICIPANT’S ACCUMULATED SHARE**

If the Participant (or a representative designated by the Participant in writing) would like to get information concerning the Participant’s accumulated share, he or she should submit a written request to the Fund Office.

Specific information about a Participant can only be provided in writing. Information can only be provided to a family member or a former spouse with either the written consent of the Participant or by order of a court of competent jurisdiction. The Plan may submit the information to the Court under seal if the Trustees determine that under the circumstances it is prudent to do so.

## **COMMENCEMENT OF BENEFITS TO THE ALTERNATE PAYEE**

It is important to know that the Alternate Payee cannot receive a distribution of her or his share of benefits simply because the Plan has approved a QDRO. The Alternate Payee may, upon written application to the Fund Office in accordance with the Plan Rules, elect to begin distribution of her/his share at any time after the Participant attains the earliest retirement age under the Plan; when the Participant is entitled to a distribution, other than a hardship distribution; after three Plan Years following the date on which the Alternate Payee’s account is segregated after the Plan determines that a court order is a QDRO; or as otherwise provided by the Plan Rules.

The Alternate Payee may receive a hardship distribution of the Alternate Payee’s share of elective contributions only if the Alternate Payee experiences a qualifying hardship.

If the Alternate Payee has not entered pay status prior to the Participant’s Effective Date, the Alternate Payee will automatically begin receiving her/his benefit as of the Participant’s Effective Date.

An Alternate Payee must apply for and begin receiving her/ his benefits no later than April 1 of the calendar year immediately following the calendar year in which the Alternate Payee attains age 70 ½.

## **PROCEDURES FOR PROCESSING DOMESTIC RELATIONS ORDERS**

1. Upon receipt of a domestic relations order (“DRO”), the Fund Office shall date-stamp the order and send the Participant and all Alternate Payees, at the address specified in the domestic relations order:

- a. a completed copy of Initial Notice of Receipt of DRO;
- b. a copy of these Procedures for Processing Domestic Relations Orders.

2. The Participant and any Alternate Payee may each designate in writing a representative to receive copies of any notices with respect to the domestic relations order.

3. Within a reasonable period of time after receipt of the domestic relations order, the Fund Office, in consultation with Fund counsel and, if necessary, other advisors, shall determine whether the order is a Qualified Domestic Relations Order (“QDRO”).

4. During the time in which the issue of whether the order is a QDRO is being determined by the Fund Office or by a court of competent jurisdiction, up to a maximum of 18 months, the Fund Office shall separately account for the amounts which would have been payable to the Alternate Payee if the order had been determined to be a QDRO. The balance of the Participant’s benefits shall be available to the Participant if eligible for distribution under the Plan Rules.

5. The Participant, all Alternate Payees, and their designated representatives shall be notified in writing of the Fund’s decision concerning the qualified status of the order. The notice shall state one of the following:

- a. the order is a QDRO; or
- b. the order is not a QDRO and the manner in which it is deficient; or
- c. the Plan is unable to determine whether or not the order is a QDRO and the reason for the uncertainty as to its status.

If the Participant or any Alternate Payee disagrees with the determination he or she may appeal the decision to the Board of Trustees within 60 days of the date shown on the Notice of Determination. The request must be in writing, stating the reasons for disputing the decision, with copies of any substantiating evidence.

6. Upon final determination that an order is a QDRO, the Fund Office shall segregate any amounts assigned to the Alternate Payee in a separate account for the Alternate Payee in accordance with the QDRO and the Plan Rules. Upon a final determination that an order is not a QDRO, the Fund Office shall move any segregated amounts back to the Participant's account in accordance with the Plan Rules.

7. For purposes of these procedures, a "final determination" shall mean:

a. a determination by the Fund of the qualified status of the order and that, upon verification of the parties, that determination will not be the subject of an appeal or an amended order; or

b. a determination by the Trustees on appeal of the Fund Office's determination of the qualified status of an order.

8. If a final determination is not made within 18 months of the receipt of the original order, any segregated amounts shall be credited to the Participant. Any determination that an order is a QDRO made after the close of the 18 month period shall be applied prospectively only.

9. Unless the Alternate Payee wishes to commence his or her receipt of benefits at the same time as the Participant, it is the responsibility of the Alternate Payee to apply for any benefit to which he or she may be entitled in advance of his or her effective date and in the manner and form prescribed by the Trustees.

