Worker401k by Advantage Resource

QDRO Template

Use this template to produce an order satisfying the requirements of a Qualified Domestic Relations Order.

1. This is a Word document; download a copy to your computer for editing.
2. Edit as needed all red items.
3. Once changes are made, upload a draft to Worker401k:
   1. Go to Worker401k.com>
   2. Log-In (gold, upper right)>
      1. Forms and Administration>
   3. Access Code: 72000
   4. Username: QDRO
   5. Password: QDROWorkers1
   6. Login
   7. Select :72000 W401k”> Continue
   8. Select: Worker401k> Gray (Continue) button
   9. Choose “Upload File” on left hand menu
   10. Follow the directions completely to upload the file to Worker401k.
   11. If need be, upload an additional document with pertinent contact information.
4. This is an encrypted transmission, meaning all transmitted data is secure.
5. We will not accept e-mailed copies of this document because of security risks and because this document contains Personal Identifying Information.

If you have submitted a DRAFT, you will be contacted with approval or revisions need. If you are submitting a Final, signed Order, you will be contacted with the next step for processing of the QDRO.

You can call 859-313-5472 for assistance, if needed.

xxxxxxxx CIRCUIT COURT

FAMILY COURT

DIVISION (modify header as needed)

IN RE THE MARRIAGE OF: )

) QUALIFIED DOMESTIC xxxxxxxxxx, ) RELATIONS ORDER PETITIONER )

)

AND ) NO. xxxxxxxx

)

xxxxxxxxxx (formerly )

xxxxxxxxxx), )

RESPONDENT )

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

This Court, having granted a Judgment Of Divorce on the xxx day of xxxxx, xxxx, by the Hon. xxxxxxxxxx of Division xxx of the xxxxxxxxxx Court, and said Decree of Dissolution having been entered by the Clerk that same date – xxxxx, xxxx, and upon the parties’ Separation and Settlement Agreement dated the xxx day of xxxxx, xxxx (the “Agreement”), with said Agreement having been incorporated, but not merged into the aforesaid Decree of Dissolution, and it appearing to the satisfaction of the Court that the Agreement and the Decree of Dissolution provide for an equitable distribution of marital assets, including certain retirement benefits of the Petitioner, xxxxxxxxxx, in the

?? 401k Retirement Savings Plan (Plan No. K0?????)

Administered by: Worker 401k by Advantage Resource

(hereinafter the “Plan”), and it appearing to the satisfaction of the Court that a Qualified Domestic Relations Order will be necessary for the purposes of assigning a portion of the Petitioner’s accrued account balance in the Plan to the Respondent, xxxxxxxxxx (formerly xxxxx), the Court makes the findings herein and orders as follows:

# FINDINGS

The Court finds as follows:

1. The parties hereto were married on xxxxx xx, xxxx, and separated on or about xxxxx xx, xxxx. This action for dissolution was filed on xxxxx xx, xxxx.
2. xxxxxxxxxx, Petitioner herein, and hereinafter referred to as the “Participant,” is a Participant in the Plan.
3. Participant is enrolled in and has an accrued balance in the Plan.
4. xxxxxxxxxx (formerly zzzzz), Respondent herein, and hereinafter “Alternate Payee,” is the Alternate Payee under this Qualified Domestic Relations Order for the purposes of receiving distributions from the Plan.
5. Pursuant to this Order under Kentucky Domestic Relations Law and the Decree of Dissolution (a/k/a Judgment of Divorce), Alternate Payee is entitled to a share of the accrued account balance of Participant in the Plan.
6. The current and last known mailing address of the Participant is:

xxxxxxxxxxxxx

xxxxxxxx, xx xxxxx

Social Security Number: xxx-xx-xxxx

Date of Birth: xxxxx xx, xxxx

Phone: xxx-xxx-xxxx

Preferred email: xxxxx@xxxx.xxx

1. The current and last known mailing address of the Alternate Payee is:

xxxxxxxxxx

xxxxxxxx, xx xxxxx

Social Security Number: xxx-xx-xxxx

Date of Birth: xxxxx xx, xxxx

Phone: xxx-xxx-xxxx

Preferedl email: sxxxx@xxxx.xxx

1. Pursuant to this Order, the Alternate Payee is entitled to an amount as identified and described below.

# ORDER

To accommodate the equitable distribution of marital property between the parties, and in accordance with the findings above, the Court orders as follows:

