SUPERIOR COURT OF THE

STATE OF CALIFORNIA FOR THE COUNTY OF \_\_\_\_\_\_\_\_\_\_

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| IN RE MARRIAGE OF )  )  PETITIONER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)  )  AND )  )  RESPONDENT: )  )  )  CLAIMANT: )  )  OPERATING ENGINEERS LOCAL ) 12 DEFINED CONTRIBUTION )  PLAN ) | CASE NUMBER:  QUALIFIED DOMESTIC RELATIONS ORDER (DEFINED CONTRIBUTION PLAN) |

This matter having come on for hearing before the above-entitled Court on this date, and the Court having been fully advised in the premises and having reviewed the files and record herein,

WHEREAS this Court has personal jurisdiction over both parties to this action, and jurisdiction of the subject matter of this Order in this dissolution of marriage action;

WHEREAS, it is intended by this Court that this Order qualify as a Qualified Domestic Relations Order as that term is used in the Retirement Equity Act of 1984, P.L. 98-297 (hereinafter a "QDRO"); and it is therefore Ordered, adjudged and decreed as follows:

1. DEFINITIONS AS USED IN THIS ORDER:

(a) The term "Participant" means \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, whose address is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The full Social Security Number of Participant and the birth date of Participant shall be supplied along with a conformed copy of this issued Order.

(b) The term "Alternate Payee" means \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, whose address is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Alternate Payee's full Social Security Number and birth date shall be supplied along with a conformed copy of this issued Order.

(c) The term "Plan" means the Defined Contribution Pension Plan entitled OPERATING ENGINEERS LOCAL 12 DEFINED CONTRIBUTION PLAN, the Trustee being the Board of Trustees, Employer Identification Number 83-0984282, whose address is 100 Corson Street, Suite 100, Pasadena, California 91103.

(d) The term "Plan Administrator" means the Board of Trustees of the OPERATING ENGINEERS LOCAL 12 DEFINED CONTRIBUTION PLAN, whose address is 100 Corson Street, Suite 100, Pasadena, California 91103.

2. The Participant currently holds a vested interest in a defined contribution benefit Account within the Plan.

3. The Alternate Payee is the former spouse of the Participant.

4. This Order recognizes the Alternate Payee's rights to the Alternate Payee's community property interest in benefits accrued by the Participant under the Plan which is attributable to Participant's employment during marriage to the Alternate Payee. The period of marriage is the period \_\_\_\_\_\_\_\_\_\_\_\_from through \_\_\_\_\_\_\_\_\_\_\_.

5. The value of the Alternate Payee's community property interest as of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_, 20\_ at 5:00PM is stipulated to be $ \_\_\_\_\_\_\_\_\_\_.

6. The amount awarded to the Alternate Payee under this Order shall be deducted from Participant's account under the Plan as described in Part 7 and administered in accord with Part 7.

7. (A) The Plan Administrator shall deduct from Participant's account under the Plan and award to Alternate Payee the amount set forth in Part 5 of this Order, adjusted for any investment gains and losses in accordance with the provisions of the Plan for the period between the date set forth in Part 5 through the date the amount awarded to the Alternate Payee is deducted from the Participant's account and deposited into an account under the Plan in the name of the Alternate Payee.

(B) The Plan Administrator shall establish a separate account under the Plan in the name of the Alternate Payee for receipt of the deduction and deposit as set forth above. The amount assigned to the Alternate Payee will be taken from the Participant's vested account under the Plan on a pro rata basis from the Participant's investments in effect on the date the Alternate Payee's account is established. The Alternate Payee's account will continue to be invested in the same types of investments as all other Plan Participants.

(C) Following the establishment of the Alternate Payee's account if the Plan then or thereafter offers self-directed investment options the Alternate Payee may change the investments of the Alternate Payee's benefit account and invest the account in any of the investment options offered under the Plan by following the procedures established from time to time under the Plan.

(D) The Alternate Payee may elect to commence distribution of the benefit assigned to the Alternate Payee at any time after the Plan Administrator has determined that this Order constitutes a Qualified Domestic Relations Order within the meaning of Section 414(p) of the Internal Revenue Code, but only by filing the proper distribution forms with the Plan Administrator provided, however, such date of distribution may not be later than the required beginning date as set forth in Internal Revenue Code Section 401(a)(9) and all regulations thereunder. The Alternate Payee shall be treated as the distributee under Internal Revenue Code Sections 72, 402 and all other related Sections of the Code for all amounts assigned Alternate Payee under this Order and will be required to include all of the interest awarded in gross income when and in the fashion required by the Internal Revenue Code upon distribution. Nothing herein is intended to prohibit an eligible rollover distribution as may be permitted from time to time under the Internal Revenue Code.

(E) Should Alternate Payee die prior to the establishment of a separate account pursuant to Part 7 (B) of this Order then in that event the amounts awarded to Alternate Payee shall revert to Participant. Should Alternate Payee die subsequent to the establishment of a separate account pursuant to Part 7 (B) then in that event any balance in the separate account of Alternate Payee under the Plan shall be distributed, upon application, in accord with the applicable provisions of the Plan.

(8) Nothing contained in this Order shall be construed to require the Plan or Administrator;

(a) To provide to the Alternate Payee any type or form of benefit or any option not otherwise available to the Participant under the Plan;

(b) To pay any benefits to the Alternate Payee which are required to be paid to another alternate payee under another Order determined by the Plan Administrator to be a Qualified Domestic Relations Order.

9. Copies of this Order shall be sent by ordinary mail by the Alternate Payee to the Plan Administrator, who shall, pursuant to 29 U.S.C. Section 1056(d)(3)(g):

(a) Promptly notify the Participant, the Alternate Payee and any other alternate payee of:

(i) The receipt of a copy of this Order by the Plan Administrator; and

(ii) The Plan's procedure for determining qualified status of Domestic Relations Orders;

(b) Within a reasonable period of time after receipt of a copy of the Order, determine whether this Order is a Qualified Domestic Relations Order and notify the Participant, the Alternate Payee and any other alternate payee of such determination.

10. The Alternate Payee under this Qualified Domestic Relations Order shall advise the Plan Administrator, in writing, of his/her change in name or address and of each change in the provisions of this Qualified Domestic Relations Order, or of any material facts that may affect the Alternate Payee's entitlement to benefits under this Qualified Domestic Relations Order or the amount of such benefits.

11. This Order is intended to be a Qualified Domestic Relations Order pursuant to the Retirement Equity Act of 1984 and its provisions shall be administered and interpreted in conformity with that Act.

12. This Court retains jurisdiction over this matter to amend this Order in order to establish or maintain its qualification as a Qualified Domestic Relations Order under the Retirement Equity Act of 1984.

IT IS SO STIPULATED.

Dated:

Alternate Payee

Dated:

Participant

IT IS SO ORDERED

Dated:

Judge of the Superior Court