**ADOPTED** by the Board of Trustees at a duly called meeting on February 25, 2014.

---

Paul Hanna, Chairman

---

Daniel Beavers, Secretary

## **ERISA PROVISIONS ON QUALIFIED DOMESTIC RELATIONS ORDERS**

### **ERISA §§ 206 (d)(1) and (3), as of May 11, 2007:**

(1) Each pension plan shall provide that benefits provided under the plan may not be assigned or alienated.

(2) [not related to domestic relations orders.]

(3)(A) Paragraph (1) shall apply to the creation, assignment, or recognition of a right to any benefit payable with respect to a participant pursuant to a domestic relations order, except that paragraph (1) shall not apply if the order is determined to be qualified domestic relations order. Each pension plan shall provide for the payment of benefits in accordance with the applicable requirements of any qualified domestic relations order.

(B) For the purposes of this paragraph --

(i) the term "qualified domestic relations order" means a domestic relations order:

(I) which creates or recognizes the existence of an alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to a participant under a plan, and

(II) with respect to which the requirements of subparagraphs (C) and (D) are met, and

(ii) the term "domestic relations order" means any judgement, decree, or order (including approval of a property settlement agreement) which --

(I) relates to the provision of child support, alimony payments or marital property rights to a spouse, former spouse, child, or other dependent of a participant, and

(II) is made pursuant to a State domestic relations law (including a community property law)

(C) A domestic relations order meets the requirements of this subparagraph only if such order clearly specifies:

(i) The name and the last known mailing address (if any) of the participant and the name and mailing address of each alternate payee covered by the order,

(ii) the amount or percentage of the participant's benefits to be paid by the plan to each such alternate payee, or the manner in which such amount or percentage is to be determined,

(iii) The number of payments or period to which such order applies, and

(iv) each plan to which such order applies,

(D) A domestic relations order meets the requirements of this subparagraph only if such order:

(i) does not require a plan to provide any type or form of benefit, or any option, not otherwise provided under the plan

(ii) does not require the plan to provide increased benefits (determined on the basis of actuarial value), and

(iii) does not require the payment of benefits to an alternate payee which are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

(E) (i) A domestic relations order shall not be treated as failing to meet the requirements of clause (i) of subparagraph (D) solely because such order requires that payment of benefits be made to an alternate payee --

(I) in the case of any payment before a participant has separated from service, on or after the date on which the participant attains (or would have attained) the earliest retirement age,

(II) as if the participant had retired on the date on which such payment is to begin under such order (but taking into account only the present value of benefits actually accrued and not taking into account the present value of any employer subsidy for early retirement), and

(III) in any form in which such benefits may be paid under the plan to the participant (other than in the form of a joint and survivor annuity with respect to the alternate payee and his or her subsequent spouse).

For purposes of subclause (II), the interest rate assumption used in determining the present value shall be the interest rate specified in the plan or, if no rate is specified, 5 percent.



(ii) For purposes of this subparagraph, the term “earliest retirement age” means the earlier of --

(I) the date on which the participant is entitled to a distribution under the plan, or

(II) the later of the date the participant attains age 50 or the earliest date on which the participant could begin receiving benefits under the plan if the participant separated from service.

(F) To the extent provided in any qualified domestic relations order --

(i) the former spouse of a participant shall be treated as a surviving spouse of such participant for purposes of section 205 [29 USCS § 1055] (regarding the Joint Survivor Annuity and Preretirement Survivor Annuity) (and any spouse of the participant shall not be treated as a spouse of the participant for such purposes), and

(ii) if married for at least 1 year, the surviving former spouse shall be treated as meeting the requirements of section 205(f) [29 USCS § 1055(f)] (regarding the minimum term of marriage).

(G) (i) In the case of any domestic relations order received by a plan --

(I) the plan administrator shall promptly notify the participant and each alternate payee of the receipt of such order and the plan’s procedures for determining the qualified status of domestic relations orders, and

(II) within a reasonable period after receipt of such order, then plan administrator shall determine whether such order is a qualified domestic relations order and notify the participant and each alternate payee of such determination.