1. The Alternate Payee is hereby assigned xxxxxxxxxxxxx (enter amount or other determinable amount, such as a percentage) in this Plan as of xxxxx xx, xxxx plus earnings and losses, and less any fees charged on said amount as of xxxxx xx, xxxx, to the date of segregation.
2. After a determination is made by the Plan Administrator that this Order is a Qualified Domestic Relations Order, and the Alternate Payee furnishes to the Plan Administrator any forms or documents which the Plan Administrator may require to effect payment, the Plan Administrator shall pay to the Alternate Payee the amount specified in paragraph II(1) above pursuant to the direction of the Alternate Payee.
3. If the Alternate Payee dies before she receives the portion of the Participant’s accrued account balance in the Plan assigned to her hereunder, the amount assigned to her hereunder shall be paid in the form of a lump sum distribution to her estate or its successors or assigns as soon as administratively feasible, unless a beneficiary designation was received by the Plan.
4. The Participant and any person to whom he may become legally married shall have no further rights under the Plan with respect to the portion of his accrued account balance assigned to the Alternate Payee hereunder.
5. The Alternate Payee shall have no further right or interest in or with respect to the Participant’s account balance in the Plan except as provided herein.
6. The Plan and the Plan Administrator thereof shall have no obligation or responsibility as a consequence of this action apart from the specific direction set forth in this Order.
7. In the event of a change of address of the Alternate Payee, she will immediately notify the Representative of Plan Administrator (Paragraph II(14))
8. The Participant, the Alternate Payee and the Court intend this Order to be a Qualified Domestic Relations Order as defined in Section 414(p) of the Internal Revenue Code ..
9. This Order:
   1. Shall not require the Plan to provide any type or form of benefit, or any option, not otherwise provided under the Plan,
   2. Shall not require the Plan to provide increased benefits, and
   3. Shall not require the payment of benefits to the Alternate Payee which are required to be paid to another alternate payee under another order previously determined to be a Qualified Domestic Relations Order.
10. This Court retains jurisdiction to amend this Order for purposes of establishing or maintaining its qualifications as a Qualified Domestic Relations Order under IRC § 414(p).
11. IRC §414(p) provides that no amendment of this Order shall require the Plan to provide any type or form of benefit, or any option not otherwise provided, and further provides that no such amendment or the right of the Court to so amend shall invalidate this Order as “qualified” under IRC §414(p).
12. The provisions of this Order supersede the provisions of previous orders and judgments in the instant action insofar as those provisions relate to the interest of the Alternate Payee in Participant’s accrued account balance under the Plan.
13. The provisions of this Order supersede the provisions of any prior agreement between the Participant and the Alternate Payee insofar as such agreement relates to the interest of the Alternate Payee in Participant’s accrued account balance under the Plan.
14. A certified copy of this Order shall be served upon the Plan by xxxxxxxx, counsel for the xxxxx, to the Representative of the Plan Administrator:

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Attn.: QDRO Processing

PO Box 4099

Lexington, KY 40544-4099

who shall:

* 1. promptly notify the Participant, the Alternate Payee and their counsel, whose addresses are listed below, of the receipt of a copy of this Order by a Representative of the Plan Administrator; and
  2. Within a reasonable period of time after receipt of a copy of this Order, determine whether this Order is a Qualified Domestic Relations Order and so notify the attorney for the Participant and the Alternate Payee.
  3. Counsel may serve this Order on the Plan by first class mail.

1. Copies of notices shall be sent to the counsel for the Participant and the Alternate Payee at the following addresses:

Participant’s counsel:

xxxxxxxxxx

xxxxxxx xxxxx

xxxxxxxx, xx xxxxx

email: xxxxx@xxxx.xxx

phone: xxx-xxx-xxxx

Alternate Payee’s counsel:

xxxxxxxxxx

xxxxxxx xxxxx

xxxxxxxx,xx xxxxx

email: xxxxx@xxxx.xxx

Phone: xxx-xxx-xxxx

1. The parties shall use their best efforts in taking such steps as shall be reasonable and appropriate to cause the Plan Administrator to comply with those provisions of this Order addressed to it.

This day of , 20 .

Hon xxxxxxxxxxxxxxxx

xxxxxxxxxxxxxxxxxxx

xxxxxxxxxxxxxxxxxxxxx

Distribution:

xxxxxxxxxxxxxxxxx

xxxxxxxxxxxxxxxxx

xxxxxxxxxxxxxxxxxx