

INSTRUCTIONS FOR AN IRA ORDER

This is for an IRA order under Internal Revenue Code 408(d)(6) that will have a tax free transfer. **To be safe it should be done after the divorce is final** or on the same day. Obtain a certified copy and submit it to the Custodian. Wife [or reverse if it is Husband who is receiving the transfer] should arrange to open an IRA to receive the transfer so that the information [W's custodian name, address etc.] may be ready to go to the original IRA Custodian with the order. If Wife opens an IRA with same custodian as Husband, the transfer will be more rapid. If Wife wants to take the \$\$ out, she should do so from her own IRA. She will incur income tax and if under 59.5 penalty tax (with some exceptions). However, if H pays her out directly, the tax/penalty would become Husband's and so this first step is needed. This type of order also applies to a SEP IRA.

Some plans demand a "QDRO" (which has zip to do with IRAs). If so, to make them happy, call it a QDRO.

STIPULATION & ORDER RE DISPOSITION OF IRA

The undersigned parties agree to be bound by the following order:

By this Stipulated Order, ^ (hereinafter "Husband") and ^ (hereinafter "Wife") intend to dispose of Account No. ^, held with ^ (hereinafter "Custodian") whose address is ^. That account is hereinafter referred to as the "original IRA account."

1. The parties have been separated since ^. They were divorced by ^ [e.g. "Decree of Divorce"] entered in this Court on ^.
2. This Order constitutes a partial implementation of the parties' ^ [i.d. of doc referenced in #1] with respect to the distribution of their community property incident to such proceeding.
3. Husband warrants that he has made no withdrawals from the original IRA account, and he shall not make any withdrawals until such time as Wife receives her balance pursuant to this Order.
4. Husband is confirmed a ^ percent interest in the original IRA Account.
5. Wife is confirmed a ^ percent interest in the original IRA Account. The parties authorize and direct that Custodian forthwith distribute Wife's percentage share of the account to the benefit of Wife, to be transferred to [A: Wife's individual retirement account with Custodian, No. ^.] or [B: an IRA account to be identified to Custodian by Wife or by Wife's counsel.]
6. It is understood that it is sometimes unwise to require Custodian to divide each investment or other asset in the original IRA Account by the indicated percentages because of the impossibility of dividing some of the individual investment blocks and the

undesirability of creating odd lots of investments. Therefore, the parties authorize Custodian to use its best judgment in apportioning the assets in the account, provided that the dollar value of the assets received by each spouse immediately after the division of the assets agrees with the percentages as are set forth in paragraphs 4 and 5 above.

7. Each party shall, upon being on notice of the need for same, perform any act reasonably necessary to carry into effect or verify the carrying into effect of the terms of this Order.

8. The transfer of this interest in the original individual retirement account (IRA) is intended to be treated as nontaxable based upon the fact that this Order constitutes a divorce or separation instrument. Thus, neither Husband nor Wife is intended to be subject to taxation. In the event that any tax is incurred as a result of this transfer, the court shall reserve jurisdiction to deal with same.

[parties and court signatures]