

1	2. Alternate Payee (Child):, hereinafter
2	referred to as "Alternate Payee" or "Alternate Payee (Child)," has the following date of
3	birth and current address:
4	DATE OF BIRTH:
5	ADDRESS: C/O
6	
7	3. Alternate Payee (Spouse):, hereinafter
8	referred to as "Alternate Payee" or "Alternate Payee (Spouse)," has the following date
9	of birth and current address:
10	DATE OF BIRTH:
11	ADDRESS:
12	
13	NOTE: A separate Attachment to Qualified Domestic Relations Order ("Attachment")
14	that sets forth the social security number of the Participant and all Alternate Payees
15	named above must be completed and served on the Plan with a copy of this order. The
16	Plan will require this for tax reporting purposes. Do not file a copy of the Attachment
17	with the court.
18	NAME OF PLAN COVERED BY ORDER
19	4. The Participant is a participant in the Operating Engineers Pension
20	Trust ("Plan"), which is administered by the Board of Trustees of the Plan
21	("Trustees") whose address is 100 East Corson Street, Pasadena, California 91103.
22	The Plan is an "employee pension benefit plan" as that term is defined in 29 U.S.C.
23	§ 1002(2)(A).
24	ASSIGNMENT COVERING PLAN
25	5. The court finds that the Participant has retired and begun receiving pension
26	benefits from the Plan or that the Participant is eligible for a pension from the Plan. The
27	court further finds that Participant is obligated for certain [**(child and/or spousal) **
28	insert only applicable type of support payments that you are seeking**] support -2-
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1 payments as more fully set forth below.

2	6. The Plan shall allocate part or all of the Participant's Prior Service Credits
3	and/or Pension Credits accumulated by the Participant to the Alternate Payee (Spouse)
4	and shall assign to the [** Alternate Payee (Child) or Alternate Payee (Spouse)] the
5	right to receive pension benefits based upon the [(**child and/or spousal) ** insert only
6	applicable type of support payments that you are seeking **] support payments.
7	ASSIGNMENT OF PERIODIC BENEFIT PAYMENTS
8	[In 7 below, choose one of two options]
9	[** Option 1 IF PARTICIPANT HAS RETIRED]
10	7. The Participant has commenced receiving or applied to receive pension
11	benefits in the amount of \$ per month.
12	[**Option 2 IF PARTICIPANT HAS NOT RETIRED]
13	7. The Participant has not commenced receiving or applied to receive
14	benefits, but is vested and eligible to receive benefits.
15	8. The Plan shall assign the following amounts from the monthly benefits
16	otherwise payable to the Participant:
17	[**CHOOSE WHICHEVER APPLIES]
18	a. \$ per month current child support
19	b. \$ per month child support arrearages
20	c. \$ per month current spousal support
21	d. \$ per month spousal support arrearages
22	Total monthly support obligations of \$
23	9. If the total monthly support obligation exceeds fifty percent (50%) of
24	Participant's monthly benefit, the Plan shall assign only fifty percent (50%) of the
25	Participant's monthly pension to the Alternate Payee(s).
26	Application of Payments to Participant's Support Obligations.
27	10. As and between Participant and Alternate Payee(s) only, all payments
28	made pursuant to this Order, shall be applied to satisfy Participant's various support $-3-$
	QUALIFIED DOMESTIC RELATIONS ORDER FOR SUPPORT 749997

1	obligations in the following order of priority:
2	1. Current monthly child support obligations;
3	 Current monthly spousal support obligations;
4	3. Child support arrearages; and
5	4. Spousal support arrearages.
6	Therefore, if the amount assigned is less than the total monthly support obligation, the
7	amount shall be prorated first to current child support, and then to current spousal
8	support. Any remainder shall be applied in the same order of priority to support
9	arrearages. This paragraph 10 shall be applicable to Participant and Alternate Payee(s)
10	only, and the Plan shall not be responsible or obligated in any manner whatsoever to
11	determine how the monthly payments shall be applied or prorated.
12	11. This assignment shall include all amounts withheld by the Plan from
13	Participant's pension during the period on which the claim of the Alternate Payee(s) was
14	reviewed by the Plan.
15	12. For purposes of this order, the total arrearages are set as follows (interest
16	that has not been calculated or included is not waived):
17	a. \$ child support arrearages as of
18	b. \$spousal support arrearages as of
19	[In 13 below, choose one of two options]
20	[AMEND OR REPLACE]
21	13. This order shall amend/replace any existing order with respect to support
22	for any Alternate Payee named herein.
23	[OR SUPPLEMENT]
24	13. This order does not amend or replace any existing assignment under a
25	previous qualified domestic relations order issued with respect to any Alternate Payee
26	named herein.
27	///
28	///
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1	COMMENCEMENT OF SUPPORT PAYMENTS
2	14. Payments shall commence to Alternate Payee(s) on the first month after
3	approval by the Trustees of this order as a qualified domestic relations order, and the
4	earlier of a) the Participant is receiving benefits or has applied to receive benefits, or b)
5	at any time Alternate Payee(s) elects but not earlier than benefits could commence to
6	Participant under the Plan.
7	FORM OF BENEFIT PAYMENTS
8	[In 15 below, choose one of two options]
9	[IF PARTICIPANT HAS BEGUN RECEIVING BENEFITS]
10	15. If the Participant has begun receiving benefits or applied to receive
11	benefits when this order is approved by the Plan, the Alternate Payee (**Spouse or
12	<i>Child**)</i> shall receive pension benefits in the form that such benefits are being paid to
13	the Participant.
14	[IF THE PARTICIPANT HAS NOT BEGUN RECEIVING BENEFITS]
15	15. If the Participant has not yet begun receiving pension benefits or applied
16	to receive benefits when this order is approved by the Plan, then the form of benefits
17	payable to the Alternate Payee(s) shall be in the form of a single life annuity. The
18	Alternate Payee (Spouse) shall reject the Qualified Joint and Survivor Annuity in the
19	manner prescribed by Article VII, Section 2, of the Plan. The Alternate Payee
20	("Spouse") shall be deemed the spouse of the Participant for purposes of the rejection
21	specified in Article VII, Section 2, of the Operating Engineers Pension Plan.
22	16. If an Alternate Payee begins receiving pension benefits pursuant to this
23	order before the Participant attains age 62, the Alternate Payee's monthly amount shall
24	not exceed the amount actuarially equivalent at the Participant's current age to the
25	amount the Participant would have received at age 62. For this purpose, the actuarial
26	equivalent reduction shall be one half of one percent (.5%) for each month by which the
27	Participant's age precedes age 62.
28	/// -5-
	QUALIFIED DOMESTIC RELATIONS ORDER FOR SUPPORT

1	TERMINATION OF ASSIGNMENT OF BENEFITS
2	17. Determining when the assignment of pension benefits to Alternate
3	Payee(s) terminates shall be the responsibility of the Participant and Alternate Payee(s)
4	only. No responsibility or obligation in any manner whatsoever shall be incurred by the
5	Plan.
6	18. Payment of support from the Plan to the Alternate Payee(s) shall cease on
7	the first of the month after the earliest of the following events:
8	a. The Plan has received a further order of the court which terminates
9	such payment;
10	b. The Plan has received written notice of Participant's death and a
11	certified copy of the death certificate;
12	c. The Plan has received written notice of Alternate Payee's death and
13	a certified copy of the death certificate.
14	d. The Plan has received notarized written notice from the Alternate
15	Payee(s) to terminate such payment.
16	GENERAL PROVISIONS
10	
	19. The Participant and Alternate Payee shall each keep the Plan notified of
17 18	19. The Participant and Alternate Payee shall each keep the Plan notified of his or her mailing address.
17 18	
17 18 19	his or her mailing address.
17 18 19 20	his or her mailing address. 20. This order is entered pursuant to §2610 of the California Family Code and
17 18 19 20 21	his or her mailing address. 20. This order is entered pursuant to §2610 of the California Family Code and following approval by the Plan shall constitute a qualified domestic relations order as
17 18 19 20 21 22	his or her mailing address. 20. This order is entered pursuant to §2610 of the California Family Code and following approval by the Plan shall constitute a qualified domestic relations order as established by P.L. 98-397, the Retirement Equity Act of 1984 ("REA") and set forth in
 17 18 19 20 21 22 23 	his or her mailing address. 20. This order is entered pursuant to §2610 of the California Family Code and following approval by the Plan shall constitute a qualified domestic relations order as established by P.L. 98-397, the Retirement Equity Act of 1984 ("REA") and set forth in §206(d) of the Employee Retirement Income Security Act of 1974 as amended
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 17 18 19 20 21 22 23 24 	 his or her mailing address. 20. This order is entered pursuant to §2610 of the California Family Code and following approval by the Plan shall constitute a qualified domestic relations order as established by P.L. 98-397, the Retirement Equity Act of 1984 ("REA") and set forth in §206(d) of the Employee Retirement Income Security Act of 1974 as amended ("ERISA") [29 U.S.C. § 1056] and §414(p) of the Internal Revenue Code of 1986 as amended ("IRC"). 21. This order shall affect the support interest of the Alternate Payee(s) in the
 17 18 19 20 21 22 23 24 25 26 27 	his or her mailing address. 20. This order is entered pursuant to §2610 of the California Family Code and following approval by the Plan shall constitute a qualified domestic relations order as established by P.L. 98-397, the Retirement Equity Act of 1984 ("REA") and set forth in §206(d) of the Employee Retirement Income Security Act of 1974 as amended ("ERISA") [29 U.S.C. § 1056] and §414(p) of the Internal Revenue Code of 1986 as amended ("IRC"). 21. This order shall affect the support interest of the Alternate Payee(s) in the Participant's pension. All of the remaining interest in the Participant's pension benefits, if not required to be paid under another order approved as a qualified domestic relations
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 17 18 19 20 21 22 23 24 25 26 27 	his or her mailing address. 20. This order is entered pursuant to §2610 of the California Family Code and following approval by the Plan shall constitute a qualified domestic relations order as established by P.L. 98-397, the Retirement Equity Act of 1984 ("REA") and set forth in §206(d) of the Employee Retirement Income Security Act of 1974 as amended ("ERISA") [29 U.S.C. § 1056] and §414(p) of the Internal Revenue Code of 1986 as amended ("IRC"). 21. This order shall affect the support interest of the Alternate Payee(s) in the Participant's pension. All of the remaining interest in the Participant's pension benefits, if not required to be paid under another order approved as a qualified domestic relations

order, shall be paid in accord with the rules of the Operating Engineers Pension Plan
 without regard to this order.

22. Except as expressly provided for in this order, the interest in the pension
benefits of the Participant and the Alternate Payee(s) named in this order shall not be
assigned or alienated, and all rights with respect to pension benefits described in this
order shall exist and shall terminate in accordance with the rules of the Operating
Engineers Pension Plan.

8 23. Nothing herein shall be construed to require the Plan to provide the9 following:

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

b. increased benefits (determined on the basis of actuarial value), over
that which would otherwise be payable under the Plan in the absence of this order; or
c. benefits to an Alternate Payee which are required to be paid to
another alternate payee under another order previously determined under this Plan to be
a qualified domestic relations order as that term is defined in Section 1056(d)(3)(B) of
Title 29 of the United States Code.

18 24. No provision in this Order shall be construed to require the Plan, the
19 Administrator of the Plan, or any trustee or other fiduciary with respect to the Plan to
20 take any action which is inconsistent with any provision of the Plan as now in effect or
21 hereafter amended, or make any payment or take any action which is inconsistent with
22 any federal law, rule, regulation or applicable judicial decision.

23 25. Notwithstanding any other provision of this order, in the event that the
24 Participant, the Alternate Payee(s) or another person claiming to derive rights to
25 benefits from any such person, shall make a claim which the Trustees determine to be
26 inconsistent with the terms of this order or the terms of the Plan, the Trustees may
27 forthwith cease payments to all or any persons otherwise entitled thereto under this
28 order pending resolution of said claim and may take such further action as is permitted

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under the rules of the Plan and applicable federal law, including Section 1056(d) of
 Title 29 of the United States Code.

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26. Income Tax Consequences.

a. <u>Child Support Payments</u>. All payments as and for child support
pursuant to this order are made C/O Alternate Payee (Spouse) solely as trustee f.b.o.
Alternate Payee (Child). It is the intent of this court that Alternate Payee (Child) shall
be the "beneficiary" of such payments within the meaning of IRC §402(a) and §72(t)
and further that such child support payments shall not be made to "the spouse or former
spouse" of Participant within the meaning of IRC §402(e).

b. <u>Spousal Support Payments</u>. All payments as and for spousal
support made pursuant to this Order shall be made to Alternate Payee (Spouse). The
Alternate Payee (Spouse), including any heir, beneficiary or successor in interest of the
Alternate Payee (Spouse) shall include all retirement benefits received by her pursuant
to this QDRO as and when received by her in her gross income to the extent required
pursuant to IRC §72 and §402, and the Participant need not do so.

16 27. In the event that the Plan is terminated in whole or in part pursuant to its
17 Plan or pursuant to proceedings instituted by the Pension Benefit Guaranty Corporation
18 or other federal agency, the interests of the Participant, the Alternate Payee(s) shall be
19 disposed of in such manner as required by the Plan and by federal law.

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