

1 2. _____ ("Participant") is a
2 participant in the Trust and has the following date of birth
3 and current address:

4 DATE OF BIRTH: _____
5 CURRENT ADDRESS: _____
6 _____

7 3. _____ ("Alternate Payee Spouse")
8 has a community property interest in the pension benefits of
9 the Participant in the Trust arising from the marriage of the
10 Alternate Payee Spouse to the Participant and has the
11 following date of birth and current address:

12 DATE OF BIRTH: _____
13 CURRENT ADDRESS: _____
14 _____

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16 **NOTE:** The Participant, the Alternate Payee Spouse and each
17 Alternate Payee under this order shall file or cause to be filed
18 with the Trust an information form, in the format of Attachment
19 A to this order, setting forth the social security numbers of
20 the Participant and all Alternate Payees named in this order.
21 The Trust shall have no obligation to comply with this order
22 until such form or forms are presented to it containing the
23 social security numbers of the Participant and all Alternate
24 Payees named in this order. No such form containing the social
25 security numbers of the parties to this proceeding shall be
26 filed with the court.
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1 **DEFINITION OF COMMUNITY INTEREST OF ALTERNATE PAYEE SPOUSE**

2 4. The community property interest of the Alternate
3 Payee Spouse ("Community Interest") shall mean the right of
4 the Alternate Payee Spouse to receive credits in and benefits
5 from the Trust, as more specifically set forth herein, based
6 upon one-half of any Prior Service Credits and Pension Credits
7 accumulated by the Participant during the period of
8 _____ (month and year of marriage)
9 through _____ (month and year of
10 separation.)

11 **ASSIGNMENT OF BENEFITS TO ALTERNATE PAYEE SPOUSE**

12 5. The Trust shall divide the Participant's Prior
13 Service Credits and Pension Credits and allocate part of such
14 credits to the Alternate Payee Spouse and assign to the
15 Alternate Payee Spouse the right to receive pension benefits
16 based upon the Community Interest. This assignment shall
17 include all of the Community Interest withheld by the Trust
18 from the Participant's pension, during the period on which the
19 claim of the Alternate Payee Spouse was reviewed by the Trust.
20 The Participant shall have no right to receive that portion of
21 the pension benefits assigned by this order to the Alternate
22 Payee Spouse except in the event that the Alternate Payee
23 Spouse and each Alternate Payee named in this order have died
24 or upon further order of this court.

25 6. The Alternate Payee Spouse shall have no right to
26 receive pension benefits from the Trust except as specifically
27 required by this order. All payment of pension benefits to
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1 the Alternate Payee Spouse shall cease upon the death of the
2 Participant except for death benefits or benefits payable to a
3 surviving spouse required under Paragraph 11 of this order.

4 COMMENCEMENT OF BENEFITS

5 7. Payment of pension benefits to the Alternate Payee
6 Spouse shall begin on the first month after approval by the
7 Trustees of this order as a Qualified Domestic Relations
8 Order, after this order has been entered by the Court, and
9 after the Alternate Payee Spouse has made a written
10 application for benefits from the Trust pursuant to this
11 order, when the earliest of the following events occurs: (a)
12 the Participant has retired and begun receiving pension
13 benefits from the Trust; (b) the Participant is eligible for a
14 Regular Pension, an Early Pension, a Service Pension, or a
15 Pro-Rata Pension from the Trust (whether or not the
16 Participant has retired and made application for, or begun
17 receiving, pension benefits from the Trust); (c) the
18 Participant dies before retiring or after retiring, but before
19 pension payments to the Participant commence, if the
20 Participant's Service Credits are vested in accord with
21 Article III, Section 3, of the Operating Engineers Pension
22 Plan ("Plan").

23 FORM OF BENEFIT PAYMENTS

24 8. If the Participant has begun receiving pension
25 benefits when this order is approved by the Trustees, the
26 Alternate Payee Spouse shall receive pension benefits in the
27 form that such benefits are being paid to the Participant.

