

[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:

1 1.1 "Participant": *[Participant's Name]*  
Address: *[Address]*

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

4 1.2 "Alternate Payee": *[Alternate Payee's Name]*  
Relationship to  
Participant: *[Relationship to Participant]*  
5 Address: *[Address]*

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

8 1.3 "Plan": Locals 302 & 612 of the International  
Union of Operating Engineers-Employers  
Construction Industry Retirement Plan

9 1.4 "Plan Administrator": Board of Trustees  
Address: P. O. Box 34203  
Seattle, WA 98124

10  
11 **2. Division of Marital Property.** This Order is entered into pursuant to *[RCW*  
12 *26.09.080 governing division of marital property (as that term is defined therein) between*  
13 *spouses and former spouses in dissolution actions] [describe state law provisions].* This  
14 Order hereby creates and recognizes the existence of the Alternate Payee's right to receive  
15 a portion of the Participant's benefits under the Plan.

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

17 3.1 Participant is vested;

18 3.2 Participant is [age] years of age; and

19 3.3 Participant at the time of entry of this order is not receiving any  
20 payment of benefits under the Plans.

21 **4. Payments to Alternate Payee.**

4.1 Subject to the provisions in paragraph 4.3, below, for pre-retirement  
death benefits, Alternate Payee is awarded [what %] of the Participant's accrued benefit in the  
Plan earned from [beginning date] to [separation /divorce date], and calculated as of the  
Alternate Payee's benefit commencement date. Alternate Payee is also entitled to any  
increases on her share of the benefit. Alternate Payee [is/is not] entitled to share in

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]***

3

By \_\_\_\_\_

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

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

5 Attorney for Respondent

6

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