

IN THE CIRCUIT COURT OF _____ COUNTY, MISSOURI

In re the Marriage of:)
)
_____ and) Case No. _____
)
_____)

MISSOURI DEPARTMENT OF TRANSPORTATION AND
HIGHWAY PATROL EMPLOYEES' RETIREMENT SYSTEM
DIVISION OF BENEFITS ORDER

Whereas, an action for dissolution of marriage is pending between the parties herein, or a decree of a court of competent jurisdiction has been entered dissolving the marriage of the parties herein, and

Whereas, _____(Petitioner/Respondent) has accumulated vested pension benefits in a retirement plan administered by the Missouri Department of Transportation and Highway Patrol Employees' Retirement System (hereinafter "MPERS"), and

Whereas, the parties acknowledge and agree that a portion of _____ (Petitioner's/Respondent's) entitlement to pension benefits accrued and was accumulated during the marriage and constitutes marital property subject to division by a court of competent jurisdiction under the terms of the retirement plan, and

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. Definitions. For the purpose of this Order, the following definitions shall apply:
 - a. The term "member" means the party with vested pension benefits in a retirement plan administered by MPERS, namely _____.
 - b. The term "alternate payee" means the party who by virtue of this order will receive a portion of the member's vested pension benefits in a retirement plan, namely _____.
 - c. The term "retirement plan" means a retirement plan administered by the Missouri Department of Transportation and Highway Patrol Employees' Retirement System.

2. The following provisions apply to the division of pension benefits provided herein:

a. Member name: _____

Last known mailing address: _____

Date of Birth: _____

Social Security Number (*last 4 digits only*): xxx-xx-_____

b. Alternate Payee name: _____

Last known mailing address: _____

Date of Birth: _____

Social Security Number (*last 4 digits only*): xxx-xx-_____

c. The retirement plan to which this Order applies along with the address of MPERS executive director is:

Executive Director
Missouri Department of Transportation and
Highway Patrol Employees' Retirement System
P.O. Box 1930
Jefferson City, MO 65102-1930

d. The executive director of the system shall pay directly to the alternate payee ____% (not to exceed 50%) of the monthly benefit accrued during the marriage, otherwise payable to the member under the aforementioned plan. The date of marriage was _____. The date of dissolution is _____. Any pension benefit increases after the date of dissolution attributable to formula increases, increased average compensation, additional years of service, or any other type of pension benefit increase, except annual cost of living increases, shall inure solely to the benefit of the member. Annual cost of living increases will be applied to the amount received by the alternate payee in accordance with the applicable

retirement plan. Except for annual cost-of-living increases, the alternate payee's right to benefits shall be fixed in an amount as of the date of this court order, unless another court affecting both parties specifically modifies this Order. If the member elects an early retirement, payments to the member and the alternate payee spouse shall be adjusted proportionately in accordance with the applicable retirement plan.

- e. Payments to the alternate payee shall commence at the same time as to the member, and payments to the former spouse shall be made from the applicable plan at the same time and under the same conditions as payments of the balance of the benefits to the member. The right of the alternate payee to receive benefit payments under this Order shall cease at his or her death or the death of the member.
- f. The right of the alternate payee to receive benefit payments under this Order may not be assigned and is not subject to legal process.

3. This Order:

- a. Does not require the system to provide any type of benefit or any option not otherwise provided under the applicable retirement plan; and
- b. Does not require the system to provide an annuity amount to the member and alternate payee which in total exceeds the amount which would be payable without regard to this order, and
- c. Does not require the payment of benefits to the alternate payee which are required to be paid to another alternate payee under another order previously determined to be a Division of Benefits Order.

4. If the member transfers all of his or her service from MPERS to the Missouri State Employees' Retirement System (MOSERS), MOSERS will be substituted for MPERS under the terms of this Order and shall be responsible for dividing benefits pursuant to this Order. At the time of such transfer or as soon as practicable thereafter, MPERS shall provide a copy of this Order to

MOSERS and MOSERS shall notify the alternate payee that MOSERS will be responsible for payment of benefits pursuant to this Order.

5. The Court retains jurisdiction to amend this Order for purposes of establishing or maintaining its form as a Division of Benefits Order acceptable to the Missouri Department of Transportation and Highway Patrol Employees' Retirement System.

The Court further retains jurisdiction to supervise the payment of retirement benefits, as provided herein.

(DATE)

(JUDGE)

APPROVED:

ATTORNEY FOR PETITIONER

ATTORNEY FOR RESPONDENT

PLAN ADMINISTRATOR