(ii) Each plan shall establish reasonable procedures to determine the qualified status of domestic relations orders and to administer distribution under such qualified orders. Such procedures:

(I) shall be in writing,

(II) shall provide for the notification of each person specified in a domestic relations order as entitled to payment of benefits under the plan (at the address included in the domestic relations order) of such procedures promptly upon receipt by the plan of the domestic relations order, and

(III) shall permit an alternate payee to designate a representative for receipt of copies of notices that are sent to the alternate payee with respect to a domestic relations order.

(H) (i) During any period in which the issue of whether a domestic relations order is a qualified domestic relations order is being determined (by the plan administrator, by a court of competent jurisdiction, or otherwise), the plan administrator shall separately account for the amounts (hereinafter in this subparagraph referred to as the "segregated amounts") which would have been payable to the alternate payee during such period if the order had been determined to be a qualified domestic relations order.

(ii) If within the 18-month period described in clause (v) the order (or modification thereof) is determined to be a qualified domestic relations order, the plan administrator shall pay the segregated amounts (including any interest thereon) to the person or persons entitled thereto.

(iii) If within the 18-month period described in clause (v) --

(I) it is determined that the order is not a qualified domestic relations order, or

(II) the issue as to whether such order is a qualified domestic relations order is not resolved,

then the plan administrator shall pay the segregated amounts (including any interest thereon) to the person or persons who would have been entitled to such amounts if there had been no order.

(iv) Any determination that an order is a qualified domestic relations order which is made after the close of the 18-month period described in clause (v) shall be applied prospectively only.

(v) For purposes of this subparagraph, the 18-month period described in this clause is the 18-month period beginning with the date on which the first payment would be required to be made under the domestic relations order.

(I) If a plan fiduciary acts in accordance with part 4 [29 USCS §§ 1101 *et seq.*](regarding Fiduciary Responsibility) of this Subtitle in --

(i) treating a domestic relations order as being (or not being) a qualified domestic relations order, or

(ii) taking action under subparagraph (H),

then the plan's obligation to the participant and each alternate payee shall be discharged to the extent of any payment made pursuant to such Act.

(J) A person who is an alternate payee under a qualified domestic relations order shall be considered for purposes of any provision of this Act a beneficiary under the plan. Nothing in the preceding sentence shall permit a requirement under section 4001 [29 USCS § 1301] of the payment of more than 1 premium with respect to a participant for any period.

(K) The term "alternate payee" means any spouse, former spouse, child or other dependent of a participant who is recognized by a domestic relations order as having a right to receive all, or a portion of, the benefits payable under a plan with respect to such participant.

(L) This paragraph shall not apply to any plan to which paragraph (1) does not apply.

(M) Payment of benefits by a pension plan in accordance with the applicable requirements of a qualified domestic relations order shall not be treated as garnishment for purposes of section 303(a) of the Consumer Credit Protection Act.

(N) In prescribing regulations under this paragraph, the Secretary shall consult with the Secretary of the Treasury.

**NEW MEXICO PIPE TRADES PENSION PLAN B**

**ATTACHMENT: MODEL QDRO - PARTICIPANT NOT YET IN PAY STATUS**

**[Court Caption]**

This order is intended to be a domestic relations order subject to determination by the Plan Administrator that it is 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 ("Code").

**1. Identification of the Plan.** This Order applies to the:

New Mexico Pipe Trades Pension Plan B (the "Plan")  
Employer ID #51-6029978

**2. Plan Participant Information.**

The full name of the Plan Participant is \_\_\_\_\_

Current or last known address \_\_\_\_\_

Date of birth: The Participant will provide this to the Plan at the time that this Order is submitted to the Plan for qualification.

Social Security number: The Participant will provide this to the Plan at the time that this Order is submitted to the Plan for qualification.

The Participant is not currently receiving benefits from the Plan.

**3. Alternate Payee Information.**

The Alternate Payee is the (list one: spouse, former spouse, child, other dependent

[specify]) \_\_\_\_\_ of the Participant.

The full name of the Alternate Payee is \_\_\_\_\_

Current or last known address \_\_\_\_\_

Date of birth: The Participant or the Alternate Payee will provide this to the Plan at the time that this Order is submitted to the Plan for qualification.

Social Security number: The Participant or the Alternate Payee will provide this to the Plan at the time that this Order is submitted to the Plan for qualification.

**4. Date of Marriage and Divorce.** The Plan Participant and the Alternate Payee were married on \_\_\_\_\_, and were granted a divorce on \_\_\_\_\_.

