

**IN THE (NAME OF THE COURT)**

IN RE THE MARRIAGE OF:	)	
	)	
_____	)	
	)	
Plaintiff/Petitioner,	)	
	)	
and	)	NO:
	)	
_____	)	
	)	
Defendant/Respondent.	)	

**AGREED  
QUALIFIED DOMESTIC RELATIONS ORDER**

This cause coming on to be heard for the purpose of entry of a qualified domestic relations order, as defined in ERISA §206(d)(3), 29 U.S.C. §1056(d)(3), and Section 414(p) of the Internal Revenue Code of 1986; the Court on (month/day/year) entered a judgment relating to and approving the provisions of marital property rights of a spouse, former spouse, child, or other dependent of the Participant (as defined herein), due notice having been given; the Court having jurisdiction of the parties and the subject matter; and the Court being advised in the premises;

**THE COURT FINDS AND IT IS HEREBY ORDERED AS FOLLOWS:**

(A) Plaintiff/Petitioner and Defendant/Respondent agree to the entry of this Qualified Domestic Relations Order (“QDRO”). The Participant shall execute such documents and/or do such acts as are necessary to give the Alternate Payee(s) the right to exercise the Alternate Payee(s) benefit as to any and all options available to the Participant pursuant to this QDRO.

(B) For the purposes of this QDRO, the term “Participant” means (Name of Participant) who is a Participant in the Midwest Operating Engineers Pension Trust Fund

Separate Interest

(“Fund”) to which this QDRO applies. “Alternate Payee(s)” mean(s) (Name of Alternate Payee), who is recognized by this QDRO as having a right to receive all, or a portion of, the benefits payable under the Fund with respect to the Participant.

(C) On (month/day/year), this Court entered a judgment approving a marital settlement agreement pursuant to the Illinois Marriage and Dissolution of Marriage Act, 750 ILCS 5/101 et.seq., (or other applicable state domestic relations law), (“Judgment”). The Judgment relates to the provision of marital property rights of a spouse, a former spouse, child or other dependent of the Participant for (name(s) of Alternate Payee(s)), the Alternate Payee(s), who is/are the spouse, former spouse, child or other dependent of (name of Participant).

(D) The name, social security number, date of birth and last known mailing address of the Participant is:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

Separate Interest

(E) The name, social security number, date of birth, and last known mailing address of the Alternate Payee(s) covered by this QDRO is/are:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_

**(INCLUDE SAME INFORMATION FOR EACH ALTERNATE PAYEE)**

(F) The Alternate Payee is assigned \_\_\_\_\_% of the Participant's present value of benefits actually accrued based on hours worked from \_\_\_\_\_ through \_\_\_\_\_, payable in the form of a single life annuity at normal retirement age (as defined in the Fund) to the Participant. The benefit will payable to the Alternate Payee in the form of a single life annuity calculated upon the Alternate Payee's life expectancy to be dependent upon when the Alternate Payee seeks payment under the terms of the Fund, but no earlier than when the Participant is living and reaches earliest retirement age (as defined in the Fund). Payments to the Alternate Payee shall begin not earlier than the first of the month after date that the Fund receives the QDRO. Each party shall be solely responsible for the payment of any taxes due as a result of the receipt of benefits.

(G) Notwithstanding anything contained herein to the contrary, any benefits not assigned to the Alternate Payee in Section (F) shall be the sole and separate property of the Participant, with all rights and privileges attached thereto. No changes to the Fund adopted after the date of the Judgment shall affect the Alternate Payee(s)'s benefits hereunder.

Separate Interest

(H) The Alternate Payee(s)'s benefit is payable at [his/her] election, subject to the terms of this QDRO and the terms of the Fund.

(I) The Alternate Payee(s) shall be allowed to elect any form of distribution of [his/her] interest in the Fund at the time and in a form as permitted under the terms of the Fund, except as otherwise provided under Section (J) below. Notwithstanding anything contained in this QDRO to the contrary, the Alternate Payee(s) may only receive an amount of benefits which does not exceed the amount to which the Participant is otherwise entitled.

(J) Nothing in this QDRO requires, and the QDRO shall not be construed to require:

1. the Fund to provide any type or form of benefit or any option not otherwise provided under the Fund;
2. the Fund to provide increased benefits (determined on the basis of actuarial value);
3. the payment of benefits to the Alternate Payee(s) which are required to be paid to another alternate payee under another order previously determined to be a Qualified Domestic Relations Order;  
or
4. permit the payment of benefits to the Alternate Payee(s) in the form of a joint and survivor annuity with respect to the Alternate Payee(s) and [his/her] subsequent spouse.

(K) The death of the Participant will have no impact on the benefits to be received by the Alternate Payee.

Separate Interest

(L) If the Alternate Payee dies before or after commencement of her benefit, her beneficiary will receive any applicable death benefits.

(M) It is intended by the parties that this order will qualify as a Qualified Domestic Relations Order, as defined in ERISA §206(d)(3), 29 U.S.C. §1056(d)(3), and Section 414(p) of the Internal Revenue Code of 1986, and that it shall be interpreted and administered in conformity with such laws and regulations.

(N) The Court retains jurisdiction to establish, amend or maintain this order as a Qualified Domestic Relations Order, as defined as ERISA §206(d)(3), 29 U.S.C. §1056(d)(3), and Section 414(p) of the Internal Revenue Code of 1986.

**ENTER:**

\_\_\_\_\_  
**JUDGE**

DATE: \_\_\_\_\_

Separate Interest

Name and Address for Plaintiff/Petitioner's  
Attorney

Name and Address for Defendant/  
Respondent's Attorney

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**APPROVED:**

**MIDWEST OPERATING ENGINEERS PENSION TRUST FUND**

BY: \_\_\_\_\_  
Pension Plan Manager

DATE: \_\_\_\_\_