1	1 MODEL QDRO LANGUAGE OF THE HIGHWAY PATROL AND PU			
2		DEIO EINI EOTEEO KETIKEMENT		
3	STATE OF NORTH DAKOTA	IN DISTRICT COURT		
4	4 COUNTY OF	JUDICIAL DISTRICT		
5	5			
6	6			
7	vs. ) QU 3 ) RE	ALIFIED DOMESTIC LATIONS ORDER		
9	) Cas Defendant )	se No.:		
11	1)			
<ul><li>12</li><li>13</li><li>14</li><li>15</li></ul>	This Order is intended to meet the requirement to the North Dakota [ {PLANNAME} ], hereafter pursuant to N.D.C.C. § [ {qu QDROCODE} ]. The	e Order is an integral part of the judgment entered		
16	on [ {DATEOFDIVORCE} ] granting a divorce to the	e above-entitled parties. [This Order is also drawn		
17	pursuant to the laws of the state in which the divorce o	ccurred relating to the equitable distribution of		
18	marital property between spouses and former spouses in actions for dissolution of a marriage.] [OR] [Thi			
19	Order is drawn pursuant to the laws of the state in which the divorce occurred relating to the provision of			
20	child support to a minor child in actions for dissolution	of a marriage.]		
21	1 BACKGROUND INFO	ORMATION		
22	[ {MEMBERNAMESSN} ] is the participatin	g member whose last known address is [		
23	3 <b>MEMBERADDRESS</b> 1. The member's date of	birth is [ {MEMBERDOB} ].		
24	[ {ALTERNATEPAYEENAMESSN} ] is the			
25	5			

- 1 alternate payee whose last known address is [ {ALTERNATEPAYEEADDRESS} ]. The alternate
- 2 payee's date of birth is [ {ALTERNATEPAYEEDOB} ].
- The participating member and the alternate payee were married on

### 4 [ {DATEOFMARRIAGE} ].

IT IS HEREBY ORDERED THAT:

### 6 I. BENEFITS

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NOTE: Distribution of benefits must be based on the member's accrued monthly benefit as

opposed to the member's account balance or other estimate. The member's accrued

monthly benefit can be obtained by contacting the NDPERS office. Please notify NDPERS

staff that this information will be used for the purpose of preparing a domestic relations

order.

Benefits under the plan are distributed as follows: (choose one)

- 1. The alternate payee is awarded [\_\_\_%] of the monthly retirement benefit as of [{DATEOFDIVORCE}]. [OR]
- The alternate payee is awarded [\$ ] of the monthly retirement benefit as of [{DATEOFDIVORCE}].

### 17 II. TIME OF BENEFIT RECEIPT

The benefits are payable to the alternate payee in the month following receipt of a certified copy of an approved order by the plan or plan administrator as the participating member is currently retired and receiving benefits under the Plan.

# III. DURATION OF PAYMENTS TO ALTERNATE PAYEE (Choose one)

NOTE: Choose the appropriate optional language as applicable under the following rules:

- Choose option A if the benefits to the alternate payee are to be paid over the alternate payee's life.

