

**STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE FAMILY COURT OF THE 10TH JUDICIAL CIRCUIT**

Susan G. Smith,
Plaintiff,

vs.

John N. Smith,
Defendant.

Case No. FM-4567

QUALIFIED DOMESTIC RELATIONS ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

- 1. Effect of This Order as a Qualified Domestic Relations Order:** This Order creates and recognizes the existence of an Alternate Payee's right to receive a portion of the Participant's benefits payable under an employer-sponsored defined benefit pension plan that is qualified under Section 401 of the Internal Revenue Code ("Code") and the Employee Retirement Income Security Act of 1974 ("ERISA"). It is intended to constitute a Qualified Domestic Relations Order ("QDRO") under Section 414 (p) of the Code, Section 206(d)(3) of ERISA and the Retirement Equity Act of 1984, P.L. 98-607.
- 2. Parties:** The parties were married, and a divorce action is in this Court at the above number, and this Court has personal jurisdiction over the parties. The parties were married on January 1, 1937 and divorced on January 1, 1982.
- 3. Participant Information:** The name, last known address, social security number, and date of birth of the "Participant" are:
Name: Samuel G. Brown ("Participant")
Address: 300 Palm Road, Suite C, Denville, New Jersey 07834
Social Security Number: See Confidential Information Form
Birth Date: See Confidential Information Form
- 4. Alternate Payee Information:** The name, last known address, social security number, and date of birth of the "Alternate Payee" are:
Name: John N. Smith ("Alternate Payee")
Address: 69 Long Cove Drive, Harrisburg, PA 17177
Social Security Number: See Confidential Information Form
Birth Date: See Confidential Information Form
Relationship to Participant: Former Spouse

The Alternate Payee, who is the former spouse of the Participant, shall have the duty to notify the Plan Administrator in writing of any changes in Alternate Payee's mailing address subsequent to the entry of this Order.

- 5. Plan Name:** The name of the Plan to which this Order applies is the New York State Deferred Compensation Plan (hereinafter referred to as "Plan"). Further, any successor plan to the Plan or any other plan(s), to which liability for provision of the Participant's benefits described below

is transferred, whether via amendment, merger, or adoption by a successor employer, shall also be subject to the terms of this Order. Also, any benefits accrued by the Participant under a predecessor plan of the employer or any other defined benefit plan sponsored by the Participant's employer, where liability for benefits accrued under such predecessor plan or other defined benefit plan has been transferred to the Plan, whether via amendment, merger, or adoption by the employer, shall also be subject to the terms of this Order.

Further, the rights of the Alternate Payee under this QDRO shall be protected in the event of a plan amendment, a plan merger, or a change in the name or sponsor of the Plan to the same extent that the rights of the Participant or plan beneficiaries in general are protected with respect to the benefits accrued as of the date of such amendment, merger, or change in the name or sponsor of the Plan.

6. **Pursuant to State Domestic Relations Law:** This Order is entered pursuant to the authority granted in the applicable domestic relations laws of the State of South Carolina.
7. **For Provisions of Marital Property Rights:** This Order relates to the provision of marital property rights to the Alternate Payee as a result of the Decree of Divorce between the Participant and the Alternate Payee issued on January 1, 1982.
8. **Amount of Alternate Payee's Benefit:** This Order assigns to the Alternate Payee Fifty Percent (50.00 %) of the Participant's Accrued Benefit under the Plan as of January 1, 1982, and as may be further adjusted by any early commencement reduction factors or actuarial equivalency adjustments as set forth herein.

Notwithstanding the language set forth above in this Section 8, and subject to the provisions of Section 9, in the event that the Alternate Payee becomes entitled to a Qualified Pre-Retirement Survivor Annuity under Section 12 of this Order, then the Alternate Payee's right to a share of the Participant's benefits allotted for under this Section 8 shall be terminated as of the date of such Participant's death, and such pre-retirement survivor annuity shall become payable to the Alternate Payee in lieu of any other benefits to which the Alternate Payee may be entitled under the terms of this Order.

9. Early Retirement Subsidy and Supplements

Early Retirement Subsidy: The Alternate Payee shall be entitled to a proportionate share of any employer-provided early retirement subsidy provided to the Participant on the date of the Participant's retirement. Such proportionate share shall be calculated based on the ratio of the Alternate Payee's assigned portion of the Participant's accrued benefit as calculated pursuant to Section 8 (but before the application of any actuarial or plan reductions for early commencement), divided by the Participant's total accrued benefit calculated as of the Participant's benefit commencement date. This ratio would then be multiplied by the Participant's total Early Retirement Subsidy in order to determine how much of the Early Retirement Subsidy is payable to the Alternate Payee.

If the Alternate Payee has already commenced benefits on an unsubsidized basis as of the Participant's date of early retirement, then the amounts payable to the Alternate Payee shall be recalculated and increased in accordance with the plan Administrator's actuarial practices in order to provide the Alternate Payee with a proportionate share of the early retirement subsidy.

Early Retirement Supplements: This Early Retirement Supplement clause shall only apply if the Plan provides for such payments to eligible retirees. The Alternate Payee shall be entitled to a proportionate share of any early retirement supplements, interim supplements or temporary benefits payable to the Participant. Such proportionate share shall be calculated based on the ratio of the Alternate Payee's assigned portion of the Participant's accrued benefit as calculated pursuant to Section 8 (but before the application of any actuarial or plan reductions for early commencement),