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F. This order assigns interest in the Participant's WDC account to only one Alternate Payee unless this box is checked to indicate more than one Alternate Payee **and** all Alternate Payees other than the first are described in the Supplement(s), Form ET-2368, attached to this Order.

UPON THE ABOVE FACTS, IT IS HEREBY ORDERED THAT:

1. This order is final, permanent and irrevocable, except to the extent the WDC plan document allows for the timely amendment of a domestic relations order. No amendment is permitted unless actually received by the Contractor within 6 months after the receipt of this order. Neither the remarriage of the Petitioner and Respondent nor conversion of a legal separation to divorce shall affect this order.
2. The effective date of a division under Option 2 or 3 shall be the date on which the marriage was terminated under the applicable state law governing the termination of marriage.
3. This order is void if the Participant is not still living when the order is received by the Contractor, if prior to issuing this order the court lost jurisdiction for any reason, including the death of a party, if this order fails in any respect to satisfy the statutory or WDC provisions for dividing a WDC account, or if (in the case of a division under Option 1 only) there are insufficient funds in the Participant's account.
4. Upon receipt of this order, Contractor shall divide the Participant's WDC account in accord with this order and the WDC plan document, or may reject this order if invalid. Contractor shall restrict disbursements from the Participant's WDC account until the division is completed or the order is duly rejected. Meanwhile, the Participant alone is liable for making trades or transactions that adversely affect the interests of the Alternate Payee.
5. Unless the Alternate Payee has submitted to the Contractor an "Alternate Payee Distribution Request" form requesting a lump-sum distribution of the entire amount awarded by this Order, received by the Contractor prior to or simultaneous with this Order, a separate WDC account shall be established for him or her. Each Alternate Payee with a separate WDC account shall be treated as a WDC participant who is no longer employed by a participating employer, including the receipt of gains and losses on the account, except that the WDC may restrict the Alternate Payee's access to joint and survivor annuity benefits and no Alternate Payee account may subsequently be divided by a Domestic Relations Order or merged with any other WDC account. An Alternate Payee who is the Participant's current or former spouse will be responsible for any taxes due upon distributions made to the Alternate Payee.
6. Following the ordered division, neither the Participant nor any Alternate Payee shall have any ownership or control of the benefits distributed to the other as a result of this order and operation of Wis. Stat. § 40.80 (2r).
7. This order does not apply to any portion of the Participant's account that has already been annuitized.
8. Any Internal Revenue Service or Wisconsin Department of Revenue levy or attachment against the Participant's account shall continue to apply only to the Participant's account, unless the levy or attachment jointly names an Alternate Payee, to whom the levy or attachment shall then also apply.
9. If the Contractor pays to a Participant or Alternate Payee benefits from assets that were assigned to another party under this order, the recipient shall report the error to the Contractor within 10 days and shall personally reimburse the party actually entitled to the benefit.
10. The Wisconsin Deferred Compensation Board, Department of Employee Trust Funds and the Contractor, as well as any member, employee, officer or agent thereof, are immune from civil liability for any act or omission while performing official duties related to implementing this order as provided by WIS. STAT. § 40.80 (2r) (d).

Dated this _____ day of _____, 20_____

BY THE COURT

Judge's Signature

Print name of Judge

NOTE: Time is of the essence in providing this order to the WDC Contractor since the death of the Participant or changes in value of the Participant's account may invalidate the order.

