

1 [Name of Counsel], [State Bar No.]
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6 Attorney for [Petitioner/Respondent]

7
8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
9

10 In Re the Marriage of:) NO. _____
11 _____,)
12 Petitioner,) STIPULATION FOR QUALIFIED
13 and) DOMESTIC RELATIONS ORDER
14 _____,) AND ORDER THEREON
15 Respondent.)
16)
17 Claimant: THE VENTURA COUNTY)
18 401(k) SHARED SAVINGS PLAN.)
19)

20 WHEREAS, this court has personal jurisdiction over Petitioner, Respondent and
21 Claimant, and jurisdiction over the subject matter of this stipulation and any order
22 entered pursuant hereto;

23 WHEREAS, Petitioner, Respondent, Claimant and the court intend that this Order
24 shall be a Qualified Domestic Relations Order (hereinafter referred to as a "QDRO") as
25 that term is used in the Retirement Equity Act of 1984 (the "Act");

26 WHEREAS, Petitioner and Respondent were married to each other on
27 _____ and separated on _____ ;
28

1 WHEREAS, the parties hereto, including the Claimant, hereby agree and stipulate
2 that the court shall enter the following Order:

3 1. As used in this Order, the following apply:

4 (a) "Participant" refers to (Petitioner/Respondent)

5 _____ (Name of employee), whose last known address is
6 _____, and whose date of birth is
7 _____. Participant shall provide Participant's social security
8 number to Claimant upon request as necessary to administer this Order.

9 (b) "Alternate Payee" refers to (Petitioner/Respondent)

10 _____ (Name of non-employee spouse), whose last known
11 address is _____, and whose date of birth is
12 _____. Alternate Payee shall provide Alternate Payee's social security
13 number to Claimant upon request as necessary to administer this Order.

14 (c) "Plan" refers to "The Ventura County 401(k) Shared Savings Plan,"
15 the Trustee of which is Fidelity Management Trust Company.

16 (d) "Plan Administrator" refers to the Deferred Compensation
17 Committee for the County of Ventura, 800 South Victoria Avenue, Ventura,
18 California 93009.

19 2. The Alternate Payee is the former spouse of the Participant.

20 3. This Order is entered pursuant to California Family Code section 2610.

21 4. CHOOSE ONE OR MODIFY AS DESIRED:

22 [This Order hereby creates and recognizes, as to the Plan described above, the existence
23 of the Alternate Payee's right to \$_____ in said Plan as of
24 _____ (date), together with gains and losses on that amount from that date to
25 date of segregation of Alternate Payee's interest.]

26 OR

27 [This Order hereby creates and recognizes, as to the Plan described above, the existence
28 of the Alternate Payee's right to ____ percent of said Plan as of _____ (date),

1 together with gains and losses on that amount from that date to the date of segregation of
2 Alternate Payee's interest. In the event there is/was an outstanding loan balance as of the
3 valuation date of the award, the value of such outstanding loan balance [shall be] [shall
4 not be] included in (i.e., added to) the account balance for determination of the award to
5 the Alternate Payee.]

6 OR

7 [This Order hereby creates and recognizes, as to the Plan described above, the existence
8 of the Alternate Payee's right to 50 percent of the contributions from date of marriage to
9 date of separation, together with gains and losses, calculated up to the date of segregation
10 of Alternate Payee's interest. In the event there is/was an outstanding loan balance as of
11 the valuation date of the award, the value of such outstanding loan balance [shall be]
12 [shall not be] included in (i.e., added to) the account balance for determination of the
13 award to the Alternate Payee.]

