

INTERNATIONAL PAINTERS AND ALLIED TRADES INDUSTRY PENSION PLAN
MODEL SEPARATE INTEREST QUALIFIED DOMESTIC RELATIONS ORDER
FOR A PARTICIPANT NOT IN PAY STATUS

[INSERT APPROPRIATE STATE COURT CAPTION AND NAME OF ACTION]

QUALIFIED DOMESTIC RELATIONS ORDER

1. This Order is intended to be a Qualified Domestic Relations Order under section 206(d)(3) of the Employee Retirement Income Security Act of 1974, as amended (“ERISA”), 29 U.S.C. §1056(d)(3), and section 414(p) of the Internal Revenue Code of 1986, as amended (“Code”), and is issued by this Court pursuant to **[insert state domestic relations law authorizing state court to enter order]**.

2. This Order relates to the International Painters and Allied Trades Industry Pension Plan (the “Plan”)

3. The Participant’s name, last known mailing address, social security number and date of birth is: **[insert applicable information]**. *[Address, date of birth and social security number may be provided in a separate attachment.]*

4. The Alternate Payee’s name, last known mailing address, social security number and date of birth is: **[insert applicable information]**. *[Address, date of birth and social security number may be provided in a separate attachment.]*

5. The Alternate Payee has the following relationship to the Participant: **[insert nature of relationship]**.

6. The Alternate Payee is hereby awarded a portion of the Participant’s accrued benefit under the Plan, based on **[insert percentage]** of the benefit accrued by the Participant under the Plan between **[insert beginning date]** and **[insert end date]**, determined as of **[insert date, e.g.,**

date of divorce/date Alternate Payee commences benefits]. For purposes of this paragraph 6, any early retirement subsidy will be included in the benefit accrued by the Participant only to the extent that the Participant commences an early retirement benefit including such subsidy on or before the date on which the Alternate Payee commences benefits. The Alternate Payee's benefit will be increased to include a pro rata share of any post-retirement cost-of-living adjustments paid to the participant.

7. The Alternate Payee may elect to commence receiving his/her benefit at any time on or after the Participant would have reached the earliest retirement age under the Plan, but no earlier than the date on which the Plan has determined that this Order constitutes a QDRO, and subject to the Plan's receipt of the Alternate Payee's application for benefits.

8. The benefits specified in paragraph 6 will be paid, at the election of the Alternate Payee, in any form available under the Plan and elected by the Alternate Payee in the pension application described above, except that benefits may not be paid in the form of a joint and survivor annuity with the Alternate Payee's subsequent spouse as a joint annuitant.

Notwithstanding the foregoing sentence, if the actuarial equivalent present value of the Alternate Payee's benefits as of the date benefits become payable to him or her (using actuarial factors set forth in the Plan) is payable as a mandatory cash-out under the terms of the governing Plan document then in effect, in which case those benefits will be paid to the Alternate Payee in a single lump-sum and no further benefits will be payable pursuant to this Order.

9. If the Alternate Payee predeceases the Participant *before* benefits begin, this assignment will revert to the Participant and no benefit will be payable under this Order. If the

Alternate Payee predeceases the Participant *after* benefits begin, the Participant's benefits will not be affected.

10. If the Alternate Payee dies after benefits commence under this Order, survivor benefits, if any, will be payable in accordance with the form of benefit the Alternate Payee has selected.

11. The Alternate Payee's right to receive the accrued benefit under the Plan to which he or she is assigned under this Order will not be affected by the Participant's death.

12. The Participant may designate a beneficiary on a form provided by the Plan for benefits other than those benefits awarded to the Alternate Payee under paragraph 6. If the Participant currently has a beneficiary designation on file with the Plan, that designation will remain in effect until the Participant files a new beneficiary designation with the Plan. The effectiveness of any beneficiary designation may be affected by the Participant's remarriage.

13. Nothing in this Order may require the Plan to: (i) provide any type or form of benefit or option not provided under the Plan, (ii) provide increased benefits (determined on the basis of actuarial value), or (iii) pay benefits to the Alternate Payee that are required to be paid to another alternate payee under another order previously determined to be a Qualified Domestic Relations Order.

14. Payment of benefits to the Alternate Payee will be governed by the terms of the Plan, which will control in the event of any inconsistency between this Order and the Plan.

15. Notwithstanding any other provision of this Order, benefits will be payable to the Alternate Payee under this Order only if the Participant earns sufficient vesting service to be entitled to benefits from the Plan.

16. The Court retains jurisdiction over this Order to establish or maintain its status as a Qualified Domestic Relations Order.

Date: _____

JUDGE