

## QUALIFIED DOMESTIC RELATIONS ORDER PROCEDURE

In the case of any Domestic Relations Order (DRO) received by the Plan, its status as a Qualified Domestic Relations Order (QDRO) under the Employee Retirement Income Security Act (ERISA) and the Internal Revenue Code will be determined under the following procedures. The Plan Administrator is responsible for administering the QDRO Procedure. The purpose of the QDRO Procedure is to establish a reasonable and consistent procedure for determining the qualified status of a Domestic Relations Order and for making distributions pursuant to a Domestic Relations Order which qualifies under Internal Revenue Code Section 414(p).

Procedure prior to receipt of order: The Plan will apply the following procedure prior to the Plan's receipt of a Domestic Relations Order.

1. Suspension of Participant distributions or loans. If the Plan Administrator is on notice (verbal or written) regarding a pending domestic relations action (e.g., a divorce) and has a reasonable belief the Participant's account may become subject to a QDRO, the Plan Administrator may suspend processing the Participant's distribution or loan requests pending resolution.
2. Removing hold on the account. After placing a hold on the account, the Plan Administrator should notify the Participant of the hold on the account. In order to remove the hold, the Plan Administrator should request the Participant to provide written confirmation that a court will not issue a QDRO with respect to the account; such as a property settlement agreement awarding the entire account to the Participant.

Procedure after receipt of order: The Plan will apply the following procedure whenever it receives a DRO which purports to be a QDRO.

1. Notice to Participant and to alternate payee. Within a reasonable time period after receipt of a domestic relations order, the Plan Administrator will notify the Participant and any alternate payee of the receipt of the order, and will deliver to the Participant and to each alternate payee a copy of this QDRO Procedure.
2. Notice to Trustee. The Plan Administrator, within a reasonable time period after receipt of a Domestic Relations Order, will notify the Trustee of the receipt of the order. The Plan Administrator also will account separately for the amount of the Participant's benefit which is subject to the order. The Plan Administrator will direct the Trustee to segregate the "QDRO amount" if possible.
3. Review of order. The Plan Administrator will review the order within a reasonable time to determine its qualified status. The Plan Administrator will complete a QDRO DETERMINATION CHECKLIST with respect to each order the Plan receives. In most circumstances, the Plan Administrator will complete

review of the order within 30 days of receipt. After review, the Administrator will determine whether the order is a QDRO.

4. Suspension of distributions and loans. If the Participant is eligible to receive benefits or loans from the Plan at the time of receipt of the order, the Plan Administrator will suspend distributions and loans to the Participant to the extent the Plan Administrator deems necessary to comply with the order should the Plan Administrator determine the order is a QDRO.

5. Determination order is a QDRO. If the Plan Administrator determines the order is a QDRO:

a. The Plan Administrator will notify the Participant and each alternate payee that the order is a QDRO and the Plan will distribute amounts pursuant to the QDRO. The Plan Administrator will notify the Participant and each alternate payee of the decision within ten days of the determination by mailing to each party a copy of the QDRO DETERMINATION CHECKLIST, which will include the Plan Administrator's certification.

b. If the QDRO requires immediate payment, the Plan will pay the designated amounts as soon as administratively feasible. Payment of any amount the order required the Plan to pay during the determination period will include interest from the date the QDRO required the first payment, at the rate of interest determined to be reasonable. The rate of interest payable on a regular savings account is a reasonable rate of interest for this purpose.

c. If the Plan cannot make the distribution within 30 days of the determination of qualified status of the QDRO, the Plan Administrator will advise the parties of the delay, of the reason for the delay and of the date by which the Plan expects to make payment.

d. The Plan Administrator will advise the Participant when the Plan has completed payment to the alternate payee.

e. The Plan will maintain a separate accounting (which may include a segregated account) for each alternate payee until the Plan has completed benefit payments under the QDRO.

f. Each alternate payee is entitled to file with the Plan a beneficiary designation in the same manner as a Participant in the Plan.

6. Determination order is not a QDRO. If the Plan Administrator determines the order is not a QDRO:

a. The Plan Administrator will advise the Participant and each alternate payee of the adverse decision and of the reasons for the adverse decision. The Plan will advise the Participant and each alternate payee of the decision within ten days of the determination by mailing to each party a copy of the QDRO DETERMINATION CHECKLIST, which will include the Plan Administrator's certification of the decision.

b. The Plan Administrator will discontinue separate accounting for the amounts payable under the order. The Plan will pay the benefits to the party entitled to receive the benefits. If the Participant is not entitled to a present distribution of any of the segregated benefits, the Plan will continue to account for the Participant's benefits as if the Plan had not received the order.

c. If the Plan Administrator determines the status of the order within the 18-month period beginning on the date the order would require the first payment, the Plan Administrator may delay distribution of any benefits subject to the order if the Plan Administrator has reason to believe a party will seek to cure the defects in the order. The Plan Administrator will continue to delay distribution during the period the Plan Administrator determines to be necessary to fulfill the Plan Administrator's fiduciary duties under the Plan.

7. Consultation with legal counsel. The Plan Administrator will consult with the Plan's legal counsel in case of questions which arise with respect to the interpretation of any provision of the order or with respect to the qualified status of the order.

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Signature of Plan Administrator

## QDRO DETERMINATION CHECKLIST

The Plan Administrator must complete this checklist to comply with the Plan's QDRO Procedure. Note: The Plan Administrator must determine the qualified status of the order within a reasonable time. If the Plan Administrator does not conclude the determination within 18 months from the time the first payment is due under the order, the order will be effective only prospectively.

### PRELIMINARY DATA

1. Identifying information. The Order concerns:

Participant: \_\_\_\_\_ Soc. Sec No.: \_\_\_\_\_

Participant's address: \_\_\_\_\_

Alternate Payee: \_\_\_\_\_ Soc. Sec. No.: \_\_\_\_\_

Alternate Payee's address: \_\_\_\_\_

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2. Notification. The Plan Administrator has mailed notification of receipt of a Domestic Relations Order, by regular first class mail, as follows. Note: The Plan Administrator must notify the Participant and each alternative payee of receipt of the order, within 10 days of the Plan Administrator's receipt of the order. The Plan Administrator will account separately for the amounts subject to the order within 2 business days after receipt of the order. The Plan Administrator must advise the Trustee of the existence of the order within 2 business days after receipt, so the Trustee does not distribute funds subject to the order.

Date of notification to Participant: \_\_\_\_\_

Date of notification to alternate payee(s): \_\_\_\_\_

Date of notification to Trustee: \_\_\_\_\_

### REVIEW OF ORDER

3. Technical Requirements. The Plan Administrator should complete review of the order within a reasonable time. The order is a Qualified Domestic Relations Order (QDRO) only if the Plan Administrator answers "Yes" to each question in this paragraph 3. If the Plan Administrator answers "No" to any question, check paragraph 6 and state the reason(s) for the answer in paragraph 6.

a. Order. Is the order an order entered pursuant to a state domestic relations law (including a community property law)?

Yes\_\_\_\_\_ No\_\_\_\_\_

b. Domestic relations matter. Does the order relate to providing child support, alimony (maintenance) payments or marital property rights?

Yes\_\_\_\_\_ No\_\_\_\_\_

c. Plan identification. Does the order specify this Plan as the plan subject to the order?

Yes\_\_\_\_\_ No\_\_\_\_\_

d. Alternate payee. Does the order direct payment to the Participant's spouse, former spouse, child or other dependent (the "alternate payee")?

Yes\_\_\_\_\_ No\_\_\_\_\_

e. Identification of Participant. Does the order identify the Participant?

Yes\_\_\_\_\_ No\_\_\_\_\_

f. Identification of alternate payee. Does the order state each alternate payee's name and mailing address?