14 5. From and after the date of this Order, with respect to the Alternate Payee's
15 interest in the Plan created and recognized in Paragraph 4 of this Order, said Alternate
16 Payee (or following Alternate Payee's death, Alternate Payee's designated beneficiary)
17 shall have the sole and exclusive right:

18 (a) To direct and manage the investment of Alternate Payee's interest in
19 the Plan, over which the Participant shall have no control;

20 (b) To withdraw Alternate Payee's interest in the Plan from the Plan on
21 or after the earliest retirement age, determined in accordance with section 414(p)(4)(B)
22 of the Internal Revenue Code of 1987, as amended ("Code"), as modified by the last
23 paragraph of this Paragraph 5;

24 (c) To direct the Plan Administrator of the Plan to transfer or roll over
25 the Alternate Payee's interest in said Plan to an Individual Retirement Account
26 established by Alternate Payee for Alternate Payee's benefit (provided, however, that
27 this right is personal to the Alternate Payee and may not be exercised by Alternate
28 Payee's beneficiary);

1 (d) To designate the beneficiary of Alternate Payee's interest in the Plan
2 in the event of Alternate Payee's death without regard to any beneficiary designation
3 made by the Participant with respect to Participant's interest in said Plan; and

4 (e) If the Participant dies prior to the payment to the Alternate Payee of
5 all amounts due Alternate Payee pursuant to this Order, then all amounts held for the
6 Alternate Payee in the Plan shall be paid to Alternate Payee as a survivor death benefit,
7 notwithstanding any other survivor benefits that may be payable to any other beneficiary
8 or the Participant pursuant to Participant's written election, the terms of the Plan, or
9 federal law.

10 6. Pending determination by the Plan Administrator of the Plan as to whether or
11 not this Order is a QDRO, the Participant shall honor such written directions and
12 instructions as Participant may receive from the Alternate Payee as to the matters set
13 forth in subparagraphs 5(a) through 5(e) above with respect to the Alternate Payee's
14 interest in the Plan created and recognized by Paragraph 4 of this Order and shall execute
15 and deliver to the Plan Administrator or other appropriate official of the Plan written
16 instructions to implement the Alternate Payee's written instructions with respect to such
17 matters.

18 7. Nothing contained in this Order shall be construed to require the Plan or Plan
19 Administrator:

20 (a) To provide to the Alternate Payee any type or form of benefit or any
21 option not otherwise available to the Participant under the Plan;

22 (b) To provide to the Alternate Payee increased benefits (determined on
23 the basis of actuarial value) not available to the Participant; or

24 (c) To pay any benefits to the Alternate Payee which are required to be
25 paid to another alternate payee under another order determined by the Plan Administrator
26 to be a QDRO before this Order is determined by the Plan Administrator to be a QDRO.

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1 8. Copies of the Order shall be sent by ordinary mail by Alternate Payee or
2 Alternate Payee's counsel to counsel for the Plan Administrator. The Plan Administrator
3 shall, pursuant to 29 United States Code section 1056(d)(3)(G):

4 (a) Promptly notify the Participant, the Alternate Payee and any other
5 alternate payee of:

6 (i) The receipt of a copy of this Order by the Plan Administrator;

7 and

8 (ii) The Plan's procedure for determining the qualified status of
9 domestic relations orders;

10 (b) Within a reasonable period of time after receipt of a copy of this
11 Order, determine whether this Order is a QDRO and notify the court, the Participant, the
12 Alternate Payee and any other alternate payee of such determination; and

13 (c) Pending the determination of whether or not this Order is a QDRO,
14 segregate in a separate account in the Plan the amounts which would have been payable
15 to the Alternate Payee during such period if this Order had been determined to be a
16 QDRO pursuant to 29 United States Code section 1056(d)(3)(H)(i).

17 9. The one-time determination fee charged by the Plan Administrator for
18 processing this Order, in the amount of \$300, will be allocated 50 percent from the
19 Participant's account and 50 percent from the Alternate Payee's account. The fee will be
20 taken from the investment options in the applicable account(s) according to the plan level
21 fee method in effect as of the date the fee is deducted.

22 10. This Order is intended to be a QDRO made pursuant to the Act, and its
23 provisions shall be administered and interpreted in conformity with the Act. If the Act is
24 amended or the law regarding QDROs is otherwise changed or modified, then the parties
25 hereto shall immediately take such steps as are necessary to amend this Order to comply
26 with any such changes, amendments and/or modifications, or, if permissible under any
27 such change, amendment, or modification to the Act or laws regarding QDROs, the Plan
28 Administrator must elect to treat this Order as a qualifying order.

