

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

IN RE THE MARRIAGE OF:)	
)	
[PETITIONER'S NAME])	
)	
Petitioner,)	NO. _____
)	
v.)	QUALIFIED DOMESTIC RELATIONS
)	ORDER
[RESPONDENT'S NAME])	
)	
Respondent.)	
_____)	

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 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:

- | | |
|-------------------------|----------------------|
| 1.1. "Participant:" | [PARTICIPANT'S NAME] |
| Address: | [ADDRESS] |
| Social Security Number: | [000-00-0000] |
| Date of Birth: | [Month, Day, Year] |

1.2. "Alternate Payee:" [ALTERNATE PAYEE'S NAME]
Relationship to Participant: [RELATIONSHIP]
Address: [ADDRESS]
Social Security Number: [000-00-0000]
Date of Birth: [MONTH, DAY, YEAR]

1.3. "Plan:" Locals 302 and 612 of the
International Union of
Operating Engineers-
Employers Construction
Industry Retirement Plan

1.4. "Plan Administrator:" Board of Trustees
Address: 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 divorce actions. This Order hereby creates and recognizes the existence of the Alternate Payee's rights to receive a portion of the Participant's benefits under the Plan.

3. Factual Basis for Order. This Order is based on the following facts:

3.1. Participant is vested.

3.2. Participant is [AGE] years of age.

3.3. Participant has applied for Disability Retirement Income.

4. Payments to Alternate Payee.

4.1. The Alternate Payee is awarded [WHAT PERCENT] percent of the Participant's benefits in the Plan accrued from [INSERT DATE OF MARRIAGE OR OTHER BEGINNING DATE OF ACCRUAL PERIOD] through [INSERT DATE OF SEPARATION OR OTHER ENDING DATE OF ACCRUAL PERIOD], and calculated as of the Participant's Normal Retirement Age. The Alternate Payee is also entitled to any increases on her share of the benefit. Alternate Payee [is/is not] entitled to share in "thirteenth" benefit checks. Actuarial adjustments shall be applied pursuant to the terms of the Plan. The Alternate Payee's benefits shall be segregated into a separate account on behalf of the Alternate Payee and payable in the form of a Modified Life Annuity, based upon the lifetime of the Alternate Payee (i.e., terminates upon the later of the Alternate Payee's death or a total of 60 monthly payments to the Alternate Payee and the Alternate Payee's eligible beneficiary).

4.2. The Alternate Payee's benefits shall commence upon application by the Alternate Payee at any time after the Participant reaches the earliest retirement age under the Plan as provided in Internal Revenue Code Section 414(p)(4), but not later than the required beginning date under the Plan. The Alternate Payee's benefits shall not take into account the present value of any employer subsidy for Early Retirement; provided that if the Participant should take Early Retirement and receive a subsidized Early Retirement benefit, the amount payable to the Alternate Payee shall be recalculated prospectively based upon the subsidized reduction factors for Early Retirement, without affecting the Participant's benefits.

4.3. The Alternate Payee shall receive the Modified Life Annuity regardless of whether the Participant dies prior to commencement of the Alternate Payee's benefits. If the Alternate Payee dies prior to commencement of her benefits, her benefits shall revert to the Participant for payment to the Participant pursuant to the terms of the Plan.

4.4. The Participant has qualified for Disability Retirement Income from the Retirement Plan. The Disability Retirement Income is the separate property of the Participant and shall not affect the disposition of benefits or commencement date of the Alternate Payee's benefits. Upon attainment of the Participant's Normal Retirement Date under the Plan, the Participant's benefits shall be adjusted to reflect the amount of benefits awarded to the Alternate Payee. The Participant's benefits may also be adjusted on an earlier date if the Participant's Disability Retirement Income terminates.

4.5. In the event the Participant returns to work, the Participant's benefits may be suspended or terminated. In such event, the Alternate Payee's benefits shall not be terminated.

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

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;

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

5.3. To provide benefits to the Alternate Payee which are required to be paid to another Alternate Payee under another order previously determined to be a QDRO; and

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 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.

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

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

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

DONE IN OPEN COURT this _____ day of [MONTH, YEAR]

Judge/Court Commissioner

Presented by:

[NAME OF ATTORNEY'S FIRM]

By _____

[NAME OF ATTORNEY]

WSBA No. [00000]

Of Attorneys for [PETITIONER/RESPONDENT]

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

[NAME OF ATTORNEY'S FIRM]

By _____

[NAME OF ATTORNEY]

WSBA No. [00000]

Of Attorneys for [PETITIONER/RESPONDENT]