NORTH CAROLINA                                                   IN THE GENERAL COURT OF JUSTICE

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

     \_\_\_\_\_\_\_ CVD \_\_\_\_\_

\_\_\_\_\_\_\_,            )

Plaintiff,            )                      STIPULATED DOMESTIC RELATIONS ORDER

)                                               APPLICABLE TO THE

v.                     )                                               IBM SAVINGS PLAN

)

\_\_\_\_\_\_\_\_\_\_,            )

Defendant.        )

The Court, having found that it has jurisdiction over the parties and the subject matter of this action, enters the following order dividing Defendant-Participant's account in The IBM Savings Plan ("Plan") pursuant to the parties' Agreement, executed on\_\_\_\_\_\_\_, dividing their marital property pursuant to North Carolina domestic relations law:

1.         This order applies to The IBM Savings Plan, which is an employer-sponsored defined contribution plan offered by the International Business Machines Corporation for its employees that is qualified under section 401 of the Internal Revenue Code ("Code").

2.         The administrator of the plan is Director of Benefits, IBM, Old Orchard Road, Armonk, New York 10504. IBM's representative concerning QDRO administration, for purposes of the Savings Plan, is IBM Savings Plan Center, Attn: Qualified Order Team, P.O. Box 1433, Lincolnshire, IL 60069-1433, fax 847-833-9313 (draft orders).

3.         Defendant-Participant has been employed by IBM, where he earned vested benefits in his Plan account. The party to this action whose account in the Plan is subject to this order is Defendant, hereafter called "Participant," and he is identified (with Participant's last known mailing address) as follows:

\_\_\_\_\_\_\_\_    SS#: \_\_\_\_\_\_\_\_\_\_\_\_\_

[Address]

Cary, NC 27511

Date of Birth:\_\_\_\_\_\_\_\_\_\_

4.         The party to whom payment is to be made under this order, hereafter called "Alternate Payee," is Plaintiff, the alternate payee of Participant's interest in the Plan, and she is identified (with Alternate Payee's last known mailing address) as follows:

\_\_\_\_\_\_\_\_\_\_    SS#: \_\_\_\_\_\_\_\_\_\_\_

[Address]

Raleigh, North Carolina 27617

Date of Birth:\_\_\_\_\_\_\_\_\_\_\_

5.         The Plan Administrator of the IBM Savings is directed to make a lump sum distribution from Participant account in the Plan to a newly established account for the Alternate Payee, for the benefit of Alternate Payee and in her sole name, in the amount of one-hundred percent (100%) of Participant IBM Savings Plan account as of the date of distribution.

It is the parties and the Court intent that Alternate Payee shall initiate the distribution to her of the amount set forth herein in accordance with Plan procedures.

6.         The distribution to Alternate Payee specified herein is made up to the limit of available funds as of the date of distribution and does not alter the Participant's obligation to repay any loans then outstanding. The parties have previously agreed that neither party shall do anything to impair or reduce Defendant right to receive his share of the marital contents of Participant Plan account, as set out in paragraph 5 above, and Defendant right to receive the remaining contents of said Plan account as of the date of division, each party share to be said party sole and separate property.

7.         This order is intended to be a qualified domestic relations order (\_\_\_\_\_\_\_\_\_\_\_\_) under sections 401(a) and 414(p) of the Internal Revenue Code; and, as such, this order shall not require the Plan to provide any increased payments over those otherwise provided for under the provisions of the Plan. If Alternate Payee dies subsequent to the issuance of this order but prior to her receipt of her benefits hereunder, upon qualification the plan is to make the applicable distribution to Alternate Payee's estate. All taxes which may be payable on Plaintiff share of the Savings Plan account as a result of this transfer shall be the sole obligation of Plaintiff. Plaintiff shall indemnify Defendant from all tax liability or loss associated with this transfer.

8.         This Court retains jurisdiction over this matter to amend this order to cause it to meet the definition of a QDRO pursuant to section 414(p)(1)(A) of the Internal Revenue Code, without in any way reducing the benefit to which Plaintiff is entitled hereunder.

9.         Notice of approval of this Order shall be provided to Plaintiff counsel, \_\_\_\_\_\_\_\_,   The \_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ NC 27607, and to Defendant counsel, \_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_, NC 27612.

IT IS SO ORDERED,

This the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_.

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

District Court Judge Presiding

Consented to by:

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

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

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

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