INSTRUCTIONS

**FOR COMPLETING AN “ORDER TO DIVIDE WISCONSIN DEFERRED
COMPENSATION PLAN ACCOUNT,” FORM ET-2367,
AND, IF NECESSARY,
A “SUPPLEMENT TO ORDER TO DIVIDE WISCONSIN DEFERRED COMPENSATION
PLAN ACCOUNT,” FORM ET-2368.**

STEP 1: Read through all the instructions before beginning. These instructions include information useful in understanding what is possible and permitted. **DO NOT** fill out an “Order to Divide,” form, ET-2367, if:

- Your marriage is not being terminated by a court. The “Order to Divide” cannot be signed by a judge until the marriage is terminated. In Wisconsin, marriages are terminated by court-ordered annulment, divorce or judgment of legal separation. Other state laws may vary.
- Your marriage was terminated before December 1, 2001.
- Your marriage was terminated by a Court outside the United States or its territories.
- There is an appeal pending in your case challenging the court’s property division or that might otherwise affect how the Wisconsin Deferred Compensation account may be divided in your case.
- Either party to the terminated marriage, or any other Alternate Payee, has died.

If your marriage was terminated before December 1, 2005, then there is only one method for dividing the WDC account. See DIVISION OPTION 1 in **STEP 7** below.

If there is more than one Alternate Payee, a “Supplement to Order to Divide” form ET-2368 must also be filled out. In that case, use the “Order to Divide” form, ET-2367, to identify and describe the assignment made to the spouse or former spouse and the “Supplement to Order to Divide” form to identify and describe the assignment(s) made to other Alternate Payees. If there are multiple Alternate Payees, none of whom are the spouse or former spouse of the WDC Participant, then it does not matter who is listed on which of the two forms. See **STEPS 8 through 11**, below.

STEP 2: Identify the case. Working from a copy of court documents copy the following case caption information into the blanks at the top of the the “Order to Divide” form (ET-2367):

- The name of the state in which the action to terminate the marriage was heard and decided.
- The name of the specific court having jurisdiction over the case (such as, “Dane County Circuit Court”).
- The name of the Petitioner (or Plaintiff) who started the action.
- The name of the person named as the Respondent (or Defendant).
- The number assigned to the case.

STEP 3: Identify the WDC Participant. The “Participant” is the person who participates in the Wisconsin Deferred Compensation (WDC) Plan and whose account is being divided by the “Order to Divide.” If the Participant is the same person identified in the case caption as the Petitioner, then check the first box in Paragraph B, labeled “Petitioner.” If the WDC Participant is the Respondent, then check the second box, labeled “Respondent.” You will

also need the Participant's name, Social Security Number, birth date and address to complete **STEP 6**.

If both parties to the divorce are WDC participants, both accounts may be divided, but it will require use of two separate ET-2367 "Order to Divide" forms, one for each Participant.

STEP 4: Specify date on which marriage was terminated. Insert into the first blank in Paragraph C the date on which the marriage was legally terminated. In Wisconsin, the judge typically (but not always) terminates the marriage on the day of the trial, by a verbal order from the bench. The "Findings of Fact, Conclusions of Law and Judgment" are written up and signed later. The laws of other states vary as to the date the marriage is terminated. Check with your lawyer or the Clerk of Courts or the Certificate of Divorce to verify the date the marriage was terminated.

STEP 5. Insert citation to the state law terminating the marriage. If your marriage was terminated by divorce, legal separation or annulment in Wisconsin, you may leave the second blank in Paragraph C empty. If your marriage was terminated under another state's law, then insert a citation to the applicable state's statute in the second blank in Paragraph C. Check with your lawyer or the court for help.

STEP 6: Identifying information for Participant and 1st Alternate Payee. If the spouse or former spouse is receiving a share of the WDC account through the division, then he or she is the **1st Alternate Payee**. In the box in Paragraph E, under the separate headings "Participant" and "1st Alternate Payee" insert each person's name, Social Security Number, birth date and last known mailing address.

This information is needed in order to correctly identify the specific WDC account(s) affected or created by the "Order to Divide," to notify the parties of the effects of the "Order to Divide" and for tax reporting purposes. In the same line as the 1st Alternate Payee's birth date, the Alternate Payee's relationship to the Participant must be identified, such as "ex-spouse" or "child."

