

IN THE (NAME OF THE COURT)

[illegible]

**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 SMART Local 265 Pension Plan (“Plan”) 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 Plan with respect to the Participant.

Shared Interest

(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: _____

(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 benefit actually accrued based on hours worked from _____ through _____ based on the form of payment the Participant previously elected. Since the Participant previously retired, the alternate payee will not be entitled to make a form of payment election. Payments to the Alternate Payee shall begin not earlier than the first of the month after the date that the Plan receives the filed QDRO. Each party shall be solely responsible for the payment of any taxes due as a result of the receipt of benefits.

Shared Interest

(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 Plan adopted after the date of the Judgment shall affect the Alternate Payee(s)'s benefits hereunder.

(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 Plan.

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

1. the Plan to provide any type or form of benefit or any option not otherwise provided under the Plan;
2. the Plan 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.

(J) If the Participant dies first, the Alternate Payee's assigned benefit will cease and the Alternate Payee will then receive any death benefits in accordance with the Participant's original form of payment election.

(K) If the Alternate Payee dies first, [his/her] assigned benefit will revert back to the Participant.

Shared Interest

(L) 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.

(M) 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.

JUDGE

DATE

Name and Address for Plaintiff/Petitioner's
Attorney

Name and Address for Defendant/
Respondent's Attorney

APPROVED: SMART Local 265 Pension Plan

BY: _____

TITLE: _____

DATE: _____