**INSTRUCTIONS: ERISA and the Internal Revenue Code permit the Plan to recognize a QDRO in circumstances other than divorce, such as the assignment of benefits to a participant's dependent child. Do not include paragraph 4 if the QDRO does not relate to the property rights of a former spouse.**

**5. Definition of "Accumulated Share Accrued by the Participant During the Marriage."** The Plan Rules use the term "Accumulated Share" to refer to the benefits that a Participant has accrued. The Plan keeps historical work records by month, but not by day. As of the quarter ending March 31, 2009, the Plan values each Participant's Accumulated Share quarterly; before that date, it valued them annually as of each March 31. Therefore, the term "accumulated share accrued by the Participant during the marriage" shall include:

a. for Plan Years (April 1 – March 31) during which the parties were married each day of the year, the accumulated share earned by the Participant during each Plan Year; plus

b. for any partial year of marriage ending before January 1, 2009, the accumulated share accrued by the Participant during the Plan Year multiplied by a fraction, the numerator of which is the number of days during that year that the parties were married, and the denominator of which is the number of days in that Plan Year (in leap years the Plan will count 366 days); plus

c. for any partial Plan Year of marriage starting on or after January 1, 2009, the accumulated share accrued by the Participant in each calendar quarter that the parties were married during that year; plus

d. for any calendar months that the parties were married since the date of the last quarterly valuation, the contributions that the Plan has received on the Participant's behalf; plus

e. for any partial calendar month of marriage, the accumulated share credited to the Participant during that month (or, if the date of divorce is since the last quarterly valuation, the contributions that the Plan has received on the Participant's behalf for that month of work) multiplied by a fraction, the numerator of which is the number of days during that month that the parties were married, and the denominator of which is the number of days in that month.

f. The date of marriage will count as a day the parties were married and the date of divorce will not.

**INSTRUCTIONS:** Employers are required to send monthly reports of Participant work activity to the Fund Office. Unless the parties specify another method that is acceptable to the Plan, the Fund Office will pro-rate the accumulated share attributable to the month of marriage and to the month of divorce. If the parties were married or divorced on the first day of a month, the month will not be pro-rated.

For example, let's assume that the parties were married on April 16, 2009 and that the Participant's accumulated share for the month of April, 2009 (contributions and investment yield) was \$1,000. They were married for 15 days out of a 30-day month, which is 15/30 or 1/2 of the month. The Plan will consider one-half of the \$1,000, or \$500, to be the Participant's accumulated share accrued during the marriage for the month of April, 2009. If the QDRO provides that the Alternate Payee is to receive 50% of the Participant's accumulated share accrued during the marriage, the Alternate Payee would receive \$250 for the month of April, 2009, along with the amounts attributable to the rest of the time that the parties were married.

6. **Alternate Payee's Share of Benefit.** The Alternate Payee is hereby assigned, as her/his separate entitlement (**choose one only**):

\$ X from the Participant's accumulated share

OR

X % of the Participant's accumulated share as of the date that this Order was entered

OR

X % of the Participant's accumulated share accrued by the Participant during the marriage

The Plan shall segregate this amount into a separate account in the name of the Alternate Payee. This account will be credited with its proportionate share of investment yield and will be subject to applicable administrative charges.

**7. Employee Elective Contributions.**

**INSTRUCTIONS:** If the Participant's accumulated share includes Employee Elective contributions, the parties may specify that the amount assigned to the Alternate Payee include a certain dollar amount or percentage of those Elective contributions or it may specify that the entire Alternate Payee's share is to be taken from the Participant's Employer contributions or from the Participant's Elective contributions.

If the QDRO is silent on this issue, then the Plan will segregate part of the Participant's Elective contributions such that on the day of the allocation to the Alternate Payee, the Participant and the Alternate Payee each have the same percentage of Employer and Elective contributions in their accumulated shares for the time period covered by this QDRO.

Federal law only permits a Participant or Alternate Payee to take hardship distributions from elective contributions; it does not permit hardship distributions to be taken from employer contributions.

If the Participant has elective contributions, the Alternate Payee is hereby assigned, as her/his separate entitlement (**choose one only**):

Of the total dollar amount assigned to the Alternate Payee in Paragraph 6 above, all will come from the Participant's Employer contributions.

OR

Of the total dollar amount assigned to the Alternate Payee in Paragraph 6 above, all will come from the Participant's Elective contributions.

