

QDRO TRANSMITTAL LETTER

Date

Board of Trustees
Cement Masons and Plasterers 401(k) Trust
P. O. Box 34203
Seattle, WA 98124

Re: QDRO – _____ and _____
Participant *Alternate Payee*

Dear Plan Administrator:

Enclosed is a Qualified Domestic Relations Order (“Order”) impacting the benefits under the Cement Masons and Plasterers 401(k) Plan.

This Order is a: Draft, or
 Court Certified Copy

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’s Name: _____
Social Security Number: _____
Date of Birth: _____

Alternate Payee

Alternate Payee’s Name: _____
Social Security Number: _____
Date of Birth: _____

If further information is needed in connection with this QDRO, please contact:

Name: _____
Phone Number: _____

Sincerely,

Signature

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IN THE SUPERIOR COURT FOR THE STATE OF _____
IN THE COUNTY OF _____

IN RE THE MARRIAGE OF:

_____,
Petitioner,
v.
_____,
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 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), 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"
Name: _____
Address: _____

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

1.2 "Alternate Payee"
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" Cement Masons and Plasterers 401(k) Plan
1.4 "Plan Administrator" Board of Trustees
Address: P.O. Box 34203
Seattle, WA 98124

2. **Division of Marital Property.** 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. **Factual Basis for order.** This Order is based on the following facts:

3.1 Participant is vested;

3.2 Participant is _____ years of age; and

3.3 Participant at the time of entry of this Order is not receiving any payment of benefits under the Plan.

1 **4. Payments to Alternate Payee.**

2 4.1 Alternate Payee is awarded (select only one, flat amount or percentage):

3 The FLAT AMOUNT of \$ _____.

4 Alternate Payee's share of the account will be transferred effective on:
5 _____ (date).

6 Such amount shall be transferred to a separate account in the Plan solely in the
7 name of the Alternate Payee. Alternate Payee's account shall thereafter be valued
8 separately from the Participant's and be subject to allocation of earnings and
9 expenses separately from Participant's.

10 **OR**

11 The PERCENTAGE of _____% of the Participant's account balance
12 in the Plan earned from:

13 _____ (beginning date) to

14 _____ (ending date).

15 The Alternate Payee's share shall be transferred effective on:

16 _____ (separation or divorce date) to a separate account in the Plan
17 solely in the name of the Alternate Payee. Alternate Payee's account shall be
18 valued separately from the Participant's and be subject to allocation of earnings
19 and expenses separately from Participant's.

20 4.2 Alternate Payee's benefits shall commence upon application by Alternate
21 Payee at any time after approval of this Order by the Plan, but not later than the required
22 beginning date under the Plan. Consistent with the terms of the Plan, Alternate Payee shall be
23 entitled to select a form of payment and designate a beneficiary for Alternate Payee's portion of
24 the benefits. If Alternate Payee dies prior to commencement of benefits, the balance in Alternate
25 Payee's separate account shall be payable in the form of an alternate death benefit to Alternate
26 Payee's eligible beneficiary pursuant to the terms of the Plan.

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

29 5.1 To provide for any type or form of benefits, or any option, not otherwise
30 provided under the Plan at the time benefits commence to the Alternate Payee;

31 5.2 To provide increased benefits (determined on the basis of actuarial value)
32 not available to the Participant;

33 5.3 To provide benefits to the Alternate Payee which are required to be paid to
34 another Alternate Payee under another order previously determined to be a QDRO; and

1 5.4 To provide the payment to the Alternate Payee of benefits forfeited by the
2 Participant.

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

5 6.1 Immediately notify the Participant and the Alternate Payee of:

6 6.1.1 The receipt of this Order; and

7 6.1.2 The Plan's procedures for determining whether this Order is a
8 QDRO.

9 6.2 Within a reasonable period of time, determine if this Order is a QDRO,
10 and notify the Participant and Alternate Payee of such determination.

11 6.3 Pending determination of a proposed order's status as a QDRO, separately
12 account within the Plan for the amount ("segregated amounts") which would have been payable to
13 the Alternate Payee (if this Order is established to be a QDRO) during the determination period,
14 as defined in Internal Revenue Code Section 414(p)(7). No segregation is necessary if benefits
15 are not payable during the determination period.

16 **7. Continuing Jurisdiction.** The Court retains jurisdiction over this matter to
17 amend this order to establish or maintain its status as a QDRO under the Retirement Equity Act of
18 1984, as amended.

19 DONE IN OPEN COURT this ____ day of _____, _____.

20 _____
21 JUDGE/COURT COMMISSIONER

22 Presented by:

23 By: _____
24 *Signature* Petitioner or Respondent

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

27 By: _____
28 *Signature* Petitioner or Respondent