NORTH CAROLINA                                     IN THE GENERAL COURT OF JUSTICE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                                                    DISTRICT COURT DIVISION

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PLAINTIFF,                                        **STIPULATED QUALIFIED                 DOMESTIC RELATIONS ORDER APPLICABLE TO THE DUKE UNIVERSITY 403(b) PENSION PLAN**

V.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

            DEFENDANT,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WHEREAS, the parties were married to each other on \_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_ and were separated on \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_; and

WHEREAS, the Court has personal jurisdiction over both parties and jurisdiction over the subject matter of this Order; and

WHEREAS, the parties and the Court intend that this Order shall be a Qualified Domestic Relations Order (QDRO) as defined in Section 414(p) of the Internal Revenue Code of 1986, as amended (the Code) and Section 206(d) of the Employee Retirement Income Security Act of 1974, as amended (ERISA); and

            WHEREAS, the parties have stipulated that the Court shall enter the Order;

            NOW IT IS ORDERED AND ADJUDGED AS FOLLOWS:

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

a.   \_\_\_\_œParticipant\_\_\_ shall mean Steven Ament, whose current mailing address is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, North Carolina 27713, who was born on \_\_\_\_\_\_\_\_\_\_\_\_\_\_and whose Social Security number is \_\_\_\_\_\_\_\_\_\_\_.

b.   \_\_\_\_œAlternate Payee\_\_\_ shall mean Denise Ament whose current mailing address is \_\_\_\_\_\_\_\_\_\_\_\_\_, North Carolina 27519, who was born on \_\_\_\_\_\_\_\_\_\_\_ and whose Social Security number is \_\_\_\_\_\_\_\_\_\_.

c.   \_\_\_\_œPlan\_\_\_ shall mean the Duke University 403(b) Pension Plan.

d.   â€œPlan Administrator\_\_\_\_ shall mean \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereafter referred to as the Plan Administrator.

2.   Participant and Alternate Payee were married on \_\_\_\_\_\_\_\_\_\_\_\_ and were separated on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3.   This Order hereby creates and recognizes the existence of the Alternate Payee\_\_\_\_s right to receive all of the benefits payable to the Participant from the Plan as set forth below:

4.   The Alternate Payee is hereby awarded from the Plan as her sole and separate property:

\_\_\_\_\_\_\_\_\_\_\_\_\_ determined as of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, plus investment gains and losses attributable to her interest thereafter through the date of distribution. The remaining balance of the Plan is to be the sole and separate property of the Participant.

If there is a loan balance against the Plan as of the date of distribution, the Participant shall be responsible to reimburse the Plan as a result of the loan, including any and all charges and interest incurred as a result.

The Alternate Payee\_\_\_\_\_s distribution shall be allocated pro rata from among the Participant\_\_\_\_\_s funds in the Plan.

5.   The Alternate Payee\_\_\_\_\_s distribution shall be made in the form of a lump sum payment, which shall be distributed as soon as administratively feasible after the approval of this Order as a QDRO.

6.     The death of the Participant shall have no effect on the payment of the benefit assigned by this Order to Alternate Payee.

7.   The Participant and the Alternate Payee shall each be responsible for his or her own federal, state and local income taxes or other taxes attributable to distributions from the Plan that are received by the Participant and Alternate Payee respectively.

8.   The parties shall cause a copy of this Order to be served on the Plan Administrator for the Plan forthwith. This Order shall remain in effect until further order of this Court or until its terms and obligations have been discharged by the distribution of benefits from the Plan.

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

a.   To provide to Alternate Payee any type or form of benefit or any option not otherwise available to Participant under the plan.

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

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

10. In the event the Plan Administrator of the Plan does not approve this Order, then each party shall cooperate and do all things reasonably necessary to devise a form of order acceptable to the Plan Administrator.

11. The Court retains jurisdiction to enforce, revise, modify, or amend this Order insofar as necessary to establish or maintain its qualification as a QDRO or to amend this Order for other reasons, provided, however, neither this Order nor any subsequent revision, modification, or amendment shall require the Plan to provide any amount of benefits not otherwise provided by the Plan.

IT IS SO ORDERED,

This is the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

District Court Judge Presiding

Consented to by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_, Plaintiff-Alternate Payee

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Defendant-Participant