1 9. If the Participant has not yet begun receiving
2 pension benefits when this order is approved by the Trustees,
3 then the form of benefits payable to the Alternate Payee
4 Spouse shall be selected as follows:

5 a. If the Alternate Payee Spouse has been married
6 for not less than one year to the Participant, when her
7 application for benefits is made, benefits shall be paid to
8 the Alternate Payee Spouse in the form of the Husband-and-
9 Wife-Pension unless that form is rejected in the manner
10 prescribed by Article VII, Section 2, of the Plan. The
11 Alternate Payee Spouse shall be deemed the spouse of the
12 Participant to the extent of the Community Interest for
13 purposes of the rejection specified in Article VII, Section 2,
14 of the Plan.

15 b. If the Alternate Payee Spouse has not been
16 married to the Participant for at least one year, when her
17 application for benefits is made, then pension benefits shall
18 be paid to the Alternate Payee Spouse in the form of a single
19 life annuity using the Participant's life as the measuring
20 life.

21 c. If the Alternate Payee Spouse begins receiving
22 pension benefits pursuant to this order before the Participant
23 attains age 62, the Alternate Payee Spouse's monthly amount
24 shall not exceed the amount actuarially equivalent at the
25 Participant's current age to the amount the Participant would
26 have received at age 62. For this purpose, the actuarial
27 equivalent reduction shall be one half of one percent (.5%)
28 for each month by which the Participant's age precedes age 62.

1 This reduction shall be applied prior to any reduction for the
2 Husband-and-Wife Pension form.

3 10. In the event that the Husband-and-Wife-Pension, or
4 the survivor benefit payable under such pension, is paid to
5 the Alternate Payee Spouse pursuant to the rules of the Plan
6 and this order, the amount of benefits payable shall be
7 calculated using the age of the Participant and the age of the
8 Alternate Payee Spouse as the spouse for the computation of
9 benefits under Article VII, Section 2, of the Plan.

10 **PAYMENTS AFTER PARTICIPANT'S DEATH**

11 11. The Alternate Payee Spouse shall be deemed to be the
12 surviving spouse of the Participant, to the extent of the
13 Community Interest, and any benefit payable to a surviving
14 spouse under Article VII or Article IX of the Plan following
15 the Participant's death, shall be paid, to the extent of the
16 Community Interest, to the Alternate Payee Spouse in accord
17 with such provisions of the Plan and this order.

18 **PAYMENT AFTER DEATH OF ALTERNATE PAYEE SPOUSE**

19 12. In the event the Alternate Payee Spouse dies before
20 the Participant, any further pension benefits which would have
21 been payable to the Alternate Payee Spouse from the
22 Participant's pension, had the Alternate Payee Spouse lived
23 until the Participant's death, shall be paid to the person or
24 persons set forth below in the proportion stated:

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26	NAME:
27	CURRENT ADDRESS:
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1	DATE OF BIRTH:
2	Relationship to Participant:
3	Percentage of Benefits:

4	NAME:
5	CURRENT ADDRESS:
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7	DATE OF BIRTH:
8	Relationship to Participant:
9	Percentage of Benefits:

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Each of the persons named above is an Alternate Payee under this Order and qualifies as such pursuant to Section 1056 (d) (3) (K) of Title 29 of the United States Code as the spouse, former spouse, child or other dependent of the Participant.

13. If an Alternate Payee predeceases the Alternate Payee Spouse, his or her share shall be divided equally among the surviving Alternate Payees. If the Alternate Payee Spouse and each Alternate Payee named in this order predecease the Participant, pension benefits which would otherwise be payable to the Alternate Payee Spouse or any Alternate Payee shall be paid to the Participant.

