

[SAMPLE TRANSMITTAL LETTER]

[Date]

Board of Trustees
Locals 302 & 612 of the International Union of
Operating Engineers-Employers Construction
Industry Retirement Trust
P. O. Box 34203
Seattle, WA 98124

Re: QDRO – [Participant] and [Alternate Payee]

Dear Plan Administrator:

Enclosed is a [draft] [court approved] Qualified Domestic Relations Order (“Order”) impacting the benefits of [Participant] under the Locals 302 & 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust.

As noted in the Order, the social security number and date of birth of the Participant and Alternate Payee will be provided separately. They are as follows:

Participant

Participant: [Participant’s Name]
Social Security Number: [Participant’s SSN]
Date of Birth: [Participant’s Birth Date]

Alternate Payee

Alternate Payee: [Alternate Payee’s Name]
Social Security Number: [Alternate Payee’s SSN]
Date of Birth: [Alternate Payee’s Birth Date]

If further information is needed in connection with this QDRO, please contact [name] at [number].

Sincerely,

[name]
Counsel for [Participant] [Alternate Payee]

cc: [name], Counsel for [Participant] [Alternate Payee]

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IN THE SUPERIOR COURT OF THE STATE OF [STATE]
IN AND FOR THE COUNTY OF [COUNTY]

IN RE THE MARRIAGE OF:

[PETITIONER'S NAME],

Petitioner,

v.

[RESPONDENT'S NAME],

Respondent.

NO. _____

QUALIFIED DOMESTIC RELATIONS
ORDER

WHEREAS, the Court has jurisdiction over all parties and over the subject matter in this dissolution action; and

WHEREAS, the parties to this Order and the Court intend this Order to be a Qualified Domestic Relations Order (hereinafter referred to as "Order" or "QDRO") as that term is used in the Retirement Equity Act of 1984, as amended, and interpreted in accordance with that Act; and

WHEREAS, the parties have stipulated that the Court shall enter this Order as an Addendum to the Decree of Dissolution of Marriage filed herein on [date filed with court];
NOW, THEREFORE,

IT IS HEREBY ORDERED by the Court as follows:

- Definitions.** The following are the definitions used in this Order:

QUALIFIED DOMESTIC RELATIONS
ORDER – 1

1 "thirteenth" benefit checks. The level of benefit payments shall be calculated as the actuarial
2 equivalent as defined by the Plan. Subject further to the provisions in paragraph 4.3, below,
3 Alternate Payee's benefits shall be segregated into a separate account on behalf of Alternate
4 Payee and payable in the form of a Modified Life Annuity guaranteed for 60 months, based
upon the lifetime of Alternate Payee (i.e., terminates upon the later of Alternate Payee's death
or a total of 60 monthly payments to Alternate Payee and Alternate Payee's eligible
beneficiary).

5 4.2 Subject to paragraph 4.3, below, Alternate Payee's benefits shall
6 commence upon application by Alternate Payee at any time after Participant reaches the
7 earliest retirement age under the Plan as provided in Internal Revenue Code Section
8 414(p)(4), but not later than the Participant's commencement of benefits (other than on a
9 Disability) and not later than the required beginning date under the Plan. In the case of any
10 payment before Participant has retired, Alternate Payee's benefits shall not take into account
the present value of any employer subsidy for early retirement; however, if Participant later
takes early retirement following commencement of Alternate Payee's benefits and receives
a subsidized early retirement benefit, the amount payable to Alternate Payee shall be
recalculated prospectively based upon the subsidized reduction factors for early retirement,
without affecting Participant's benefits.

11 4.3 If Participant dies prior to commencement of Alternate Payee's
12 benefits, and Alternate Payee survives Participant, Alternate Payee shall not be entitled to
13 receive the single life benefit. Instead, Alternate Payee shall be Participant's sole surviving
14 spouse for purposes of any pre-retirement death benefits accrued from [beginning date] to
15 [separation/divorce date]. If Participant dies prior to commencement of Alternate Payee's
benefits and Alternate Payee has not survived Participant, pre-retirement death benefits
shall be payable to Participant's designated beneficiary. If Alternate Payee dies prior to
commencement of her benefits, her benefits shall revert to Participant for payment to
Participant pursuant to the terms of the Plan.

16 4.4 In the event Participant becomes disabled and is entitled to begin
17 receiving Disability Retirement Income from the Plan, such benefits are the separate
18 property of Participant and do not affect the disposition of benefits or commencement date
of Alternate Payee's benefits.

19 **5. Limitations on Order.** Nothing contained in this Order shall be construed
20 to require the Plan:

21 5.1 To provide for any type or form of benefits, or any option, not
otherwise provided under the Plan at the time benefits commence to the Alternate Payee;

QUALIFIED DOMESTIC RELATIONS
ORDER – 3

1 5.2 To provide increased benefits (determined on the basis of actuarial
2 value) not available to the Participant;

3 5.3 To provide benefits to the Alternate, Payee which are required to be
4 paid to another Alternate Payee under another order previously determined to be a QDRO;
5 or

6 5.4 To provide the payment to the Alternate Payee of benefits forfeited
7 by the Participant.

8 **6. Action to Be Taken.** The Plan Administrator shall be provided with a copy
9 of the Order by counsel for the Alternate Payee. Upon receipt, the Plan Administrator
10 shall:

11 6.1 Immediately notify the Participant and the Alternate Payee of:

12 6.1.1 The receipt of this Order; and

13 6.1.2 The Plan's procedures for determining whether this Order is a
14 QDRO.

15 6.2 Within a reasonable period of time, determine if this Order is a
16 QDRO, and notify the Participant and Alternate Payee of such determination.

17 6.3 Pending determination of a proposed order's status as a QDRO,
18 separately account within the Plan for the amount ("segregated amounts") which would
19 have been payable to the Alternate Payee (if this order is established to be a QDRO) during
20 the determination period, as defined in Internal Revenue Code Section 414(p)(7). No
21 segregation is necessary if benefits are not payable during the determination period.

22 **7. Continuing Jurisdiction.** The Court retains jurisdiction over this matter to
23 amend this order to establish or maintain its status as a QDRO under the Retirement Equity
24 Act of 1984, as amended.

25 DONE IN OPEN COURT this _____ day of *[month]*, *[year]*.

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JUDGE/COURT COMMISSIONER

QUALIFIED DOMESTIC RELATIONS
ORDER – 4

1 Presented by:

2 ***[NAME OF ATTORNEY'S OFFICE]***

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By _____

4 ***[NAME OF ATTORNEY]***

Bar No. ***[00000]***

5 Attorney for Respondent

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Copy Received, Approved for Entry,
7 Notice of Presentment Waived:

8 ***[NAME OF ATTORNEY'S OFFICE]***

9

By _____

10 ***[NAME OF ATTORNEY]***

Bar No. ***[0000]***

11 Attorney for Petitioner

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QUALIFIED DOMESTIC RELATIONS
ORDER – 5