

Domestic Relations Order Agreement

This Agreement is made and entered into by and between _____ (“Member”), a member of the Denver Employees Retirement Plan (“DERP”), and _____, the “Former Spouse” to use a Domestic Relations Order (“DRO”) to divide the Member’s DERP Pension Benefit in accordance with Section 18-418 of the Revised Municipal Code of the City and County of Denver.

The Member and Former Spouse are parties in an action for dissolution of marriage, legal separation, or declaration of invalidity of marriage, in Case Number _____, District Court, County of _____, State of _____.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement, as well as the entire division of marital property, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The benefit covered by this Agreement is the: (Check one box.)

DERP Pension Benefit

Deferred Retirement Option Plan (DROP or DROP II)

DERP Pension Benefit Plan **and** the Deferred Retirement Option Plan (DROP or DROP II)

Modification of a prior Domestic Relations Order (DRO) – Attach a copy of the DRO to be modified and complete only the following sections that apply

2. The Member’s current DERP status is: (Check one box.)

Active Vested

Inactive Vested

Retired

3. Payment to the Former Spouse shall be: (Check one box and fill in the blank.)

A percentage of the monthly DERP Pension Benefit earned during the period of marriage, to be paid from the retirement benefit option chosen by the Member at retirement.

_____ % Enter a whole number.

An exact amount of the monthly DERP Pension Benefit earned during the period of marriage.

\$ _____ Enter a whole number.

4. Payment in a lump-sum to the Former Spouse under the Deferred Retirement Option Plan (DROP or DROP II) shall be: (Check one box and fill in the blank.)

A percentage of the DROP / DROP II balance earned during the period of marriage.

_____ % Enter a whole number.

An exact amount of the DROP / DROP II balance earned during the period of marriage.

_____ % Enter a whole number.

AGREEMENT AND UNDERTAKING OF THE PARTIES:

1. No payment shall be made to the Former Spouse until the Member retires and DERP determines the DRO is valid with respect to all applicable sections of the Revised Municipal Code of the City and County of Denver, and DERP's rules and procedures have been followed, including completion of all required documents by the parties.
2. Payment shall be made to the Member and/or the Former Spouse only as required by law and in accordance with DERP's rules and procedures.
3. The Former Spouse's right to receive payment under this Agreement terminates upon the involuntary termination by DERP of benefits payable to the Member or upon the death of the Former Spouse or the death of the Member after retirement, whichever occurs first. However, the Former Spouse's payment shall be actuarially reduced and continue after the Member's death after retirement if the Former Spouse elects an extended payment option at the time the Former Spouse completes the Domestic Relations Order Benefit Application. If the Member dies before retirement, the payment to the Former Spouse shall begin when the Member would have reached the age for normal retirement, only if a benefit is payable at that time.
4. This Agreement shall remain in effect and apply to any successor plan to DERP.
5. Within thirty days after the Member has applied for a monthly DERP Pension Benefit or DERP first learns of the Member's death, DERP shall notify the Former Spouse in writing of such event at the Former Spouse's last known address.
6. The parties hereby authorize DERP, its employees, and agents to release financial information to the other party that may be deemed confidential when necessary or helpful in carrying out this Agreement. The parties further release and discharge DERP from any liability arising from such disclosure.
7. Each party confirms that he or she has read and understands this Agreement, as well as DERP's instructions for completion of a valid DRO and the Domestic Relations Order Guide provided by DERP.
8. Each party acknowledges that they are solely responsible for all of their legal, tax, and other consequences which occur or may occur as a result of this Agreement and has sought all legal, tax, and other advice from such party's own advisors, which have not included DERP or any of its trustees, employees, or agents.
9. This Agreement constitutes the entire agreement of the parties concerning DERP's defined benefit plan and, if applicable, DROP or DROP II.



IN WITNESSS WHEREOF, the parties have voluntarily signed this Agreement on the date as set out below.

Signature instructions:

1. The Member must sign and have the signature notarized on this page.
2. The Former Spouse must sign and have their signature notarized on page 4 of this Agreement.

Member Signature
(Must be signed in the presence of a notary)

Date

State of _____

County of _____

Signed before me on (date) _____

Notary's Official Signature

Commission Expiration

APPROVED AS TO FORM: If represented by legal counsel

Attorney Printed Name

Attorney Firm

Address and/or P.O. Box, City, State, Zip Code

Attorney Signature

Date



Former Spouse:

Former Spouse Signature
(Must be signed in the presence of a notary)

Date

State of _____

County of _____

Signed before me on (date) _____

Notary's Official Signature

Commission Expiration

APPROVED AS TO FORM: If represented by legal counsel

Attorney Printed Name

Attorney Firm

Address and/or P.O. Box, City, State, Zip Code

Attorney Signature

Date

Submit Using One of the Following Methods

- | | | | |
|---|----------------------------------|--|---------------------------------|
| ✓ Mail:
DERP
777 Pearl St.
Denver, CO 80203 | ✓ Email:
Help@DERP.org | ✓ Drop off: <ul style="list-style-type: none">• Use the mail slot in the front door.• Put in the secure drop box inside the vestibule if the front door is unlocked. | ✓ Fax:
(303) 839-9525 |
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Need to visit us in person? Schedule an appointment. Walk-in visits aren't available.