14. If the Alternate Payee Spouse is receiving, or entitled to receive, death benefits pursuant to this order and Article VII of the Plan, the balance of any such benefits, to the extent of the Community Interest, which remain payable after the death of the Alternate Payee Spouse shall be paid to the Alternate Payee or Alternate Payees named in paragraph 12

1 above for the remainder of such payments. If an Alternate
2 Payee dies before receiving his or her entire share of the
3 remaining payments, then his or her share shall be divided
4 equally among the surviving Alternate Payees. If no Alternate
5 Payee has been named in this order, or if no Alternate Payee
6 survives until the balance of such benefits has been fully
7 paid, then any remaining death benefits payable pursuant to
8 this order and Article VII of the Plan, following the death of
9 the Alternate Payee Spouse shall be paid in accord with the
10 rules of the Plan without regard to this order.

11 GENERAL PROVISIONS

12 15. This order is intended to be a qualified domestic
13 relations order and shall affect only the Community Interest
14 of the Alternate Payee Spouse. All of the remaining interest
15 in the Participant's pension benefits or death benefits shall
16 be paid in accord with the rules of the Plan without regard to
17 this order.

18 16. Except as expressly provided in this order, the
19 interest in pension benefits or death benefits of the
20 Participant, the Alternate Payee Spouse, and each Alternate
21 Payee named in this order shall not be assigned or alienated,
22 and all rights with respect to pension benefits or death
23 benefits shall exist and shall terminate in accordance with
24 the rules of the Plan.

25 17. Nothing herein shall be construed to require the
26 Trust to provide the following:

27 a. any type or form of benefit, or any option, not
28 otherwise provided under the Plan;

1 b. increased benefits (determined on the basis of
2 actuarial value), over that which would otherwise be payable
3 under the Plan in the absence of this order; or

4 c. benefits to an Alternate Payee Spouse or an
5 Alternate Payee which are required to be paid to another
6 alternate payee under another order previously determined
7 under this Plan to be a qualified domestic relations order as
8 that term is defined in Section 1056(d) (3) (B) of Title 29 of
9 the United States Code.

10 18. In the event that the Trust is terminated in whole
11 or in part pursuant to its Plan or pursuant to proceedings
12 instituted by the Pension Benefit Guaranty Corporation or
13 other federal agency, the interests of the Participant, the
14 Alternate Payee Spouse and each Alternate Payee shall be
15 disposed of in such manner as required by the Plan and by
16 federal law.

17 19. Notwithstanding any other provision of this order,
18 in the event that the Participant, the Alternate Payee Spouse,
19 any Alternate Payee or another person claiming to derive
20 rights to benefits from any such person, shall make a claim
21 which the Trustees determine to be inconsistent with the terms
22 of this order or the terms of the Plan, the Trustees may
23 forthwith cease payments to all or any persons otherwise
24 entitled thereto under this order pending resolution of said
25 claim and may take such further action as is permitted under
26 the rules of the Plan and applicable federal law, including
27 Section 1056(d) of Title 29 of the United States Code.

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1 20. This court reserves jurisdiction to make all other
2 necessary and proper orders required to carry out the terms of
3 this order.

4
5 **Approved as to form and content:**

6
7 Date _____ Participant _____

8 Date _____ Attorney for Participant _____

9
10 Date _____ Alternate Payee Spouse _____

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12 Date _____ Attorney for Alternate Payee
13 Spouse _____

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15 Date _____
16 **JUDGE OF THE SUPERIOR COURT**

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ATTACHMENT TO
QUALIFIED DOMESTIC RELATIONS ORDER

STATEMENT OF CONFIDENTIAL INFORMATION

DO NOT FILE WITH COURT

This separate statement of confidential information sets forth the social security number of the Participant and any Alternate Payee under a qualified domestic relations order. The Operating Engineers Pension Trust ("Plan) will require this information for tax reporting purposes. This form must be completed and served on the Plan with a copy of the qualified domestic relations order.

1. Participant Information:

- a. Name: _____
- b. Social Security Number: _____

2. Alternate Payee(s) Information:

- a. Name: _____
- b. Social Security Number: _____

- a. Name: _____
- b. Social Security Number: _____

- a. Name: _____
- b. Social Security Number: _____

- a. Name: _____
- b. Social Security Number: _____