

STATE OF NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
___ CVD _____

_____,)
Plaintiff,)
)
v.)
)
_____,)
Defendant.)

DOMESTIC RELATIONS ORDER
(Consolidated Judicial
Retirement System)

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: the parties have agreed to the entry of this Consent Domestic
Relations Order] concerning distribution of **plaintiff's/defendant's** interest in benefits payable
by the Consolidated Judicial Retirement System of North Carolina;

NOW, THEN, the Court makes the following:

FINDINGS OF FACT

1. That the parties were formerly husband and wife, having married on **[date]**,
separated on **[date]** and are now divorced.
2. That an action seeking an equitable distribution of the parties' marital property
was filed, and a judgment dividing said property has been entered by the Court [OR: That the
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]**,
social security number xxx-xx-____, was a member of the Consolidated Judicial Retirement
System of North Carolina (hereinafter "the Retirement System").
4. This Order recognizes **plaintiff's/defendant's** (hereinafter "the non-member ex-
spouse") marital interest in the benefits payable by the Retirement System to **plaintiff/**
defendant (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: 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 **his/her** designated survivor(s) under any option contained in G.S. 135-5(g), should the member choose such an option pursuant to G.S. 135-61, or to any survivor benefit or return of accumulated contributions payable pursuant to G.S. 135-63 or 64. Should a return of contributions become payable pursuant to G.S. 135-63, then the non-member ex-spouse shall be paid 50% [or _____%] of the member's accumulated contributions earned during the marriage, plus accrued interest payable as applicable.

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 Consolidated Judicial 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 a portion of the member's benefits payable by the Retirement System, calculated pursuant to the provisions of **Findings of Fact 4 and 5** of this order. In the event that a return of accumulated contributions becomes payable pursuant to G.S. 135-63 or G.S. 135-5(g1), the Retirement System 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. 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.

9. A copy of this Order shall be served upon the Administrator of the Consolidated Judicial Retirement System of North Carolina, and the Administrator shall determine, within a reasonable period of time, 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__.

District Court Judge Presiding