

MODEL DOMESTIC RELATIONS ORDER  
Firefighters' and Rescue Squad Workers' Pension Fund

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE  
DISTRICT COURT DIVISION

COUNTY OF \_\_\_\_\_

\_\_\_ CVD \_\_\_\_\_

\_\_\_\_\_, )  
Plaintiff, )  
 )  
v. )  
 )  
\_\_\_\_\_, )  
Defendant. )

DOMESTIC RELATIONS ORDER  
(Firefighters' and Rescue Squad  
Workers' Pension Fund)

THIS MATTER coming on for hearing before the Honorable \_\_\_\_\_, District Court Judge presiding, in the civil District Court for \_\_\_\_\_ County, North Carolina;

AND IT APPEARING to the Court that an equitable distribution judgment has been entered in this action [OR: that the parties have agreed to the entry of a Consent Domestic Relations Order] concerning distribution of **plaintiff's/defendant's** interest in benefits payable by the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund;

NOW, THEN, the Court makes the following:

FINDINGS OF FACT

1. That the parties were formerly husband and wife, having married on \_\_\_\_\_, separated on \_\_\_\_\_, and are now divorced.
2. That an action seeking an equitable distribution of the parties' marital property and a judgment dividing said property has been entered by the Court [**OR: That parties have agreed to the entry of a Consent Domestic Relations Order regarding the division of benefits in a pension plan containing marital property**] pursuant to G.S. 50-20.
3. That at the time of the parties' separation, **plaintiff/defendant, [name]** , (redacted) Social Security number **xxx-xx-\_\_**, was a member of the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund (hereinafter "the Pension Fund"). **His/Her** last known address is \_\_\_\_\_. **His/Her** last known address is \_\_\_\_\_. **His/Her** date of birth is \_\_\_\_\_.

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4. This Order recognizes **plaintiff's/defendant's** (hereinafter "the non-member ex-spouse") marital interest in the benefits payable by the Pension Fund to **plaintiff/ defendant** (hereinafter "the member"). The marital interest of the non-member ex-spouse in the member's benefits payable by the Pension Fund shall be calculated as follows: 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 fully credited service earn

**OR**

4. This Order recognizes **plaintiff's/defendant's** (hereinafter "the non-member ex-spouse") marital interest in the benefits payable by the Pension Fund to **plaintiff/ defendant** (hereinafter the member). The marital interest of the non-member ex-spouse in the member's benefits payable by the Pension Fund shall be calculated as follows: fifty per cent (50%) [or \_\_\_\_\_ per cent (\_\_\_\_ %)] [or, \$ \_\_\_\_\_ ] of each monthly benefit payment, commencing as of the member's actual retirement date.

5. The formula set forth in Finding of Fact 4 shall be applied to all retirement benefits payable to the member. Should a return of contributions become payable pursuant to G.S. 58-86-60, the non-member ex-spouse shall be paid 50% [or \_\_\_\_\_ %] of the member's contributions as of the date of separation.

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 his/her marital share of a portion of all benefits payable by the Retirement System to the member.

IT IS THEREFORE ADJUDGED, ORDERED, AND DECREED:

1. The term "member" refers to **plaintiff/defendant** herein, and the term "non-member ex-spouse" refers to **plaintiff/defendant** 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 number (xxx-xx-\_\_\_\_), 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 North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, Retirement Systems Division, Department of State Treasurer, 325 North Salisbury Street, Raleigh, North Carolina, 27603-1385.

5. The Pension Fund shall distribute to the non-member ex-spouse his/her marital share of the member's benefits payable by the Pension Fund, calculated pursuant to the provisions of Finding of

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Fact 4 of this order. In the event that a return of contributions becomes payable pursuant to G.S. 58-86-60, then the Pension Fund shall distribute to the non-member ex-spouse his/her marital share of such a return of accumulated contributions, calculated pursuant to the provisions of Finding of Fact 5 of this order.

6. The non-member ex-spouse shall receive **his/her** 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 Pension Fund 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 Pension Fund 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 non-member within ten (10) days of receipt of such notice of overpayments.

9. Nothing in this Order shall be construed to require the Pension Fund to provide to the non-member ex-spouse any type or form of benefit or any option not otherwise available to the member.

10. A copy of this Order shall be served upon the Administrator of the North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, and the Administrator shall determine, within a reasonable period of time, whether this Order can be administered by the Pension Fund. This Order shall take effect immediately and shall remain in effect until further orders of this Court. Until this Order is accepted by the Pension Fund, 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