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

Alternate Payee

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

1		[FOR RETIREES-7/07/06]	
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6	IN THE SUPERIOR COURT OF THE STATE OF <u>[STATE]</u> IN AND FOR THE COUNTY OF <u>[COUNTY]</u>		
7	IN RE THE MARRIAGE OF:		
8	[PETITIONER'S NAME],	NO	
9 10	Petitioner,	QUALIFIED DOMESTIC RELATIONS ORDER	
11	v.		
12	[RESPONDENT'S NAME],		
12	Respondent.		
14	WHEREAS, the Court has jurisdiction this dissolution action; and	over all parties and over the subject matter in	
15		d the Court intend this Order to be a Qualified	
16 17	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		
18	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 <i>[date filed with court]</i> ;		
19	NOW, THEREFORE,		
20	IT IS HEREBY ORDERED by the Court as follows:		
21	1. <u>Definitions</u> . The following are the definitions used in this Order:		
	QUALIFIED DOMESTIC RELATIONS ORDER – 1		
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1	1.1	"Participant": Address:	[Participant's Name] [Address]
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3	The Participant's social security number and date of birth will be provided separately to the Plan Administrator.		
4	1.2	"Alternate Payee": Relationship to	[Alternate Payee's Name]
5		Participant: Address:	[Relationship to Participant] [Address]
6	The Alternate Payee's social security number and date of birth will be provided separately to the Plan Administrator.		
7	1.3	"Plan":	Locals 302 & 612 of the International Union of Operating Engineers-Employers
8			Construction Industry Retirement Plan
9	1.4	"Plan Administrator": Address:	Board of Trustees P. O. Box 34203
10			Seattle, WA 98124
11 12	2. <u>Division of Marital Property</u> . 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.		
13 14	3. <u>Participant's Retirement</u> . Participant retired effective <u>[date]</u> and elected benefits payable in the form of a <u>[form of payment]</u> .		
14	4. <u>Pa</u>	yments to Alternate Payee.	
16	4.1 Effective with benefits payable for <i>[month/year]</i> , the Alternate Paya		payable for <i>[month/year]</i> , the Alternate Payee
17	is awarded <i>[what % or dollar amount]</i> of each of the Participant's monthly benefit payments from the Plan. Alternate Payee <i>[is/is not]</i> entitled to share in "thirteenth" benefit checks. Alternate Payee's benefits shall be paid directly to the Alternate Payee by the Plan.		
18	4.2		SE IF THE PARTICIPANT IS RECEIVING
19	<u>THE MODIFIED LIFE ANNUITY.</u> 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		
20			hly payments, Alternate Payee's benefits will y payments, or Alternate Payee's death. If the
21			
	QUALIFIED DOM ORDER – 2	ESTIC RELATIONS	

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- 1 Alternate Payee predeceases the Participant, the Alternate Payee's share shall revert to the Participant.
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[OPTION 2 – FOR USE IF THE PARTICIPANT IS RECEIVING

<u>THE JOINT AND SURVIVOR OPTION.</u> The Alternate Payee's benefits cease at the earlier of the Participant's death or the Alternate Payee's death, provided that if the Participant predeceases the Alternate Payee, the Alternate Payee shall be the Participant's sole surviving spouse entitled to receive the survivor benefit following the Participant's death. If the Alternate Payee predeceases the Participant, the Alternate Payee's share shall revert to the Participant.

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

5. <u>Limitations on Order</u>. 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;

12 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; or

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

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

Immediately notify the Participant and the Alternate Payee of:

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- 6.1.1 The receipt of this Order; and
- 6.1.2 The Plan's procedures for determining whether this Order is a QDRO.

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6.1

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2	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.		
3	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		
4	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		
5	segregation is necessary if benefits are not payable during the determination period.		
6 7	7. <u>Continuing Jurisdiction</u> . 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.		
8	DONE IN OPEN COURT this day of [month], [year].		
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10	JUDGE/COURT COMMISSIONER		
11	Presented by:		
12	[NAME OF ATTORNEY'S OFFICE]		
13			
14	By [NAME OF ATTORNEY]		
15	Bar No. [00000] Attorney for Respondent		
16	Copy Received, Approved for Entry,		
17	Notice of Presentment Waived:		
18	[NAME OF ATTORNEY'S OFFICE]		
19	By		
20	[NAME OF ATTORNEY] Bar No. [0000]		
21	Attorney for Petitioner		
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