

**MODEL QUALIFIED DOMESTIC RELATIONS ORDER**

**FOR THE FORT WORTH EMPLOYEES' RETIREMENT FUND**

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that this Order shall be incorporated into and shall become an integral part of the Decree of Divorce signed and entered by the Court in this cause on [DATE] .

The Court having examined the pleadings and heard the evidence and argument of counsel finds that all necessary prerequisites of law have been satisfied and that this Court has jurisdiction of all parties and the subject matter of this cause, and the Court further finds that certain interests and rights under that certain employee benefit plan sponsored by the City of Fort Worth, Texas, hereinafter described, are part of the community estate of the parties and should be partitioned and paid out in accordance with this Order.

The Court further finds and it is **ORDERED AND DECREED** as follows:

1. This Order assigns a portion of the benefits payable from the Fort Worth Employees' Retirement Fund (the "Plan") to [name of Member's Spouse] ("Alternate Payee") in recognition of the existence of Alternate Payee's marital right in [Member's Name]'s retirement benefits under the Plan. Member and Alternate Payee were married on [DATE] .

2. Member of Plan is \_\_\_\_\_, whose last known mailing address is \_\_\_\_\_, whose birth date is \_\_\_\_\_, and whose Social Security Number is \_\_\_\_\_.

3. Alternate Payee is \_\_\_\_\_, whose mailing address is \_\_\_\_\_, whose birth date is \_\_\_\_\_, and whose Social Security Number is \_\_\_\_\_.

4. As a part of a just and right division of the estate of the parties, the Court awards, assigns and grants to Alternate Payee \_\_\_\_\_percent (\_\_\_\_\_% ) of Member's monthly pension benefit accrued from the date of marriage to the date the Decree of Divorce is signed and entered by the Court (calculated by multiplying the Member's monthly pension benefit under the Plan as of the date of divorce times a fraction, the numerator of which is the number of months of marriage and the denominator of which is the number of months the Member had worked for the City as of the date of divorce). [The percentage inserted cannot result in the Alternate Payee receiving more than fifty percent (50%) of the Member's monthly pension benefit under the Plan.]

5. Payment of the monthly pension benefit to Alternate Payee shall commence at the time Member's monthly pension benefit commences under the Plan. In the event that Member's monthly pension benefit commences prior to the Member's Normal Retirement Date under the Plan and is subject to reduction for early commencement, Alternate Payee's monthly pension benefit shall also be subject to proportionate reduction for early commencement. Alternate Payee's monthly pension benefit shall continue until the death of Alternate Payee, unless the

Member predeceases the Alternate Payee. If the Plan makes a cost-of-living adjustment to the Member's monthly pension after Alternate Payee begins to receive benefits from the Plan pursuant to this Order, a proportionate cost-of-living adjustment shall also be made to Alternate Payee's monthly pension benefit.

6. Should the Member predecease Alternate Payee, no further monthly pension benefit shall be paid to Alternate Payee. In such event, if the Member and Alternate Payee have not yet received total distributions from the Plan equal to or greater than the Member's contributions to the Plan, then Alternate Payee shall receive the percentage of the remaining contributions as determined under the Plan.

7. In the event that a Member makes (or has made) a DROP election pursuant to the terms of (and rules and regulations under) the Plan, Alternate Payee shall receive the same percentage of the Members' DROP Account that the Alternate Payee receives (or would receive) of the Members' monthly pension benefits under paragraph 4, above (including any cost-of-living adjustments). Payment of the percentage of the Members' DROP Account to Alternate Payee shall be made on or about the same time that the Members' DROP Account is paid to the Member.

8. In the event that the Member terminates employment with the City of Fort Worth and receives a return of contributions (plus Regular Interest as defined in the Plan) from the Plan, Alternate Payee shall not receive a monthly pension benefit from the Plan, but rather shall receive \_\_\_\_\_ percent ( \_\_\_\_\_%) of the Member's contributions to the Plan (plus Regular Interest) from the date of marriage to the date the Decree of Divorce is signed and entered by the Court in this matter, plus Regular Interest from such date. [The percentage inserted cannot result in Alternate Payee receiving more than fifty percent (50%) of the Member's contributions to the Plan (plus Regular Interest).]

9. This Order is not intended to require the Plan to provide any type or form of benefit or any option not otherwise provided by the Plan, nor shall this Order require the Plan to provide for increased benefits, except as provided above with respect to cost-of-living adjustments.

10. This Order does not require the Plan to provide benefits to Alternate Payee that are required to be paid to another alternate payee under another order previously determined to be a qualified domestic relations order.

11. All benefits payable under the Plan, other than those payable to Alternate Payee under this Order and those payable to an alternate payee under any other order previously determined to be a qualified domestic relations order, shall be payable to Member.

12. The benefits hereby assigned to Alternate Payee shall be paid to Alternate Payee notwithstanding Member's anticipated continued employment with the City of Fort Worth.

13. Alternate Payee is ordered to report any payments received hereunder on any applicable income tax return of Alternate Payee. The Plan is authorized to issue a Form 1099R or W-2P (or any successor thereto) to Alternate Payee on any direct payments made to Alternate Payee.

14. While it is anticipated that the Plan will pay directly to Alternate Payee the benefits awarded to Alternate Payee, Member is designated a constructive trustee to the extent Member receives any payments under the Plan that are due to Alternate Payee, but paid to Member. Member is ordered and decreed to pay such benefits to Alternate Payee within three days after receipt by Member.

15. It is intended that this Order meet all requirements of a qualified domestic relations order under section 206(d)(3) of the Employee Retirement Income Security Act of 1974, as amended, and Section 414(p) of the Internal Revenue Code of 1986, as amended, and the Court retains jurisdiction to modify the Order for the purpose of meeting or monitoring its qualification as a qualified domestic relations order.

16. Member and Alternate Payee shall advise each other and the Executive Director of the Plan of any changes in mailing address. All communication with the Plan or Executive Director shall be addressed to:

Executive Director  
Fort Worth Employees' Retirement Fund  
3801 Hulen Street, Ste 101  
Fort Worth, Texas 76107

17. If any provision of this Order is contradicted and/or invalidated by any provision in any valid and legal ordinance of the City of Fort Worth, then the provisions contained in such ordinance shall control over, and be substituted for each provision in this Order which is so contradicted and/or invalidated.

18. A certified copy of this Order shall be served on the Executive Director of the Plan.