



1301 Ursula Ct., Plano, Texas 75075
robert.noble@qdrosource.com

(866) 375-3611
(Dallas) (972) 829-3287
(Houston) (713) 493-7146
(fax) (866) 375-3611

Thank you for your interest in QDRO Source.

This file is intended only as a fictional illustration of the work product you can expect once your QDRO is completed.

Although the format used is similar to an approved qualified domestic relations order, modifications are often necessary for specific plans; **DO NOT USE THIS**

FORM AS A MODEL FOR ANY QDRO.

We look forward to serving all your QDRO requirements.



1301 Ursula Ct., Plano, Texas 75075
robert.noble@qdrosources.com

(866) 375-3611
(Dallas) (972) 829-3287
(Houston) (713) 493-7146
(fax) (866) 375-3611

April 4, 2007

Sabrina A. Parker
Law Office of Sabrina A. Parker
P.O. Box 920602
Norcross, GA 30010-0602

Re: *RHETT BUTLER and SCARLETT O'HARA WILKES KENNEDY BUTLER ; CASE NO. 02-1-05725-28; IN THE COBB COUNTY SUPERIOR COURT, STATE OF GEORGIA,*
Qualified Domestic Relations Order
Kennedy Merchandise & Lumber, Inc. 401(k) Plan
Rhett Butler, Alternate Payee

Dear Sabrina:

Enclosed you will find the requested Qualified Domestic Relations Order prepared for Rhett Butler for the Kennedy Merchandise & Lumber, Inc. 401(k) Plan.

After review and execution of the order by both parties and your opposing counsel, you should submit the order to the Court for entry, secure an original certified copy of the entered order and submit the original certified QDRO to the plan administrator (transmittal letter prepared and enclosed to print on your letterhead).

This plan does not provide a pre-approval process. Upon its receipt, the plan administrator will review the Order and advise of any changes needed. Please advise us of any requested changes from the plan administrator upon your receipt. After final approval (after resubmission to the Court and re-transmission to the plan administrator), the plan administrator will send to both the Participant and the Alternate Payee (copies to QDRO Source and to you requested) a required notice that a QDRO has been entered, received and its effect on the benefits of the Participant.

Upon receipt, we will review the notice and advise you of its conformity to the Order.

The plan procedures provide that the awarded portion be segregated into a separate account for the Alternate Payee. Upon segregation, the plan will provide Rhett Butler with information regarding distribution and /or investment options, if there are any questions about this process, please call me.

We appreciate the opportunity to serve you in this matter and hope your experience has been totally satisfactory. We are absolutely interested in any comments or suggestions you may have that could improve your next experience with QDRO Source.

Thank you,

A handwritten signature in black ink, appearing to read 'Robert Noble, JD', is written over the typed name.

Robert Noble, JD

Kennedy Merchandise & Lumber, Inc., Plan Administrator
Kennedy Merchandise & Lumber, Inc. 401(k) Plan
423 Elm
Atlanta, GA 30308

Re: Qualified Domestic Relations Order - Scarlett O'Hara Wilkes Kennedy Butler, Participant

Dear Sir or Madam:

I am the attorney of record for Scarlett O'Hara Wilkes Kennedy Butler, in the above referenced matter.

Please find enclosed a certified copy of a Qualified Domestic Relations Order (QDRO) entered In the Matter of the Marriage of Rhett Butler and Scarlett O'Hara Wilkes Kennedy Butler. This Order meets the requirements of Section 414(p) of the Internal Revenue Code of 1986 as amended and accordingly should be considered by the Plan as a Qualified Domestic Relations Order.

Should your review of this order determine that it fails to satisfy the requirement of IRC §414(p), please immediately advise Mr. Robert Noble, JD of QDRO Source [robert.noble@qdrosource.com or (208) 979-4645 fax] of your reasons. You are authorized to discuss any changes you deem necessary directly with Mr. Noble.

Statement of Confidential Information

The Participant's social security number is: 123-45-6789.

The Alternate Payee's social security number is: 987-65-4321.

Please provide my office and QDRO Source (by faxing to (866-375-3611) with a copy of the Notification to Participant and Alternate Payee.

If you have any questions regarding the enclosed please contact my office immediately.

Very truly yours,

Sabrina A. Parker
Attorney at Law

Enclosure

IN THE COBB COUNTY SUPERIOR COURT

STATE OF GEORGIA

IN THE MATTER OF
THE MARRIAGE OF

RHETT BUTLER,
Plaintiff

AND

SCARLETT O'HARA WILKES KENNEDY BUTLER,
Defendant

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION
CASE NO. 02-1-05725-28

QUALIFIED DOMESTIC RELATIONS ORDER (AGREED)
For the Kennedy Merchandise & Lumber, Inc. 401(k) Plan

This cause came on to be heard by agreement of the parties for the entry of a Qualified Domestic Relations Order pursuant to the Final Judgment and Decree of Divorce (Paragraph 23, Pg. 19) entered by this court on February 23, 1871. Consistent with that Decree, the Alternate Payee, named below, will receive payments from the Participant's retirement plan, named below (including any successor plan), pursuant to this assignment of benefits to the Alternate Payee, in compliance with 29 U.S.C. § 1056(d) [§ 206(d) of the Employee Retirement Income Security Act of 1974, as amended] and § 414(p) of the Internal Revenue Code of 1986, as amended. The Court, being fully advised, makes these findings and rulings:

IT IS HEREBY ORDERED THAT:

1. The Plan and Plan Administrator.

- a. Scarlett O'Hara Wilkes Kennedy Butler is a participant in the Kennedy Merchandise & Lumber, Inc. 401(k) Plan, (hereinafter "the Plan"), maintained by Kennedy Merchandise & Lumber, Inc., 423 Elm, Atlanta, GA 30308.
- b. The name and address of the Plan Administrator, or its designee for QDRO matters, is: Kennedy Merchandise & Lumber, Inc., 423 Elm, Atlanta, GA 30308.

2. The Participant and Alternate Payee.

- a. The Participant is Scarlett O'Hara Wilkes Kennedy Butler of 15 Peachtree Court, Atlanta, GA 92061, whose date of birth is September 12, 1844 and whose social security number is XXX-XX-6789.
- b. The Alternate Payee is Rhett Butler of 1525 Old Wharf Road, Charleston, SC 29071, whose date of birth is June 6, 1832 and whose social security number is XXX-XX-4321.
- c. The Participant and the Alternate Payee were married on August 25, 1866. The Decree of Divorce dissolving this marriage was entered by this Court on February 23, 1871.

3. Division of Benefits:

- a. As a part of the just and right division of the estate of the parties, the Court awards, assigns, and grants to Alternate Payee fifty percent (50%) of Participant's total accrued account balance, excluding all outstanding participant loans, on February 23, 1871 (the division date).
- b. Further, the Alternate Payee shall not be entitled to any net interest /investment earnings or losses that are attributable to the awarded portion of the Participant's account from February 23, 1871 until payment or segregation is effected.
- c. Alternate Payee's share shall be taken pro rata from each investment fund and each account held for Participant other than an account holding notes representing prior Participant loans to the extent of such loans, and an account holding employer securities that may be only held by employees.
- d. Subject to the limitations of Paragraph 6 hereof, the Plan shall pay the awarded amounts to the Alternate Payee by transferring the assigned benefits to a separate account established within the Plan for the benefit of the Alternate Payee at the earliest date allowed by the plan after receipt and acceptance of this qualified domestic relations order.

4. **Administrative Fee:** Any fee charged by the Plan Administrator pursuant to procedures adopted by the Plan Administrator relating to the administration of this QDRO shall be charged against the total accrued account balance of the Participant prior to division and segregation of the Alternate Payee's award.

5. **Non-vested Benefits:** If Participant is not fully vested in the accrued benefit or account under the Plan when Alternate Payee begins to receive benefit payments from the Plan, Alternate Payee's portion shall be reduced by the non-vested portion. The Alternate Payee's portion shall be calculated by multiplying it by the Participant's vested percentage as of the date benefits from the Plan began to be paid to Alternate Payee in accordance with this order.

6. **Commencement and Form of Benefit:**

- a. If Alternate Payee so elects, the awarded benefits shall be paid as soon as allowed by the Plan and administratively feasible following the date this order is approved as a qualified domestic relations order by the plan administrator, or if Alternate Payee so elects, any later date permitted under the terms of the Plan.
- b. Alternate Payee may elect to receive the awarded benefits in any combination of the allowable distribution methods permitted to an Alternate Payee under the terms, including any administrative rules adopted by the Plan Administrator, of the Plan.
- c. The form of payment that Alternate Payee elects must provide for distribution within the time limits imposed by §401(a)(9) of the Internal Revenue Code of 1986, as amended and regulations thereunder.

7. **Death Benefits:**

- a. In the event the Participant dies before the establishment of separate account(s) in the name of the Alternate Payee, Alternate Payee shall be treated as the surviving spouse of the Participant for any death benefits payable under the Plan to the extent of the full amount of Alternate Payee's benefits under this order. In the event of Participant's death after the new account(s) have been established on Alternate Payee's behalf, Participant's death shall not affect Alternate Payee's right to receive Alternate Payee's assigned portion of the benefits.

- b. In the event of Alternate Payee's death prior to Alternate Payee receiving the full amount of benefits called for under this Order and under the benefit option chosen by Alternate Payee, such Alternate Payee's beneficiary(ies), as designated on the appropriate form provided by the Plan Administrator, shall receive the remainder of any unpaid benefits under the terms of this Order, and in accordance with the benefit option selected by Alternate Payee. If no beneficiary is designated, the Alternate Payee's estate shall receive the remainder of any unpaid benefits under the terms of this Order and in accordance with the benefit option selected by Alternate Payee.
8. **Return to Work:** If Participant returns to work after retirement and after Alternate Payee has begun to receive benefits under the Plan, Alternate Payee's benefits shall not be affected by Participant's return to work.
9. **Separate Property:** The benefits payable to Alternate Payee under this Order shall be the separate property of the Alternate Payee, and Participant is divested of all right, title, and interest in that property. The Plan benefits not assigned to Alternate Payee under this Order shall be the separate property of the Participant and Alternate Payee is divested of all right title and interest in that property. Participant shall be responsible for confirming appropriate beneficiary designations regarding his interest after acceptance of this order as a qualified domestic relations order by the Plan Administrator.
10. **ERISA Disclaimers.** This Order does not require the Plan to:
- a. provide any type or form of benefit, or any option, that is not otherwise available under the Plan.
 - b. provide increased benefits (determined on the basis of actuarial value),
 - c. make any payment at any time not provided by the Plan, law, or applicable rules and regulations,
 - d. provide benefits to the Alternate Payee that are required to be paid to another Alternate Payee pursuant to another order previously determined to be a Qualified Domestic Relations Order within the meaning of § 414(p) of the Internal Revenue Code of 1986, as amended.
11. **Taxes:** Alternate Payee is ORDERED to report any retirement payments received by Alternate Payee on any applicable income tax return.
12. **Constructive Trust:** While it is anticipated that the Plan Administrator will pay directly to Alternate Payee the benefit awarded to Alternate Payee, Participant is designated a constructive trustee to the extent Participant receives any retirement benefits under the Plan that are due to Alternate Payee. Participant is ORDERED to repay the benefit defined above directly to Plan Administrator within three (3) calendar days after receipt by Participant for corrective action.
13. **Federal Defense of Marriage Act of 1996.** The Alternate Payee falls within the definition of 'spouse' or former 'spouse' in compliance with The Federal Defense of Marriage Act of 1996.
14. **Intention of the Court and Parties.** The Participant, the Alternate Payee and the Court intend this Order to be a Qualified Domestic Relations Order as defined in § 414(p) of the Internal Revenue Code of 1986, as amended. The Court specifically continues to reserve jurisdiction over the parties and subject matter hereof to enforce or modify the terms and conditions of this Order.

15. **Foundation of Order.** The allocation and disposition of the Participant's benefit under the Plan relates to a provision of marital property rights and, in that the State of Georgia has not statutorily addressed the equitable division of marital property, is in accordance with Daniel v. Daniel 277 Ga. 871, 596 S.E.2d 608 Ga. 2004.

ENTERED: _____

Judge Presiding

APPROVED AS TO FORM ONLY:

Law Office of Sabrina A. Parker

Glenn E. Cooper, Attorney at Law

Sabrina A. Parker
Counsel for Scarlett O'Hara Wilkes Kennedy Butler
Bar #: 14256532
P.O. Box 920602
Norcross, GA 30010-0602
(770) 640-1675
Facsimile: (770) 441-9203

Glenn E. Cooper
Counsel for Rhett Butler
Bar #: 56408574
5865 Jimmy Carter Blvd., Suite 110
Norcross, GA 30071
(770) 441-5558
Facsimile: (770) 441-1234

**APPROVED AND CONSENTED TO
AS TO BOTH FORM AND SUBSTANCE:**

Scarlett O'Hara Wilkes Kennedy Butler

Rhett Butler