Only certain persons may be named as an Alternate Payees. They are:

- A child of the WDC Participant. The term "child" includes both natural children and adopted children. Stepchildren of the terminated marriage are not considered children of the WDC Participant unless they were legally adopted by the Participant.
- The person who was formerly the spouse in the specific marriage that was terminated as described in the "Order to Divide." A second marriage ending in divorce, for example, does not create a new opportunity for the ex-spouse from the first marriage being eligible to be an Alternate Payee as part of the current "Order to Divide."
- The spouse of the WDC Participant may be an Alternate Payee, but only if there has been a formal judgment of legal separation that resulted in a full and final, court-ordered property division between the parties.

It is possible to assign a portion of the WDC Participant's account to more than one person. All such assignments must be made as part of the same "Order to Divide" and the assignment option must be the same for all Alternate Payees, although the specific dollar amounts (or percentages) may vary. For example, a former spouse and two children may be identified as Alternate Payees. Each may be assigned Option 2, with 40% assigned to

the former spouse, 30% to the older child and 20% assigned to the younger child. But an order assigning \$5,000 under Option 1 to the former spouse and 30% under Option 3 to the older child and \$1,000 under Option 2 to the younger child would be rejected.

STEP 7: Describe the assignment to the Alternate Payee. The Alternate Payee is the person to whom a part of the Participant's WDC account is being assigned by the court.

There are restrictions on what can be awarded. If a WDC Participant has already used all or a portion of his or her WDC account to purchase an annuity from a WDC provider, that annuity is not subject to division and will not be regarded as part of the assets to be divided.

There are three different ways to describe the amount to be assigned to the Alternate Payee:

- **DIVISION OPTION 1.** The Alternate Payee may be given a fixed dollar amount. This will not include any adjustments for gains and losses that might have occurred in the WDC account since the date the marriage was terminated. However, if the dollar amount exceeds the amount available in the Participant's WDC account, then it will be impossible to carry out the order. OPTION 1 is available in every case, regardless of when the marriage was terminated, but is the **only** option available if the marriage was terminated between December 1, 2001 and December 1, 2005, because daily account valuations for that period no longer exist. To select this option, insert a dollar amount in the OPTION 1 box in Paragraph D.
- **DIVISION OPTIONS 2 & 3.** In addition to OPTION 1, for marriages terminated after December 1, 2005, two other options are available under which the Alternate Payee may be assigned either a dollar amount or a percentage, plus any intervening gains and losses, retroactive to the date the marriage was terminated, as follows:
- **DIVISION OPTION 2.** A share of the Participant's WDC account as of the date the marriage was terminated expressed as a dollar amount, and including all subsequent gains and losses. To select this option, insert a dollar amount in the OPTION 2 box in Paragraph D.
- **DIVISION OPTION 3.** A share of the Participant's WDC account as of the date the marriage was terminated expressed as a percentage, and including all subsequent gains and losses. To select this option, insert a percentage (up to no more than two decimal places) in the OPTION 3 box in Paragraph D.

STEP 8: More than one Alternate Payee? If more than one person is being assigned a portion of the Participant's WDC account, then on the second page of the "Order to Divide" check the box in Paragraph F. Ignore this box and go to **STEP 12** if there is only one Alternate Payee.

STEP 9. Multiple Alternate Payees. If the box in Paragraph F is checked to indicate that there is more than one Alternate Payee, it is necessary to complete a "Supplement To Order To Divide Wisconsin Deferred Compensation Program Account," form ET-2368. Begin by inserting the same case caption information at the top of this form as described in **STEP 2**, above.

STEP 10. Identify additional Alternate Payees. For each additional Alternate Payee, complete a box identifying the particular person by name, last known address, birth date, relationship to the Participant and Social Security Number. See **STEP 6**, above, describing who may be an Alternate Payee.

STEP 11. Division option information. All assignments to all Alternate Payees must use exactly the same option. However, dollar amounts or percentages awarded may differ between Alternate Payees. If, for example, the 1st Alternate Payee is awarded a dollar amount under DIVISION OPTION 1, then any other Alternate Payees must also be awarded either the same or a different dollar amount under DIVISION OPTION 1.

