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## SAMPLE SETTLEMENT AGREEMENT LANGUAGE FOR A TRADITIONAL DEFINED BENEFIT PLAN UTILITIZING A SEPARATE INTEREST APPROACH FOR AN EMPLOYED PARTICIPANT

### Retirement Benefits of Plaintiff

Plaintiff is a Participant under the [Insert Exact Name of Plan] (hereinafter referred to as Plan). Through a Qualified Domestic Relations Order “QDRO”, Defendant is hereby granted a portion of the Plaintiff’s retirement benefits under the Plan as specified below.

**Payment Approach:** The QDRO shall utilize the Separate Interest Approach where the Defendant’s share of the benefits are actuarially adjusted to Defendant’s life expectancy.

**Amount of Defendant’s Benefit:** The Defendant will be assigned an amount equal to [Insert % Amount] Percent of the Plaintiff’s Accrued Benefit accumulated under the Plan as of [insert the Marriage End Date], and as may be further adjusted by any early commencement reduction factors or actuarial equivalency adjustments.

**Early Retirement Subsidy:** The Defendant SHALL [insert either ALSO or NOT] be entitled to a proportionate share of any Early Retirement Subsidy provided to the Plaintiff on the date of the Plaintiff's retirement.

**Early Retirement Supplements:** The Defendant SHALL [insert either ALSO or NOT] be entitled to a proportionate share of any Early Retirement Supplements provided to the Plaintiff on the date of the Plaintiff's retirement.

**Cost of Living Adjustments:** The Defendant SHALL [insert either ALSO or NOT] receive a proportionate share of any Post-retirement Cost-of-living Adjustments or other economic improvements received by the Plaintiff on or after the Plaintiff's date of retirement.

**Death of Plaintiff:** If the Plaintiff dies before the Defendant starts receiving benefits, the Defendant [insert either SHALL or SHALL NOT] receive a Qualified Pre-retirement Survivor Annuity in the amount of Defendant's award.

**Death of Defendant:** If the Defendant dies before the Plaintiff starts receiving benefits, the Defendant award shall become payable to the Defendant's designated beneficiary (or estate).

**Death of Defendant:** If the Defendant dies before the Plaintiff starts receiving benefits, the Defendant's award shall revert to the Plaintiff.

**Processing The Qualified Domestic Relations Order:** Defendant's Attorney will be responsible of preparing, submitting and overseeing the approval of the QDRO until its final acceptance by the plan administrator as a QDRO. It is understood that Defendant's Attorney may employ a QDRO drafting company to assist in the preparation and submission of the Order to the plan administrator for approval as a QDRO.