MODEL DOMESTIC RELATIONS ORDER
The Teachers' and State Employees' Retirement System

| STATE OF NORTH CAROLINA | IN THE GENERAL COURT OF JUSTICE DISTRICT COURT DIVISION |
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| COUNTY OF | CVD |
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| |) |
| Plaintiff, v. |) |
| V. |) DOMESTIC RELATIONS ORDER |
| , |) (Teachers' and State Employees') Retirement System) |
| Defendant. |) |
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| District Court Judge presiding, in the Carolina; AND IT APPEARING to the entered in this action [OR: that the particular Relations Order] concerning distributions. | for hearing before the Honorable, the civil District Court for County, North The Court that an equitable distribution judgment has been parties have agreed to the entry of a Consent Domestic attion of plaintiff's/defendant's interest in benefits payable these Retirement System of North Carolina; |
| NOW, THEN, the Court mal | kes the following: |
| | FINDINGS OF FACT |
| <u> •</u> | formerly husband and wife, having married on d on, and are now divorced. |
| and a judgment dividing said proper agreed to the entry of a Consent I | ng an equitable distribution of the parties' marital property ty has been entered by the Court [OR: That parties have Domestic Relations Order regarding the division of ing marital property] pursuant to G.S. 50-20. |
| (redacted) Social Security number x Employees' Retirement System of N | ne parties' separation, plaintiff/defendant, [name], xxx-xx, was a member of the Teachers' and State North Carolina (hereinafter "the Retirement System"). |

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| 4. This Order recognizes <u>plaintiff's/defendant's</u> (hereinafter "the non-member exspouse") marital interest in the benefits payable by the Retirement System to <u>plaintiff/</u> <u>defendant</u> (hereinafter "the member"). The marital interest of the non-member ex-spouse in the member's benefits payable by the Retirement System shall be calculated as follows: |
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| fifty per cent (50%) [or per cent (%)] of the amount determined by multiplying the member's total benefit by a fraction, the numerator of which shall be the total months of creditable service earned during the marriage, including creditable service purchased during the marriage, and the denominator of which shall be the member's total number of months of creditable service at the time of retirement or of a withdrawal of accumulated contributions. |
| OR |
| fifty per cent (50%) [or per cent (%)] of the member's total monthly benefit. |
| OR |
| \$ per month of the member's total monthly benefit. |
| 5. The formula set forth in Finding of Fact 4 shall be applied to all retirement benefits payable to the member or to https://doi.org/10.10/ designated survivor(s) under any option contained in G.S. 135-5(g). Should a return of contributions become payable pursuant to G.S. 135-5(f), the non-member ex-spouse shall be paid 50% [or |
| WHEREFORE, based upon the foregoing Findings of Fact, the Court concludes as a matter of law that the non-member ex-spouse is entitled to the entry of an Order directing the distribution, in the manner set forth, to him/her of hit of <a <u="" href="https://distribution.</td></tr><tr><td>IT IS THEREFORE ADJUDGED, ORDERED, AND DECREED:</td></tr><tr><td>1. The term " member"="" refers="" to="">plaintiff/defendant herein, and the term "non-member ex-spouse" refers to <u>plaintiff/defendant</u> herein. |
| 2. That the name, last known mailing address, redacted social security number (xxx- xx-), and date of birth of the member are: |

| 3. | That the name, last known mailing address, redacted social security nur | mber (xxx- xx |
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| | , and date of birth of the non-member ex-spouse are: | |
| | | |

- 4. That the name and mailing address of the Retirement System to which this Order is directed are: The Teachers' and State Employees' Retirement System of North Carolina, Retirement Systems Division, Department of State Treasurer, 3200 Atlantic Ave., Raleigh, North Carolina, 27604.
- 5. The Retirement System shall distribute to the non-member ex-spouse <u>his/her</u> marital share of the member's benefits payable by the Retirement System, calculated pursuant to the provisions of <u>Findings of Fact 4 and 5</u> of this order. In the event that a return of accumulated contributions becomes payable pursuant to G.S. 135-5(f) or G.S. 135-5(g1), then the Retirement System shall distribute to the non-member ex-spouse <u>his/her</u> marital share of such a return of accumulated contributions, calculated pursuant to the provisions of <u>Finding of Fact 5</u> of this order.
- 6. The non-member ex-spouse shall receive <u>his/her</u> share of the member's retirement benefits at such time and in such payment form as said benefits are paid to the member.
- 7. In the event that the non-member ex-spouse predeceases the member or the member's designated survivor for a retirement benefit, if any, the non-member ex-spouse's marital share of the member's retirement benefits shall revert to the member.
- 8. In the event that the Retirement System inadvertently pays to the member any benefits that are awarded to the non-member ex-spouse pursuant to the terms of this Order, the member shall immediately reimburse the non-member to the extent that he/she has received such benefit payments and shall forthwith pay such amounts so received directly to the non-member within ten (10) days of receipt of such notice of overpayments. In the event that the Retirement System inadvertently pays to the non-member ex-spouse any benefits that are awarded to the member pursuant to the terms of this Order, the non-member ex-spouse shall immediately reimburse the member to the extent that he/she has received such benefit payments and shall forthwith pay such amounts so received directly to the member within ten (10) days of receipt of such notice of overpayments.
- 9. Nothing in this Order shall be construed to require the Retirement System to provide to the non-member ex-spouse any type or form of benefit or any option not otherwise available to the member.

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- 10. This Order shall not apply to any Special Retirement Allowance which may become payable pursuant to G.S. 135-5(m1) or (m2) by virtue of a transfer of funds from the member's account with the Supplemental Retirement Income Plan (NC 401(k) Plan) or the Public Employee Deferred Compensation Plan (NC 457 Plan). [Note: If the parties intend for the Order to apply to the Special Retirement Allowance, then the Order must specifically and affirmatively so provide.]
- 11. A copy of this Order shall be served upon the Administrator of the Teachers' and State Employees' Retirement System of North Carolina, and the Administrator shall determine, within a reasonable period, whether this Order can be administered by the Retirement System. This Order shall take effect immediately and shall remain in effect until further orders of this Court. Until this Order is accepted by the Retirement System, this Court retains jurisdiction to modify this Order as may be required or necessary.

| This the | day of | , 20 | |
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| | | District Court Judge Presiding | |