STEP 12. Alternate Payee's decision on immediate lump-sum distribution. Normally, a separate WDC account will be established for each Alternate Payee and that person will then receive the gains and losses on the assets in that account and rights to future distributions similar, but not identical, to those of regular WDC participants who are no longer employed by a WDC participating employer. The Alternate Payee account is wholly separate from any WDC account that the Alternate Payee may have through his or her own employment and the accounts may not be merged.

A particular Alternate Payee may instead elect to receive an immediate, lump-sum distribution of the entire amount awarded by this Order. To do that, the Alternate Payee should complete and send to the Contractor the WDC-approved disbursement form ("Alternate Payee Distribution Request" Form 2 GWRS) requesting that distribution. The disbursement form must be received by the Contractor before or at the same time as the "Order to Divide" is received. Otherwise, a separate WDC account will be established for the Alternate Payee.

When there are more than one Alternate Payee, a decision by one to receive an immediate lump-sum distribution does not affect the others.

STEP 13. Court approval. The "Order to Divide Wisconsin Deferred Compensation Plan Account" and any "Supplemental Order to Divide Wisconsin Deferred Compensation Plan Account" must be approved and signed by the judge handling the legal action terminating the marriage. Local court rules and procedures will govern how the draft "Order to Divide" and any "Supplemental Order to Divide" should be offered to the judge for signature. Check with your attorney or the Clerk of Court.

To avoid potential problems, it is best to go over the drafted "Order to Divide" and any "Supplemental Order to Divide" with all parties to the court action and their legal counsel. Make sure everyone affected is in agreement that the draft accurately reflects the court's intended property division and complies with these instructions, the laws of Wisconsin governing the Wisconsin Deferred Compensation Plan and conditions and procedures adopted by the Wisconsin Deferred Compensation Board.

Mistakes may be difficult or impossible to correct, so be sure everything is correct.

If questions arise, you may contact Shelly Schueller, Wisconsin Department of Employee Trust Funds, P.O. Box 7931, Madison WI 53707, telephone (608) 266-6611.

Presenting or causing to be presented a false or fraudulent "Order to Divide" is a crime punishable under Wis. STAT. § 343.395 (2).

STEP 14. Send in the "Order to Divide" and other documents. Generally, the court will not be responsible for sending in the signed Order and other necessary documents. Make sure it is understood which party or attorney will be responsible for sending the necessary materials to the Contractor. An official copy of the signed order, or a copy with the Judge's original signature, must be received at:

Wisconsin Deferred Compensation Program
c/o Great-West Retirement Services®
P.O. Box 173764
Denver CO 80217-3764

Time is of the essence. If the WDC Participant or any Alternate Payee dies before Great-West actually receives the "Order to Divide," the order is void. Depending on the assignment option selected, delays (and market gains and losses in the interim) or interim trades or transactions initiated by the Participant can have unexpected or unanticipated effects on the amount assigned to the Alternate Payee.

If an Alternate Payee wants an immediate, lump-sum distribution of the amount awarded (See **STEP 12**, above), then include the Alternate Payee's signed, WDC-approved, disbursement form ("Alternate Payee Distribution Request" Form 13 GWRS) unless it has previously been delivered to Great-West Retirement Services. ®

STEP 15. Division of the WDC Account. You will be notified by Great-West Retirement Services® of receipt of the "Order to Divide." If there are any correctable problems, Great-West will contract the person who submitted the "Order to Divide" to work towards resolving the problems. Great-West will notify the Participant and every Alternate Payee if the "Order to Divide" is rejected and explain why. If the Order to Divide is accepted, then the Participant and Alternate Payee(s) will be notified of the individual affects on his or her account or assignment after the division is completed.

Remember that there is a continuing duty to help carry out the intent of the court's order. Report any suspected errors immediately to Great-West or the Department of Employee Trust Funds. Any person who receives amounts actually awarded to another person will be required to reimburse the person actually entitled to the benefit.