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SAMPLE ABRIDGED VERSION OF FEDERAL EMPLOYEES RETIREMENT SYSTEM SETTLEMENT AGREEMENT LANGUAGE FOR A COURT ORDER ACCEPTABLE FOR PROCESSING

Retirement Benefits of Plaintiff

Plaintiff is a Participant under the Federal Employees Retirement System (FERS) (hereinafter referred to as Plan). Through a Court Order Acceptable for Processing "COAP", Defendant is hereby granted a portion of the Plaintiff's retirement benefits under the Plan as specified below.

Amount of Defendant's Benefit: The Defendant will be assigned an amount equal to [Insert % Amount] Percent of the of the Marital Portion of the Plaintiff's [Insert Self-Only, Gross or Net] Monthly Annuity (including any military benefits payable by the Office of Personnel Management) determined as of the Plaintiff's Date of Retirement. For purposes of calculating Defendant's share of Plaintiff's benefit, the Marital Portion shall be determined by multiplying the Plaintiff's [Insert Self-Only, Gross or Net] Monthly Annuity by a fraction, the numerator of which is the total number of months of Creditable Service earned under the FERS during the marriage from [Insert the Marriage Date] to [Insert Marriage End Date] and the denominator of which is the total number of months of the Plaintiff's Creditable Service accrued under the Federal Employees Retirement System. The numerator and denominator shall include, as applicable, any military service credits incorporated into the Plaintiff's FERS Annuity. Further, any salary adjustments that occur after [Insert Marriage End Date] [Insert shall be or shall not be] incorporated into the calculation of Defendant's share of the Plaintiff's Annuity.

Cost of Living Adjustments: The Defendant [Insert Will or Will Not] receive a pro-rata share of any Post-retirement Cost of Living Adjustments.

Death of Defendant BEFORE Plaintiff: In the event that Defendant dies before Plaintiff, the Defendant's share of Plaintiff's Federal Employees Retirement benefits shall be immediately and fully restored to the Plaintiff.

Refund of Contributions: If the Plaintiff leaves Federal service before retirement and applies for a refund of employee contributions the Office of Personnel Management shall be directed to refund contributions with the Defendant receiving a pro-rata share.

Death of Plaintiff: If the Plaintiff dies before the Defendant, the Defendant shall be awarded the Maximum possible Former Spouse Survivor Annuity under the Federal Employees Retirement System.

Cost of Former Spouse Survivor Annuity: Both the Plaintiff's annuity and the Defendant's share of the Plaintiff's annuity will be reduced, in equal shares, by the amount of the costs associated with providing the Former Spouse Survivor Annuity.

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