

NOTICE REGARDING SAMPLE QUALIFIED DOMESTIC RELATIONS ORDERS

The Laborers' District Council and Contractors' Pension Fund of Ohio frequently receives requests from domestic relations attorneys and other parties for a sample qualified domestic relations order which, if adopted by the domestic relations court, would be acceptable to the Fund for the purpose of dividing and paying a participant's accrued pension benefit under the Fund.

The appropriate division of a participant's accrued benefits under the Fund in a divorce or in alimony, child support or similar enforcement proceedings may vary substantially from one case to another, depending upon the particular circumstances of the parties. The benefit allocation percentages, pre- and post-retirement death benefit coverage, time of distribution or commencement of benefits, selection and cost of optional forms of benefit payment, designation of beneficiaries, and other matters need to be reviewed and an agreement reached on these items by the parties--or a decision made by the court if agreement cannot be reached by the parties--that conforms to provisions of the divorce decree or similar order or agreement and to the terms of the particular Fund's benefit plan. Accordingly, there is no "standard" form of qualified domestic relations order that is used or suggested by the Fund.

We have, however, provided for your review and possible use two sample qualified domestic relations orders in a format that has previously been accepted by the Fund. The principal differences between these two sample orders are found in sections 7 (relating to the treatment of subsequent increases, cost-of-living adjustments, etc. in the marital portion of the participant's accrued benefit following the divorce) and 10 (relating to the payment of pre- and post-retirement death benefits attributable to that portion of the participant's accrued benefit that has been assigned to the alternate payee) of these orders. Be advised that these sample orders are designed to provide for the pre-retirement division and future payment of a participant's accrued benefits under the Fund. If the participant has already retired under the Fund's pension plan at the time the order is to be approved by the Court and the Fund, a number of appropriate revisions will have to be made in the order to accommodate the particular facts and circumstances in such a case. If you require further assistance in this regard, please contact the Fund office.

We have also provided a copy of the Fund's qualified domestic relations order procedure and check list for your review and possible use.

You are advised that the Fund neither has nor assumes any responsibility for preparing an appropriate qualified domestic relations order for use in a divorce or similar proceeding; that responsibility lies with legal counsel for the parties. Any requests for additional information about the Fund or the benefits thereunder that is necessary to prepare a qualified domestic relations order should be made in writing to the Laborers' District Council and Contractors' Pension Fund of Ohio, ATTN: Denise S. Sikes, Benefits Manager, 800 Hillside Road, Westerville, Ohio 43081.