

[LETTERHEAD]

**NOTICE OF ADVERSE INTEREST  
TO PLAN PARTICIPANT IN DIVORCE**

[Month] [Day], 20[XX]

USPS CM(RRR) #[XXXXXXXXXXXXXXXXXXXXXX]

[XXXXXXXXXXXX] Corporation  
[Street]  
[City], [State] [ZIP]

RE: Plan: The [Plan Name #1] Plan, the [Plan Name #2] Plan, and any other  
retirement plan(s) in which the indicated Participant has a benefit  
Employee/Participant: [XXXXXXXXXXXX]  
Alternate Payee: [XXXXXXXXXX]  
Notice of Adverse Interest – Pending Divorce/QDRO Hold Request/Document  
Request

Dear Plan Administrator:

The [Pension Project Name] is a grant funded, non-profit pension counseling and information program that helps individuals understand and exercise their retirement benefits rights. Ms. [XXXXXX XXXXXXX] (“Ms. [XXXXXX]”) has engaged the [Pension Project Name] to assist her in regards to her pending divorce from her husband, Mr. [XXXXXX XXXXXXX] (“Mr. [XXXXXX]”), including seeking a portion of the retirement benefits of Mr. [XXXXXX XXXXXXX] in any and all retirement plans, whether qualified or non-qualified under the Internal Revenue Code (“IRC”), that are sponsored or maintained by your organization. A copy of Ms. [XXXXXXXXXX]’s executed authorization to the [Pension Project Name] is enclosed. For identification purposes, Mr. [XXXXXXXXXX]’s date of birth is [Month] [Day], 19[XX], and the last four digits of his Social Security number are XXX-XX-[LAST 4 DIGITS]. **By this letter, you are hereby placed on notice of Ms. [XXXXXXXXXX]’s adverse interest in any and all retirement plans, whether qualified or non-qualified under the IRC, that are sponsored or maintained by your organization and of Ms. [XXXXXXXXXX]’s intent to seek a portion of those benefits in her pending divorce action against Mr. [XXXXXXXXXX].**

**Standing Order/Request for Administrative Hold**

Please find enclosed a copy of the “Original Petition for Divorce” filed by Ms. [XXXXXXXXXX] in the District Court, \_\_\_\_ Judicial District, of [XXXXXX] County, Texas on [Month] [Day], 202[X]. Additionally, please find enclosed a copy of the “[XXXXXX] County Standing Order Regarding Children, Property, and the Conduct of the Parties” (“Standing Order”). Specifically, Section [X.X] of the Standing Order prohibits Mr. [XXXX] from “[w]ithdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee

savings plan ...” **By this letter, you are requested to honor the prohibitions specified in Section [X.X] of the Standing Order and place an administrative hold on the benefits that Mr. [XXXXXX] has in any and all retirement plans, whether qualified or non-qualified under the IRC, that are sponsored or maintained by your organization, and prevent Mr. [XXXXXX] from receiving any distribution or borrowing from any plan in which Mr. [XXXXXX] has a retirement benefit.**

### **Request for Documents/Information**

[Mr. XXXXXXX has executed the enclosed Employee/Participant Authorization Form authorizing the release of information to our office regarding his retirement benefits.] So the we may assist Ms. [XXXXXX] in this matter in obtaining a portion of Mr. [XXXXXX]’s retirement benefits, we request that you provide us with the following documents and/or information for each plan sponsored or maintained by your organization in which Mr. [XXXXXX] has a retirement benefit (referred to herein individually as a “Plan” and collectively as “Plans”):

1. The current Plan document (including amendments) and current Summary Plan Description (including any Summary of Material Modifications) for such Plan;
2. For any such Plan that is a defined benefit plan (whether qualified or non-qualified under the IRC):
  - a. A current benefit estimate for Mr. [XXXXXX]’s retirement benefit in such Plan; and
  - b. A statement that indicates whether (and when) Mr. [XXXXXX] would be eligible to retire early under such Plan and whether he will be entitled to any early retirement subsidies (and the amount of any such subsidy, including any temporary or supplemental benefits that may become payable under the terms of such Plan); and
3. For any such Plan that is a defined contribution plan (whether qualified or non-qualified under the IRC), a current account balance statement for Mr. [XXXXXX]’s retirement benefit in such Plan, including any outstanding Plan loans.
4. For each such Plan, a statement that indicates whether Mr. [XXXXXX] will become entitled to any imminent Plan enhancements, including, but not limited to, any predetermined or pending contractual Plan increases (e.g., union negotiations), upcoming early retirement window programs, or buyout offers.
5. The QDRO Procedures for such Plan; and
6. The model QDRO form, if any, for such Plan.

This request for information is made pursuant to the Employee Retirement Income Security Act of 1974, as amended and the applicable Department of Labor regulations thereto. Thank you for your assistance. If you have any questions, please do not hesitate to call.

Sincerely,

**[Attorney Name]**  
Attorney

Enclosures: As stated

cc: Ms. **[XXXXXX XXXXXX]** Via Electronic Mail and U.S. Mail