

Sample paragraphs for division of a Minnesota Deferred Compensation Plan (MNDCP) 457(b) account. These paragraphs can be incorporated into a Judgement and Decree for marital dissolution. A separate domestic relations order is not required. Please submit a draft for review prior to filing it with the court.

### Identifying Information

- A. The name of the participant in the Minnesota Deferred Compensation Plan (MNDCP) is \_\_\_\_\_ with a current address of \_\_\_\_\_ and date of birth \_\_\_\_\_.
- B. The name of the alternate payee is \_\_\_\_\_ with a current address of \_\_\_\_\_ and date of birth \_\_\_\_\_.
- C. Both parties hereby agree to notify the Minnesota State Retirement System (MSRS), the Administrator of MNDCP, at 60 Empire Drive, Suite 300, St. Paul, MN 55103-300 of any change of address.

### Plan affected by the Order

This order applies to the Participant's Minnesota Deferred Compensation 457(b) Plan (MNDCP), administered by the Minnesota State Retirement System.

### Domestic Relations Order

This order creates and recognizes the existence of an Alternate Payee's right to receive a portion of the Participant's benefit in a defined contribution plan under Section 457(b) of the IRS Code. This DRO is entered pursuant to the applicable domestic relations laws of the State of Minnesota. The court will continue to retain jurisdiction over this matter.

### Sample Language Available

This order assigns to the Alternate Payee an amount equal to:  
**(Use only one of the following)**

Option 1: \_\_\_\_\_% of the participant's total MNDCP account balance as of \_\_\_\_\_.\*  
(date)

Option 2: \$ \_\_\_\_\_ of the participant's total MNDCP account balance as of \_\_\_\_\_.\*  
(date)

\* The Participant's total MNDCP "Account Balance" shall include all amounts, including any contributions or forfeitures that occur after the date of division, that are attributable to periods prior to the date specified above. The order must specify a date after June 30, 2009.

The alternate payee shall have full control over the investment allocation of their account, once established.

A separate account in the name of the alternate payee shall be established. The amount of percentage specified above shall initially be transferred and deposited into the alternate payee's account using the same investment option percentages as the participant's account. Any interest or investment gains or losses from the date of division to the date of transfer shall be pro-rated between the two parties.

### Withdrawal of Funds

The alternate payee may elect any options available under the MNDCP 457(b) plan for withdrawal or transfer of funds once the final order has been submitted and approved by the MNDCP, with the exception of a joint and survivor payment. The alternate payee shall be responsible for any applicable withdrawal charges and any applicable taxes on distributions from the alternate payee's account.

### Beneficiary Designation

The alternate payee may designate a beneficiary of their account and may change this designation at any time. If no beneficiary designation is made, all proceeds shall be paid to the alternate payee's estate.

### Savings Clause

This order shall not require the plan to provide any amount greater than otherwise payable or any type of benefit not available under the plan. It shall not assign any benefits previously required to be paid to another alternate payee, nor shall it require any payment or option inconsistent with any Federal or State law, rule, regulation or judicial decision.

### Responsibility in the Event of an Error

In the event that the MNDCP pays to one party any benefit that is assigned to the other party, the party receiving the errant payment shall reimburse the other party within ten days of receipt of the errant payment.

### Notice and Other Requirements

Please submit a draft order to MSRS for review prior to filing and provide us with the Social Security number of each party.

MSRS shall be furnished with a copy of this order once it has been filed with the court.