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1	-	Choos	se option B if the benefits to the alternate payee are to be paid over the member's life
2		under	the single life annuity option with no surviving spouse annuity benefits upon the
3		memb	per's death OR under one of the plan's term certain and life options with the alternate
4		payee	as the survivor beneficiary for continuing annuity payments upon the member's
5		death	if the term selected has not expired.
6	A.	OVER	R LIFE OF THE ALTERNATE PAYEE (Choose one)
7		1.	The payments shall be made to the alternate payee on a monthly basis over the life
8			of the alternate payee and shall cease upon the alternate payee's death. The
9			payment shall be calculated on the basis of a single life annuity and will be
10			actuarially increased or decreased based upon the Plan's assumptions to reflect the
11			life expectancy of the alternate payee.
12			(Note: In most instances, this actuarial adjustment will result in a reduced benefit)
13			[OR]
14		2.	The payments shall be made to the alternate payee on a monthly basis over the life
15			of the alternate payee and calculated on the basis of: (Choose one)
16			(a) a 10-year term certain and life option. <b>[OR]</b>
17			(b) a 20-year term certain and life option.
18			Upon the alternate payee's death payments will continue to the alternate payee's
19			designated beneficiary under the term certain and life option identified above if the
20			term has not expired.
21			(Note: In most instances, the actuarial adjustment for a term certain and life option
22			will result in a reduced benefit).
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1	B.	OVEF	OVER THE LIFE OF THE PARTICIPATING MEMBER (Choose one):		
2			1.	The payments shall be made to the alternate payee on a monthly basis over the life	
3				of the participating member and shall cease upon the member's death.	
4				[OR]	
5			2.	The payments shall be made to the alternate payee on a monthly basis over the life	
6				of the participating member with a continuing monthly annuity payable to the	
7				surviving alternate payee after the member's death if the term has not expired. The	
8				amount of the payments to the alternate payee will be calculated on the basis of:	
9				(Choose one)	
10				(a) a 10-year term certain and life option. [OR]	
11				(b) a 20-year term certain and life option.	
12				(Note: In most instances, the actuarial adjustment for a term certain and life option	
13				will result in a reduced benefit).	
13 14	IV.	LIMIT	ATIONS	will result in a reduced benefit).  S OF THIS ORDER (Note: Order must reflect all provisions of this section).	
	IV.	<b>LIMIT</b> A.			
14	IV.		This o	S OF THIS ORDER (Note: Order must reflect all provisions of this section ).	
14 15	IV.		This o	S OF THIS ORDER (Note: Order must reflect all provisions of this section ).  order recognizes the existence of the right of the alternate payee to receive all or a	
14 15 16	IV.	A.	This o	S OF THIS ORDER (Note: Order must reflect all provisions of this section).  order recognizes the existence of the right of the alternate payee to receive all or a nof the benefits payable to the participating members as indicated above.	
14 15 16 17	IV.	A.	This o	S OF THIS ORDER (Note: Order must reflect all provisions of this section).  order recognizes the existence of the right of the alternate payee to receive all or a most of the benefits payable to the participating members as indicated above.  In contained in this Order shall be construed to require any Plan or Plan	
14 15 16 17 18	IV.	A.	This of portion Nothing	S OF THIS ORDER (Note: Order must reflect all provisions of this section).  order recognizes the existence of the right of the alternate payee to receive all or a in of the benefits payable to the participating members as indicated above.  In g contained in this Order shall be construed to require any Plan or Plan instrator:	
14 15 16 17 18	IV.	A.	This of portion Nothing	S OF THIS ORDER (Note: Order must reflect all provisions of this section).  order recognizes the existence of the right of the alternate payee to receive all or a most of the benefits payable to the participating members as indicated above.  In ground in this Order shall be construed to require any Plan or Plan histrator:  To provide to the alternate payee any type or form of benefit or any option not	
14 15 16 17 18 19	IV.	A.	This of portion Nothin admin 1.	S OF THIS ORDER (Note: Order must reflect all provisions of this section).  order recognizes the existence of the right of the alternate payee to receive all or a in of the benefits payable to the participating members as indicated above.  In contained in this Order shall be construed to require any Plan or Plan inistrator:  To provide to the alternate payee any type or form of benefit or any option not otherwise available to the participating member under the Plan.	
14 15 16 17 18 19 20 21	IV.	A.	This of portion Nothin admin 1.	S OF THIS ORDER (Note: Order must reflect all provisions of this section).  order recognizes the existence of the right of the alternate payee to receive all or a in of the benefits payable to the participating members as indicated above.  In g contained in this Order shall be construed to require any Plan or Plan instrator:  To provide to the alternate payee any type or form of benefit or any option not otherwise available to the participating member under the Plan.  To provide the alternate payee benefits, as determined on the basis of actuarial	
14 15 16 17 18 19 20 21 22	IV.	A.	This of portion Nothin admin 1.	S OF THIS ORDER (Note: Order must reflect all provisions of this section).  order recognizes the existence of the right of the alternate payee to receive all or a in of the benefits payable to the participating members as indicated above.  In g contained in this Order shall be construed to require any Plan or Plan instrator:  To provide to the alternate payee any type or form of benefit or any option not otherwise available to the participating member under the Plan.  To provide the alternate payee benefits, as determined on the basis of actuarial value, not available to the participating member.	

1		4. To apply the provisions of this Order to disability benefits that the participating
2		member may be entitled to receive.
3	C.	If the alternate payee dies prior to receipt of benefits under this order, the entire amount
4		that may be due to the alternate payee reverts to the participating member.
5	D.	The benefit enhancements provided by the North Dakota legislature for service during the
6		marital relationship which are adopted after the end of the marital relationship apply to the
7		alternate payee's portion of benefits under this order.
8	E.	If the participant or alternate payee receive any distribution that should not have been paid
9		per this order, the participant or alternate payee is designated a constructive trustee for the
10		amount received and shall immediately notify NDPERS and comply with written instructions
11		as to the distribution of the amount received.
12	F.	Alternate payee is ORDERED to report any payments received on any applicable income
13		tax return in accordance with Internal Revenue Code provisions or regulations in effect at
14		the time any payments are issued by NDPERS. The Plan is authorized to issue Form
15		1099R, or other applicable form on any direct payment made to alternate payee. Plan
16		participant and alternate payee must comply with the Internal Revenue Code and any
17		applicable regulations.
18	G.	Alternate payee is ORDERED to provide the Plan prompt written notification of any
19		changes in Alternate Payee's mailing address. NDPERS shall not be liable for failing to
20		make payments to alternate payee if NDPERS does not have a current mailing address for
21		alternate payee at time of payment.
22	H.	Alternate payee shall furnish a certified copy of this Order to NDPERS.
23	I.	The Court retains jurisdiction to amend this Order so that it will constitute a qualified
24		domestic relations order under the Plan even though all other matters incident to this action
25		or proceeding have been fully and finally adjudicated. If the System determines at any time

1		that changes in the law, the administ	stration of the Plan, or any other circumstances ma	ake it
2		impossible to calculate the portion of	of a distribution awarded to alternate payee by this	Order
3		and so notifies the parties, either or b	both parties shall immediately petition the Court for	or
4		reformation of the Order.		
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6	SIGNED this	date of	, 20	
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9		JUDGE PRESIDING		
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