OR

- The Plan is to take the total amount assigned to the Alternate Payee in Paragraph 6 above from both the Participant's Employer contributions and Elective contributions, such that on the day of the allocation, each party will have the same percentage of Employer contributions with respect to the Accumulated Share Accrued by the Participant During the Marriage.

OR

- Of the total dollar amount assigned to the Alternate Payee in Paragraph 6 above, \$ Y will come from the Participant's elective contributions.

OR

- Of the total amount assigned to the Alternate Payee in Paragraph 6 above, Y% will be from the Participant's elective contributions.

**8. Form of Payment to the Alternate Payee under the Pension Plan (Separate Entitlement).** The Alternate Payee may elect to receive her/his share of the benefit in any form available under the Plan, except for a joint and survivor annuity with a subsequent spouse. If the Alternate Payee selects an annuity, it will be paid over the life of the Alternate Payee.

**9. Death of Participant.** Payments of the Alternate Payee's separate interest shall not be affected by the Participant's death.

**10. Death of Alternate Payee Before Effective Date.** If the Alternate Payee dies before establishing an Effective Date, the Alternate Payee's share will be paid to (choose one only):

- the person specified by the Alternate Payee in writing, if delivered to the Fund Office before the Alternate Payee's death; **OR**
- \_\_\_\_\_[name], which designation can only be changed by a court order that modifies the QDRO. The beneficiary's Social



Security Number will be provided to the Plan at the time that this Order is submitted to the Plan for qualification.

If there is no surviving designated beneficiary, the Alternate Payee's benefit will revert to the Participant.

**11. Commencement of Benefits to the Alternate Payee.**

**a.** The Alternate Payee may, upon written application to the Fund Office in accordance with the Plan Rules, elect to begin distribution of her/his share at any time after the Participant attains the earliest retirement age under the Plan, when the Participant is otherwise entitled to a distribution, other than a hardship distribution, after three Plan Years following the date on which the Alternate Payee's account is segregated after the Plan determines that a court order is a QDRO, or as otherwise provided by the Plan Rules.

**b.** The Alternate Payee may receive a hardship distribution of the Alternate Payee's share of the Participant's elective contributions only if the Alternate Payee experiences a qualifying hardship.

**c.** If the Alternate Payee has not entered pay status prior to the Participant's Effective Date, the Alternate Payee will begin receiving her/his benefit as of the Participant's Effective Date.

**d.** An Alternate Payee must apply for and begin receiving her/ his benefits no later than April 1 of the calendar year immediately following the calendar year in which the Alternate Payee attains age 70 ½.

**12. Federal Tax Reporting.** For Federal and state income tax purposes, the Alternate Payee shall be treated as the distributee of any distribution or payments made to the Alternate Payee by the Plan under the terms of this Order, and as such, will be required to pay the appropriate Federal and state income taxes on such distribution.

**13. Compliance With Applicable Laws.** The parties to this Order intend that it comply with applicable provisions of the Employee Retirement Income Security Act and the Internal Revenue Code. Nothing in this Order shall require the Plan:

- a. to pay any benefits not permitted under ERISA or the Code;
- b. to provide any type or form of benefit option not otherwise provided under the terms of the Plan;
- c. to pay total benefits with an actuarial value in excess of the actuarial value of the benefits the Participant otherwise would receive under the Plan; or

d. to pay benefits to the Alternate Payee that are required to be paid to another alternate payee under another QDRO which was previously determined by the Plan Administrator to be a QDRO.

**14. Miscellaneous.** Both the Participant and the Alternate Payee shall execute, at such times as called for by the Plan, such forms and other documents as shall be reasonably required by the Plan to give effect to this Order. Both the Participant and the Alternate Payee shall keep the Plan advised as to their current addresses at all pertinent times.

**15. Continued Jurisdiction.** The Court retains jurisdiction over this matter to amend this Order to establish or maintain its status as a QDRO under ERISA and the Code.

**IT IS SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**DISTRICT COURT JUDGE**

**APPROVED:**

\_\_\_\_\_  
Plan Participant

\_\_\_\_\_  
Alternate Payee

\_\_\_\_\_  
Attorney for Plan Participant

\_\_\_\_\_  
Attorney for Alternate Payee

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

u:\laure\pipes pension plan b\qdro\pipes qdro procedures 013014.doc