

1 Name: \_\_\_\_\_

2 Address: \_\_\_\_\_

3 \_\_\_\_\_

4 Tel: \_\_\_\_\_

5 [Petitioner/Respondent] In Pro Per

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8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA

9

10	In Re the Marriage of:	)	NO. _____
11	_____ ,	)	STIPULATION FOR QUALIFIED
12	Petitioner,	)	DOMESTIC RELATIONS ORDER
13	and	)	AND ORDER THEREON
14	_____ ,	)	
15	Respondent.	)	
16	_____ )	)	
17	Claimant: THE VENTURA COUNTY )	)	
18	SECTION 457 PLAN. )	)	
19	_____ )	)	
20	_____ )	)	

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

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

27 WHEREAS, Petitioner and Respondent were married to each other on  
28 \_\_\_\_\_ and separated on \_\_\_\_\_;



1 together with gains and losses on that amount from that date to the date of segregation of  
2 Alternate Payee's interest.]

3 OR

4 [This Order hereby creates and recognizes, as to the Plan described above, the existence  
5 of the Alternate Payee's right to 50 percent of the contributions from date of marriage to  
6 date of separation, together with gains and losses, calculated up to the date of segregation  
7 of Alternate Payee's interest.]

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

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

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

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

23 (d) To designate the beneficiary of Alternate Payee's interest in the Plan  
24 in the event of Alternate Payee's death without regard to any beneficiary designation  
25 made by the Participant with respect to his/her interest in said Plan; and

26 (e) If the Participant dies prior to the payment to the Alternate Payee of  
27 all amounts due Alternate Payee pursuant to this Order, then all amounts held for the  
28 Alternate Payee in the Plan shall be paid to Alternate Payee as a survivor death benefit,

1 notwithstanding any other survivor benefits that may be payable to any other beneficiary  
2 or the Participant pursuant to Participant's written election, the terms of the Plan, or  
3 federal law.

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

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

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

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

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

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

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

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

27 and

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

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

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

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

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

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11. The court shall retain jurisdiction over this matter to amend this Order in order to establish and/or maintain its qualification as a QDRO under the Act.

It is so stipulated:

Dated: \_\_\_\_\_  
[Sign & Print Name]  
Petitioner

Dated: \_\_\_\_\_  
[Sign & Print Name]  
Respondent

Approved as to form and content:  
LEROY SMITH  
County Counsel, County of Ventura

Dated: \_\_\_\_\_  
JOHN E. POLICH  
Assistant County Counsel  
Attorney for Claimant Ventura County  
Section 457 Plan

**ORDER**

The parties having stipulated thereto and good cause appearing therefor,  
IT IS SO ORDERED.

Dated: \_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT