

Qualified Domestic Relations Order—Defined Benefit Plan Procedures

Koch Industries, Inc.

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Koch Industries, Inc.

QDRO Helpful Hints

Does the order relate to state domestic relations law?

See Section II of the Koch DB or DC Procedures: Creating a Domestic Relations Order. The order must contain a statement that it is issued pursuant to state domestic relations law of a particular state.

Does the order clearly state that it applies to the qualified plan(s) of the participant?

The order must specify each plan to which it applies (i.e., name the plan sponsor [employer] and the type of plan to be divided (i.e., defined contribution [savings] or defined benefit [pension])).

Does the order specify the name and last known address of the participant and alternate payee?

The order must contain this information or reference an attachment that provides this information. The date of birth and Social Security number of the alternate payee are also required to establish the account.

Does the order specify the benefit to be paid to each alternate payee and the manner in which such amount or percentage is to be determined?

The order must contain a single valuation date and a clear benefit assignment.

Does the order specify the manner of payment (including amounts, frequency, and number of periods of payment) and the time at which the payments shall commence to be paid to each alternate payee?

For the savings plan, a separate account will be established as soon as administratively reasonable following qualification.

For the pension plan, the order must clearly specify whether the benefit is to be paid over the participant's or the alternate payee's lifetime.

Does the order meet the survivorship procedures established for the plan(s)?

The alternate payee may not name a beneficiary in the order for payment of savings or pension benefits upon the alternate payee's death. A subsequent spouse of the alternate payee cannot be named surviving spouse for the pension benefit.

Does the order meet taxation language IRC rules?

If the alternate payee is a spouse or former spouse, the alternate payee will be taxed on any distributions.

If the alternate payee is a child, the participant will be taxed.

Is the order a court-certified document?

If the order is a final court order, is it signed by the judge, and does it have a clerk certification stamp or seal? Please note that orders submitted as drafts for preliminary review are also accepted.

Questions?

Call the **Koch Benefits Solution Center at 877-344-KRSC (5772)** and request a transfer to the Qualified Order Team or email us at **QOCenter@alight.com**. You will receive a response within two business days at the latest.

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I. Qualified Domestic Relations Order (QDRO) Overview

What's a Domestic Relations Order?

A Domestic Relations Order is a court order, judgment, or decree issued under a state's domestic relations law. It recognizes the right of the following individuals (referred to as "alternate payees") to receive all or part of the participant's account balance or accrued benefit in an employer retirement plan:

- § Spouse
- § Former spouse
- § Child
- § Other dependent of the participant

A Domestic Relations Order must be submitted and qualified to become a QDRO.

What's a Qualified Domestic Relations Order (QDRO)?

A QDRO is a Domestic Relations Order that has been determined to meet specific requirements mandated by federal law and the provisions of the retirement plan.

The Employee Retirement Income Security Act of 1974 (ERISA) states that a participant's retirement plan benefits may be transferred to his or her spouse, former spouse, child, or other dependent if a payment is mandated under a QDRO.

The Domestic Relations Order must be qualified by the retirement plan before any payments are made to an alternate payee.

II. Creating a QDRO

Considerations Before Seeking a QDRO

Before starting the process of seeking a QDRO, it's important to learn the following information:

- § Is the participant entitled to a benefit under an employer retirement plan?
- § If you're a participant, you can call the Koch Benefits Solution Center at **877-344-KRSC (5772)** to get your benefit information.
- § All other parties can work with the participant or the participant's attorney for participant-specific information. Sometimes it may be necessary to subpoena the information from Koch Industries, Inc. ("Koch").
- § The participant can be restricted from retirement plan activity once the Qualified Order Center receives a draft Domestic Relations Order, court order, or joinder.

Your Steps for Creating a QDRO

There are many ways to draft the terms of a QDRO. Koch's model language form is what it considers acceptable for a QDRO, if the required information is accurately completed. However, using Koch's model language form isn't required.

Dividing retirement benefits in domestic relations proceedings involves complex matters such as marital rights, legal issues, and tax consequences. You may want to consult with an attorney to best handle your case.

Follow the steps below (either using the model language form or creating your own) to complete a Domestic Relations Order that meets Koch's QDRO requirements.

Using Model QDRO Language Form

1. Complete the model language form without changing or adding language.
2. Have your order signed by a judge.
3. Obtain a court-certified copy of the order from the clerk of the court. See details about **court-certified copies** below. *Handwritten changes will not be accepted.*

4. Send the court-certified order to:

Koch Benefits Solution Center
Attention: Qualified Order Center
P.O. Box 1433
Lincolnshire, IL 60069-1433

5. Alternatively, orders may be uploaded to our QOCenter website at www.QOCenter.com

Creating Your Own Form

1. Complete a draft (not signed by a judge) of your Domestic Relations Order, making sure it satisfies all of Koch's QDRO requirements outlined later in this document.

2. Send the draft order to:

Koch Benefits Solution Center
Attention: Qualified Order Center
P.O. Box 1433
Lincolnshire, IL 60069-1433
Fax: +1.847.883.9313

3. If you're notified that the draft order is preapproved, obtain a court-certified copy of the order from the clerk of the court and mail it to the address in Step 2. See details about **court-certified copies** below.

Both draft and court-certified orders may be uploaded onto our QO Center website at www.QOCenter.com. *Handwritten changes made to the order after certification will not be accepted.*

4. If the draft was denied, you'll need to make the necessary revisions based on the reasons stated in the Denial Notice and resubmit your order to the address in Step 2 or via the QO Center website.

Court-Certified Copies

A court-certified order is signed or stamped by the judge or other court official and has a stamp or seal from the clerk of the court stating the order is a certified copy. A photocopy or a faxed copy of a court-certified order is acceptable for qualification requirements.

What Happens With Your Order

After the order is received, the Qualified Order Center will:

- § Restrict the participant's benefit activity, as outlined on page 10;
- § Review the order to ensure that it meets all the qualification requirements;
- § Notify all parties within 30 days of receiving the order whether it meets all qualification requirements; and
- § If the order is qualified, direct the appropriate retirement plan recordkeeper to establish separate benefits for the alternate payee.

General Requirements for QDRO Approval

There are 10 general qualification requirements that a Domestic Relations Order must meet. In addition, the order must satisfy Koch's QDRO requirements as described in the last sections of this document. Otherwise, the order will be **denied**. The order must:

1. Be a court order, judgment, or decree (certified and signed by a judge or other state-approved court official);
2. Relate to the alimony payments or marital property rights of a spouse or former spouse, or to the support of a child or other dependent of a retirement plan participant;
3. Contain a statement that the order is issued pursuant to a state domestic relations law;
4. Clearly identify the plan name;
5. Include the following information for the participant and alternate payee:
 - Name
 - Last known mailing address
 - Social Security number
 - Date of birth;
6. Describe the amount or percentage of benefits to be paid and when to calculate the award;
7. Not require the plan to pay more benefits than the participant has earned;
8. Indicate the manner of payment and when payments may begin;
9. Not require the plan to provide any benefit not otherwise provided by the plan; and
10. Not require payments to an alternate payee that are already required to be paid to another alternate payee under a previously issued QDRO.

III. Changing a Previously Approved QDRO

What a Revised Order Must Indicate

Any order attempting to change or replace an existing QDRO—in addition to meeting all the QDRO requirements—must:

- § Specifically state that it **amends** or **supersedes** the previously qualified order; and
- § Provide a way to identify the previous QDRO, such as a date when it was signed by the court.

Send the order to:

Koch Benefits Solution Center
Attention: Qualified Order Center
P.O. Box 1433
Lincolnshire, IL 60069-1433
Fax +1.847.883.9313

Alternatively, orders may be uploaded to our QOCenter website at www.QOCenter.com.

General Information on Special Situations

Defined Benefit Plan

If the alternate payee has already started receiving a benefit under a Separate Interest QDRO, the plan won't accept a new order attempting to modify the terms (e.g., the benefit amount or timing) of the original QDRO. If the order attempts to reduce the alternate payee's benefit, the order will be denied.

The only way to award the alternate payee an increased benefit from the participant's remaining benefit is by submitting another order. You must use the Shared Payment approach if the participant is in payment status, or a Separate Interest approach if the participant isn't in payment status.

If the alternate payee has already started receiving a benefit under a Shared Payment QDRO, the plan will accept a new order attempting to modify the terms of the original QDRO.

IV. Canceling a Previously Approved QDRO

What an Order Must Indicate

Any order attempting to cancel an existing QDRO must:

- § Specifically state that it **nullifies** or **vacates** the previously qualified order.
- § Provide a way to identify the previous QDRO, such as a date when it was signed by the court.

Send the order to:

Koch Benefits Solution Center
Attention: Qualified Order Center
P.O. Box 1433
Lincolnshire, IL 60069-1433

General Information on Special Situations

Defined Benefit Plan

If the alternate payee has not already started receiving a benefit under either a Separate Interest or a Shared Payment QDRO, the canceling order will be reviewed.

If the alternate payee has already started receiving a benefit under a Separate Interest QDRO, the canceling order will be denied.

If the alternate payee has already started receiving a benefit under a Shared Payment QDRO, the canceling order will be reviewed.

V. Benefit Restrictions on Participant's Plan

Placing Benefit Restrictions

The participant's benefit activity will be restricted when the Qualified Order Center receives one of the following:

- § Draft Domestic Relations Order
- § Court order
- § Joinder

The retirement Plan Administrator will start the process to prevent the participant from withdrawing money that otherwise may be payable to the alternate payee if the order is approved as a QDRO.

Defined Benefit Plans

If benefits are already being paid to the participant or become payable during the QDRO process, the defined benefit Plan Administrator will suspend 100% of the benefit payments. The suspension lasts until the order is qualified or for a maximum period of 18 months from the earliest date the alternate payee can commence a benefit.

When an order is qualified, the suspended amount will be paid retroactively to the alternate payee. No more than 18 months of suspended money will be paid to the alternate payee. If the order isn't qualified within 18 months, the suspended amount will be retroactively paid back to the participant.

Removing Benefit Restrictions

When a court order or draft order is on file, account restrictions and suspensions of benefit payments (if applicable) may be removed when any of the following events occurs:

- § A Domestic Relations Order becomes qualified.
- § A subsequent court-certified order, such as a divorce decree, is received. The new order must state that the alternate payee has waived his or her rights to the participant's benefits under the plan or that the participant is entitled to 100% of the benefit under the plan.
- § A subsequent court-certified order is received that cancels the order that caused the restriction to be placed on the plan.
- § A notarized letter signed by the alternate payee is received requesting that restrictions be removed and naming the plan(s) affected. This method of removing a restriction is an available option **only** when a draft order has been submitted.
- § A qualified order isn't submitted within the 18-month restriction or suspension period.

Note: Any new order received after a restriction has been removed will begin a new restriction period.

VI. Glossary

Definition of QDRO-Related Terms

Accrued Benefit—A benefit earned under a defined benefit plan as of a specific date.

Alternate Payee—Any spouse, former spouse, child, or other dependent of a participant who is recognized by a Domestic Relations Order as having a right to receive all or a portion of the participant's retirement benefits payable under the Plan.

Annuity Starting Date—The date on which the participant is scheduled to begin receiving benefits in a defined benefit plan.

Benefit Commencement Date—The date on which the participant is scheduled to receive or actually begins receiving benefits in a defined contribution plan.

Plan Administrator—The person who determines whether a Domestic Relations Order meets all requirements for a QDRO.

Separate Interest Approach—A way of drafting a QDRO against a defined benefit plan that establishes a Separate Interest for the alternate payee. This Separate Interest provides the alternate payee with the ability to choose when to begin receiving benefits and to receive payment of benefits for his or her lifetime.

Shared Payment Approach—A way of drafting a QDRO against a defined benefit plan that provides for the alternate payee and participant to share the participant's benefits. This shared approach provides the alternate payee the right to receive a portion of the participant's benefits at the same time the participant receives benefits.

Valuation Date—The date on which the participant's benefit is valued to determine the alternate payee's award. Please note that a single valuation date must be used; an award between two dates cannot be administered by the Plan.

Vested Accrued Benefit—The participant's benefit in a defined benefit plan that the participant has the right to keep after ending employment at Koch.

VII. How Death May Affect a QDRO

What Happens if a Participant or Alternate Payee Dies

- § If a participant dies before the Qualified Order Center has received an order, the order may still be submitted for the QDRO review process.
- § If a participant dies after the Qualified Order Center receives an order, we'll continue the QDRO review process.
- § If an alternate payee dies before or after the Qualified Order Center receives an order, the order will be handled on a case-by-case basis.

VIII. Contact Us

Where to Send an Order

Send all draft or court-certified orders to:

Koch Benefits Solution Center
Attention: Qualified Order Center
P.O. Box 1433
Lincolnshire, IL 60069-1433
Fax: +1.847.883.9313 (draft orders only)

Alternatively, orders may be uploaded on our QOCenter website at www.QOCenter.com.

How to Correspond With Us

If you have a question or need more information, send an email message to QOCenter@alight.com, and we'll respond to you within two business days. Include the following information:

- § Your name
- § Employer's name
- § Employee's name
- § Plan name
- § Last four digits of the employee's Social Security number

For your own security, don't include personal and confidential information (such as a full Social Security number or your order) in the email, except for the information we've requested.

You can get more information on our Qualified Order Center website at www.QOCenter.com.

IX. Defined Benefit Plan Requirements and Guidelines

The following are Koch's requirements and guidelines that will be used to process a QDRO for the defined benefit plan(s). If an order doesn't follow the requirements, it will be **denied**.

- § **Please note that if a participant accrued a benefit prior to and after October 1, 2001, in the Fort James Pension Plan or prior to and after April 1, 2001, in the Unisource Pension Plan, the parties must submit both an annuity formula benefit order and an account-based benefit order to divide both benefits. If the parties submit an annuity formula benefit order alone, only the benefit accrued prior to these dates will be divided. If the parties submit an account-based formula benefit order alone, only the benefit accrued after these dates will be divided. Please refer to Model Language 1 (annuity formula benefit order) and Model Language 3 (account-based benefit order).**
- § The Domestic Relations Order may specify that the benefit payable to the alternate payee is payable over the lifetime of the alternate payee (Separate Interest) or the lifetime of the participant (Shared Payment), as allowed under the Plan.
- § If the participant hasn't already begun to receive payments from the Plan when the initial order was received by the Plan, either a Separate Interest or Shared Payment approach may be used. The Shared Payment approach is the only approach that may be used when the participant has already begun to receive payments under the Plan.

Unless the order specifies otherwise, the benefit awarded to the alternate payee will be interpreted to include both the contributory portion (if any) and noncontributory portion of the participant's benefit.

Annuity Formula Benefit (Separate Interest Assignment)

Benefit Assignment

- § The assignment to the alternate payee may be one of the following:
- A percentage as of a specified date
 - A dollar amount based on the participant's monthly normal retirement benefit
 - A marital fraction (directly below)
- § If a **marital fraction** assignment is used, the order must contain all four of the necessary elements to determine the alternate payee's benefit:
- Percentage
 - Valuation date
 - Numerator
 - Denominator
- § The order can't define the assigned benefit as a present-value lump sum unless the participant is eligible for a single lump-sum payment.
- § A Domestic Relations Order can't assign an amount to an alternate payee from a participant's accrued benefit if the participant isn't vested. However, if the participant isn't vested or is partially vested on the date the order is qualified, the order may be qualified with a warning that if the participant terminates before becoming fully vested, no benefit will be payable.

- § The order can't specify an amount or percentage of the participant's total accrued benefit to be paid that is greater than 100% of the participant's benefit.
- § The order must provide a specific valuation date to calculate a participant's accrued benefit.

Form of Payment and Timing of Receiving Benefits

- § If the Domestic Relations Order doesn't state over whose lifetime the benefit will be payable, the benefit will be payable over the alternate payee's lifetime as a Separate Interest payment as long as the order is received before the participant begins receiving benefits. If the order is received after the participant begins receiving benefits, the benefit will be payable over the participant's lifetime.
- § A Domestic Relations Order can't award the amount payable to an alternate payee to be paid as a lump-sum actuarial equivalent amount, unless the participant is eligible for a lump-sum payment.
- § If the lump-sum actuarial equivalent amount payable to the alternate payee is equal to or less than the Plan's small-value provision, this amount may be immediately distributed in a single lump-sum cash payment.

Form of Payment

- § The alternate payee is eligible for any form of payment, except for a joint and survivor annuity.
- § The alternate payee is eligible for distribution on the earlier of the participant's earliest retirement age as defined by the Plan, or the date of the termination of the participant's employment. However, the order may require the alternate payee to begin receiving benefits at the same time as the participant.
- § If the alternate payee hasn't already started receiving benefits on the participant's commencement date, the alternate payee will be required to start payments when the participant does.

Early Retirement Subsidies, Cost-of-Living Adjustments, Supplements

- § The alternate payee won't receive a share of any subsidy or other benefit increases that are paid to the participant if the alternate payee's benefit is payable over the alternate payee's lifetime, unless the order specifically states that the alternate payee is entitled to the following:
 - Early retirement subsidies
 - Early retirement supplements
 - Cost-of-living adjustments (COLAs)
 - Postretirement increases
 - Ad hoc increases

If the parties want to provide for the sharing of these benefits, the order should specifically state that the alternate payee is entitled to these subsidies or benefit increases.

- § The order can't require subsidized early retirement factors to be applied to the alternate payee's portion of the benefit until the participant terminates and starts receiving a subsidized early retirement benefit. However, the order can specify that the alternate payee's benefit be recalculated for the alternate payee to receive a subsidy if or when the participant receives the subsidy.
- § A Domestic Relations Order can't award a different percentage or dollar amount for the subsidy than the accrued benefit.

Survivorship

- § Concerning the alternate payee's benefit, a Domestic Relations Order can't specify the following:
 - Beneficiary
 - Successor
 - Contingent alternate payee
- § Any survivor benefits available to an alternate payee under an annuity-type defined benefit plan will depend on the optional form chosen by the alternate payee.
- § Once the order is qualified, the participant's death won't affect the alternate payee's benefit either before or after payments to the alternate payee have begun.
- § If the alternate payee dies before receiving any payments under the plan, no payments will be made to the alternate payee.
- § If the alternate payee dies before receiving any payments under the plan, the amount assigned to the alternate payee will revert to the participant. The benefit may not revert to the plan. If the order doesn't address this issue, the order will be denied.
- § The amount assigned to the alternate payee won't revert to the participant if the alternate payee dies after starting to receive benefits.
- § The Domestic Relations Order can award a qualified joint and survivor annuity (QJSA) or qualified preretirement survivor annuity (QPSA), in addition to the Separate Interest benefit. The order must clearly state whether or not the alternate payee is awarded the QPSA and QJSA benefits, and whether the award is in addition to or in lieu of the separate interest benefit.

Annuity Formula Benefit (Shared Payment Assignment)

Benefit Assignment

- § If the participant has already started receiving payments at the time the initial order is received by the Qualified Order Center, the assigned benefit may only be a Shared Payment benefit payable over the participant's lifetime.
- § The assigned benefit must be defined as a monthly dollar amount or percentage of each payment received by the participant.
- § The order can't define the assigned benefit as a present-value lump sum.
- § The order can't specify an amount or percentage of the participant's total accrued benefit to be paid that is greater than 100% of the participant's benefit.

Form of Payment

- § The alternate payee will receive his or her benefit as a portion of the form of payment chosen by the participant.
- § Benefits payable to the alternate payee will begin when the participant begins to receive payments if the order is approved prior to the participant's benefits commencement date.
- § Benefits payable to the alternate payee will begin as soon as administratively possible after qualification of the order, if the participant's benefits had started when the order was received.

Early Retirement Subsidies, Cost-of-Living Adjustments, Supplements

- § The alternate payee will automatically receive a share of any subsidy or other benefit increases that are paid to the participant if the alternate payee's benefit is payable over the participant's lifetime, if the order is silent. If the order doesn't specifically state that the alternate payee is not entitled to the following:
 - Early retirement subsidies
 - Early retirement supplements
 - Cost-of-living adjustments (COLAs)
 - Postretirement increases
 - Ad hoc increases
- § The alternate payee will receive a proportionate share of such increases. If the parties intend that the alternate payee should not receive a share of such increases, the order must specifically so state.
- § A Domestic Relations Order can't award a different percentage or dollar amount for the subsidy than the accrued benefit.

Survivorship

- § The alternate payee's benefit will cease upon the earlier of the death of the participant or the death of the alternate payee. Payments to the alternate payee following the death of the participant will be contingent upon the form of payment chosen by the participant.
- § If the alternate payee dies before or after the alternate payee starts receiving benefits, the amount assigned to the alternate payee will revert to the participant. The order can't state that the benefit will revert to the Plan.
- § The alternate payee may be awarded preretirement survivor benefits if the order is received before the participant starts receiving benefits. The order must clearly state that the alternate payee is the surviving spouse for purposes of the qualified preretirement survivor annuity (QPSA) and state the portion of the participant's benefit impacted by the QPSA assignment.
- § The alternate payee may be awarded postretirement survivor benefits if the order is received before the participant starts receiving benefits. The order must clearly state that the alternate payee is the surviving spouse for purposes of a qualified joint and survivor annuity (QJSA) and state the portion of the participant's benefit impacted by the QJSA assignment.
- § If the participant is already in payment status at the time the initial order is received by the Qualified Order Center, the alternate payee can't be awarded postretirement survivor benefits. Rather, the alternate payee's entitlement to a benefit following the death of the participant is contingent upon the form of payment chosen by the participant. It's acceptable if the order addresses the alternate payee's entitlement to postretirement survivor benefits consistently with the form of payment chosen by the participant.
- § The order must address reversion, QPSA, and QJSA issues if the participant is not currently receiving benefits under the Plan.
- § If the participant is currently receiving benefits under the Plan, the order must state in substance that the benefit will revert to the participant if the alternate payee predeceases the participant, and that the alternate payee's eligibility to receive a benefit after the death of the participant is governed by the form of payment elected by the participant at commencement.

Account-Based Formula

Please note that if a participant accrued a benefit prior to and after October 1, 2001, in the Fort James Pension Plan or prior to and after April 1, 2001, in the Unisource Pension Plan, the parties must submit both an annuity formula benefit order and an account-based benefit order to divide both benefits. If the parties submit an annuity formula benefit order alone, only the benefit accrued prior to these dates will be divided. If the parties submit an account-based formula benefit order alone, only the benefit accrued after these dates will be divided. Please refer to Model Language 1 (annuity formula benefit order) and Model Language 3 (account-based benefit order).

Benefit Assignment

- § The assignment benefit may be defined as a dollar amount or percentage of the participant's account balance as of a valuation date.
- § The order can't specify an amount or percentage of the participant's total account balance that is greater than 100%.
- § The benefit can't be assigned as an increase in value between two dates.
- § The order may include or exclude interest credits. If the order doesn't address interest credits, the alternate payee will receive interest credits from the valuation date to the date a separate benefit is established for the alternate payee.
- § An alternate payee's assignment of benefits under a cash balance plan will be credited with interest credits from the date a separate benefit is established for the alternate payee to the alternate payee's date of distribution from the Plan. The order can't contradict this rule.
- § If the participant isn't 100% vested as of the date of qualification, only the vested benefit may be assigned

Form of Payment and Timing of Receiving Benefits

- § After the order is qualified, the benefit assigned to the alternate payee will be established in a separate account.
- § The alternate payee is eligible for any form of payment under the provisions of the Plan, except for a joint and survivor annuity.
- § The alternate payee may begin receiving his or her benefit payments on the later of the participant's earliest retirement date under the Plan or the date the alternate payee applies for his or her benefits in the manner prescribed by the Plan Administrator. If the Plan so provides, the alternate payee may elect to receive his or her benefits at an earlier date allowed by the Plan. In no event can the alternate payee begin his or her benefit later than April 1 of the calendar year in which the participant attains age 70½.
- § The order can't state that the Plan will automatically pay the alternate payee. The alternate payee must initiate a distribution through the appropriate recordkeeper.

Survivorship

- § Once the order is qualified, the participant's death won't affect the alternate payee's benefit either before or after payments to the alternate payee have begun.
- § Concerning an alternate payee's benefit, a Domestic Relations Order can't specify a:
 - Beneficiary
 - Successor
 - Contingent alternate payee
- § A beneficiary for the alternate payee can't be named in the order. When a separate account is established, the alternate payee will have the chance to choose a beneficiary.
- § If the alternate payee doesn't choose a beneficiary and dies, the benefit will be paid according to the Plan provisions.