Yes\_\_\_\_\_ No\_\_\_\_\_

g. Description of benefit. Does the order state the amount or the percentage of the Participant's benefit the Plan must pay to each alternate payee? Note: Answer "Yes" if the order describes the manner in which the Plan may determine the amount or percentage.

Yes\_\_\_\_\_ No\_\_\_\_\_

h. Period of payment. Does the order state the number of payments or the period to which the order applies? Note: A lump-sum payment satisfies this requirement.

Yes\_\_\_\_\_ No\_\_\_\_\_

4. Plan Consistency Requirements. The order is a QDRO only if the Plan Administrator answers "No" to each question in this paragraph 4. If the Plan Administrator answers "Yes" to any question, check paragraph 7 and state the reason(s) for the answer in paragraph 7.

a. Required benefit. Does the order require the Plan to provide a type or a form of benefit or a benefit option the Plan otherwise does not provide? Note: Consult the Plan's QDRO provisions. Payment consistent with the Plan's QDRO provisions or consistent with the Plan's normal distribution provisions is acceptable.

Yes\_\_\_\_\_ No\_\_\_\_\_

b. Amount of benefit. Does the order require the Plan to provide benefits greater than the benefits available to the Participant without the QDRO?

Yes\_\_\_\_\_ No\_\_\_\_\_

c. Prior QDRO. Does the order require payment of benefits which a previous QDRO requires the Plan to pay to another alternate payee? Note: If no prior QDRO is in effect with respect to the Participant, answer "No."

Yes\_\_\_\_\_ No\_\_\_\_\_

5. Determination of Qualified Status. If the Plan Administrator has answered "Yes" to each question in paragraph 3, and has answered "No" to each question in paragraph 4, the order qualifies as a QDRO. If the order qualifies as a QDRO, the Plan Administrator should write "N/A" next to each of paragraphs 6 and 7, and should sign the Plan Administrator's Certification of QDRO in paragraph 8. If the order does NOT qualify as a QDRO, the Plan Administrator should check one or more of paragraphs 6 and 7, should complete the explanation as required, and should sign the Plan Administrator's Certification of Nonqualified Status in paragraph 8. The Plan Administrator should notify the Participant and each alternate payee of the determination by mailing a copy of this QDRO Determination Checklist to each party, complete with the Plan Administrator's Certification. After notification of the Participant and each alternate payee, the Plan Administrator should complete the QDRO procedure.

NOTE: CHECK AND COMPLETE ONLY THOSE OF PARAGRAPHS 6 AND 7 WHICH APPLY IN RESPONSE TO PARAGRAPHS 3 AND 4. IF ANY OF PARAGRAPHS 6 AND 7 DO NOT APPLY, WRITE "N/A" NEXT TO THE NUMBER AND DO NOT COMPLETE THE PARAGRAPH.

\_\_\_\_6. Disqualification--Technical Requirements. The order is not a QDRO because the order does not satisfy one or more of the technical requirements referred to in paragraph 3. The explanation of each "No" answer is the following: \_\_\_\_\_

\_\_\_\_7. Disqualification--Consistency Requirements. The order is not a QDRO because the order does not satisfy one or more of the consistency requirements referred to in paragraph 4. The explanation of each "Yes" answer is the following: \_\_\_\_\_

DETERMINATION OF STATUS

8. Plan Administrator's Certification. Sign the certification paragraph which states the Plan Administrator's determination with respect to the qualified status of the order. COMPLETE ONLY ONE CERTIFICATION.

Plan Administrator's Certification of QDRO

I, the undersigned Plan Administrator, certify the order identified in paragraph 1 is a qualified domestic relations order. The Plan will distribute in accordance with the QDRO.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Plan Administrator

Plan Administrator's Certification of Nonqualified Status

I, the undersigned Plan Administrator, certify the order identified in paragraph 1 is not a qualified domestic relations order. The Plan will pay any amounts segregated in accordance with Code Section 414(p) without regard to the order. If the Participant is not receiving any distribution from the Plan, the Plan Administrator will disregard any separate accounting.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Plan Administrator