

AMERICAN FEDERATION OF MUSICIANS AND EMPLOYERS' PENSION FUND  
MODEL QUALIFIED DOMESTIC RELATIONS ORDER  
FOR A PARTICIPANT NOT IN PAY STATUS

[INSERT APPROPRIATE STATE COURT CAPTION AND NAME OF ACTION]

QUALIFIED DOMESTIC RELATIONS ORDER

1. This Order is intended to be a Qualified Domestic Relations Order under section 206(d)(3) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), and section 414(p) of the Internal Revenue Code of 1986, as amended ("Code"), and is issued by this Court pursuant to **[insert state domestic relations law authorizing state court to enter order]**.

2. This Order relates to the American Federation of Musicians and Employers' Pension Plan (the "Plan").

3. The Participant's name, last known mailing address, social security number and date of birth is: **[insert applicable information]**.

4. The Alternate Payee's name, last known mailing address, social security number and date of birth is: **[insert applicable information]**.

5. The Alternate Payee has the following relationship to the Participant: **[insert nature of relationship]**.

6. The Alternate Payee is hereby awarded a portion of the Participant's accrued benefit under the Plan, based on **[insert percentage]** of each contribution credited by the Plan on behalf of the Participant with respect to the Participant's covered employment between **[insert beginning date]** and **[insert end date]**. The Alternate Payee's benefit will be increased to include any post-retirement benefit increases paid to participants and beneficiaries under the Plan, or otherwise adjusted (including by reduction) in the same manner as if the Alternate Payee were a participant.

7. The Alternate Payee is entitled to a benefit from the Plan, based on the contributions awarded under paragraph 6 above and on the Alternate Payee's age on the Pension Effective Date, commencing no earlier than the Participant's earliest retirement age (as defined in section 206(d)(3) of ERISA and section 414(p) of the Code) and no later than the April 1 of the calendar year following the calendar year in which the Participant attains age 70½, subject to the Fund's receipt from the Alternate Payee of a complete application for pension benefits on the form(s) provided by the Fund for such purpose. If the Alternate Payee is younger than age 65 on the Pension Effective Date, the benefit shall be the actuarial equivalent of the benefit attributable to the contributions set forth in paragraph 6 commencing on the date the Alternate Payee reaches normal retirement age under the Plan, determined by the Plan's actuarial factors.

8. The benefits specified in paragraph 7 will be paid, at the election of the Alternate Payee, in any form available under the Plan and elected by the Alternate Payee in the pension application described above, except that benefits may not be paid in the form of a joint and survivor annuity with the Alternate Payee's subsequent spouse as joint annuitant. Notwithstanding the foregoing sentence, if the actuarial equivalent present value of the Alternate Payee's benefits as of the date benefits become payable to him or her (using actuarial factors set forth in the Plan) is \$5,000 or less, those benefits will be paid to the Alternate Payee in a single lump-sum and no further benefits shall be payable pursuant to this Order.

9. If the Alternate Payee dies before benefits commence under this Order, the Alternate Payee's duly designated beneficiary will be entitled to receive the survivor benefits applicable to beneficiaries of unmarried Participants who die before their benefits commence, based on the accrued benefit awarded to the Alternate Payee under paragraph 6 and the Alternate Payee's age on the Date of Death. The Alternate Payee may designate a beneficiary for this benefit by filing

with the Plan a form provided by the Plan for this purpose in accordance with the terms of the Plan. If there is no duly designated beneficiary living at the time of the Alternate Payee's death, the survivor benefit applicable to beneficiaries of unmarried Participants who die before their benefits commence will be forfeited.

10. If the Alternate Payee dies after benefits commence under this Order, survivor benefits, if any, will be payable in accordance with the form of benefit the Alternate Payee has selected.

11. The Alternate Payee's right to receive the accrued benefit under the Plan to which he or she is assigned under this Order will not be affected by the Participant's death.

12. The Participant may designate a beneficiary on a form provided by the Plan for benefits other than those benefits awarded to the Alternate Payee under paragraph 6. If the Participant currently has a beneficiary designation on file with the Plan, that designation shall remain in effect until the Participant files a new beneficiary designation with the Plan. The effectiveness of any beneficiary designation may be affected by the Participant's remarriage. The Alternate Payee shall not be treated as the Participant's surviving spouse for any post-retirement survivor benefit. The Alternate Payee shall not be entitled to any pre-retirement survivor benefit unless he or she is so designated on the Participant's beneficiary designation form filed with the Plan.

13. Nothing in this Order may require the Plan to: (i) provide any type or form of benefit or option not provided under the Plan, (ii) provide increased benefits (determined on the basis of actuarial value), or (iii) pay benefits to the Alternate Payee that are required to be paid to another alternate payee under another order previously determined to be a Qualified Domestic Relations Order.

14. Payment of benefits to the Alternate Payee will be governed by the terms of the Plan, which shall control in the event of any inconsistency between this Order and the Plan.

15. Notwithstanding any other provision of this Order, benefits will be payable to the Alternate Payee under this Order only if the Participant earns sufficient vesting service to be entitled to benefits from the Plan.

16. The Court retains jurisdiction over this Order to establish or maintain its status as a Qualified Domestic Relations Order.

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDGE