

[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:

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

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1.1 “Participant”: *[Participant’s Name]*
 [Address]

The Participant’s social security number and date of birth will be provided separately to the Plan Administrator.

1.2 “Alternate Payee”:
 Relationship to Participant:
 Address:

[Alternate Payee’s Name]
[Relationship to Participant]
[Address]

The Alternate Payee’s social security number and date of birth will be provided separately to the Plan Administrator.

1.3 “Plan”:
 Locals 302 & 612 of the International
 Union of Operating Engineers-Employers
 Construction Industry Retirement Plan

1.4 “Plan Administrator”:
 Address:

Board of Trustees
P. O. Box 34203
Seattle, WA 98124

2. **Division of Marital Property.** This Order is entered into pursuant to *[RCW 26.09.080 governing division of marital property (as that term is defined therein) between spouses and former spouses in dissolution actions] [describe state law provisions]*. This Order hereby creates and recognizes the existence of the Alternate Payee’s right to receive a portion of the Participant’s benefits under the Plan.

3. **Participant’s Retirement.** Participant retired effective *[date]* and elected benefits payable in the form of a *[form of payment]*.

4. **Payments to Alternate Payee.**

4.1 Effective with benefits payable for *[month/year]*, the Alternate Payee is awarded *[what % or dollar amount]* of each of the Participant’s monthly benefit payments from the Plan. Alternate Payee *[is/is not]* entitled to share in “thirteenth” benefit checks. Alternate Payee’s benefits shall be paid directly to the Alternate Payee by the Plan.

4.2 **[OPTION 1 – FOR USE IF THE PARTICIPANT IS RECEIVING THE MODIFIED LIFE ANNUITY.]** The Alternate Payee’s benefits will cease at the earlier of the Participant’s death or the Alternate Payee’s death, provided that if the Participant dies prior to payment of 60 monthly payments, Alternate Payee’s benefits will cease at the earlier of payment of 60 monthly payments, or Alternate Payee’s death. If the

1 Alternate Payee predeceases the Participant, the Alternate Payee's share shall revert to the
2 Participant.

3 **[OPTION 2 – FOR USE IF THE PARTICIPANT IS RECEIVING**
4 **THE JOINT AND SURVIVOR OPTION.]** The Alternate Payee's benefits cease at the
5 earlier of the Participant's death or the Alternate Payee's death, provided that if the
6 Participant predeceases the Alternate Payee, the Alternate Payee shall be the Participant's
7 sole surviving spouse entitled to receive the survivor benefit following the Participant's
8 death. If the Alternate Payee predeceases the Participant, the Alternate Payee's share shall
9 revert to the Participant.

10 4.3 In the event Participant returns to work after retirement, the
11 Participant's benefits may be suspended. In such event, the Alternate Payee's benefits shall
12 also be suspended.

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

15 5.1 To provide for any type or form of benefits, or any option, not
16 otherwise provided under the Plan at the time benefits commence to the Alternate Payee;

17 5.2 To provide increased benefits (determined on the basis of actuarial
18 value) not available to the Participant;

19 5.3 To provide benefits to the Alternate, Payee which are required to be
20 paid to another Alternate Payee under another order previously determined to be a QDRO;
21 or

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

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

6.1 Immediately notify the Participant and the Alternate Payee of:

6.1.1 The receipt of this Order; and

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

1 6.2 Within a reasonable period of time, determine if this Order is a
2 QDRO, and notify the Participant and Alternate Payee of such determination.

3 6.3 Pending determination of a proposed order's status as a QDRO,
4 separately account within the Plan for the amount ("segregated amounts") which would
5 have been payable to the Alternate Payee (if this order is established to be a QDRO) during
6 the determination period, as defined in Internal Revenue Code Section 414(p)(7). No
7 segregation is necessary if benefits are not payable during the determination period.

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

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

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JUDGE/COURT COMMISSIONER

Presented by:

[NAME OF ATTORNEY'S OFFICE]

By _____
[NAME OF ATTORNEY]
Bar No. *[00000]*
Attorney for Respondent

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

[NAME OF ATTORNEY'S OFFICE]

By _____
[NAME OF ATTORNEY]
Bar No. *[0000]*
Attorney for Petitioner

QUALIFIED DOMESTIC RELATIONS
ORDER – 4