



SAMPLE SETTLEMENT AGREEMENT LANGUAGE FOR AN INDIVIDUAL RETIREMENT ACCOUNT (IRA)

Retirement Benefits of Plaintiff

Plaintiff's IRA to which the Qualified Domestic Relations Order "QDRO" will apply is [Insert Exact Name of IRA] (hereinafter referred to as IRA). Through a QDRO, Defendant is hereby granted a portion of the Plaintiff's retirement benefits under the IRA as specified below.

Amount of Defendant's Benefit: The Defendant will be assigned an amount equal to [Insert % Amount] Percent of the Plaintiff's Total Account Balance accumulated under the Plan equal to [(a) MINUS (b)] below, where

(a) equals the Plaintiff's Total Account Balance accumulated under the Plan as of [Insert the Date the Marriage Ended];

(b) equals the Plaintiff's Total Account Balance accumulated under the Plan as of [Insert the Date of Marriage] (or the closest Plan valuation date thereto), and INCLUDING any and all investment earnings/losses that are attributable to such "pre-marital" account balance which have accrued during the marriage from [Insert the Date of Marriage] to [Insert the Date the Marriage Ended].

Investment Earnings: The Defendant's assigned share of the benefits as set forth above SHALL [insert either ALSO or NOT] bear any interest and investment earnings or losses attributable thereon for periods subsequent to the [insert the Marriage End Date, Specific Date or the Date the Order is approved as a Qualified Domestic Relations Order by the IRA Administrator] "Assignment Date," until the date the IRA Administrator actually establishes a separate account(s) for the Defendant (the "Segregation Date").

Allocation of Award: Defendant's award shall be allocated on a "pro-rata" basis from all of Plaintiff's different accounts and investment funds.

Death of Plaintiff: If the Plaintiff dies prior to the transfer of funds, the Defendant will be treated as the Plaintiff's beneficiary to the extent of Defendant's assigned interest.

Death of Defendant: If the Defendant dies before the award is segregated into a separate account, the award shall devolve to Defendant's designated beneficiaries or estate.

Restrictions on Withdrawals: Until the Defendant receives the award from Plaintiff's IRA, the Plaintiff will not be permitted to receive any distributions from the IRA.

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 IRA 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 IRA administrator for approval as a QDRO.