

San Diego County Superior Court Rules

APPENDIX I

INTERIM ORDER

FOR PERS, STRS AND ERISA PLANS

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

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| In re the Marriage of Petitioner: and Respondent: | CASE NO. D INTERIM QUALIFIED DOMESTIC RELATIONS ORDER RE: SURVIVOR BENEFITS |
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PURSUANT TO THE [STIPULATED] ORDER FOR BIFURCATION OF THE PARTIES' MARITAL STATUS, THE COURT MAKES THE FOLLOWING FINDINGS AND ORDER:

1. The Plan name and address of the Plan Administrator are as follows:

Name of Plan:
Plan Administrator:
Street:
City/State/Zip:

2. Name, address and Social Security Number of Petitioner/Participant:

Participant:
Street:
City/State/Zip:

Social Security No.: (provide under separate cover)

3. Name, address and Social Security Number of Respondent/Alternate Payee:

Alternate Payee:

Street:

City/State/Zip:

Social Security No.: (provide under separate cover)

4. _____ ("Participant") has earned certain benefits under _____ the ("Pension Plan") which are the community property of ("Alternate Payee") and Participant. Pending a final order of the Court, Participant and Alternate Payee intend by this Stipulation and Order to provide for the continuation of surviving spouse benefits to Alternate Payee.

5. This Order is intended to be a Qualified Domestic Relations Order, as defined in Section 414(p) of the Internal Revenue Code of 1986, as amended, and Section 206(d)(3) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA").

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6. If Participant dies before the effective date of Participant's retirement and if Alternate Payee survives participant, then Alternate Payee must be treated by the Pension Plan as a "surviving spouse" of Participant for purposes of any pre-retirement benefit payable to a surviving spouse under the Pension Plan. Alternate Payee must receive all of such pre-retirement survivor benefit.
7. This Order is effective against any successor(s) or transferee plans of Pension Plan, including any plan(s) into which the Pension Plan is merged.
8. This Order is effective following the termination of the Pension Plan and also applies to any benefits payable to Participant by the Pension Benefit Guaranty Corporation in the event of the termination of the Pension Plan with insufficient assets to pay all benefits.
9. Each party is responsible for and must pay any taxes due in connection with his or her receipt of distributions from the Pension Plan.
10. Upon request, each party must perform any act reasonably necessary to carry into effect the terms of this Order.
11. The Court retains jurisdiction to make such further orders to modify, enforce, clarify or revoke the provisions of this Order. The Pension Plan will not be responsible to inquire into any possible changes in the provisions of this Order, but will act in accordance with the most recent form of the Order which has been provided to the Pension Plan.
12. Pending further order of the Court, the Plan is restrained and enjoined from making any distribution to Participant, Alternate Payee, or any other Payee. This Order shall remain in effect with respect to the subject matter hereof until either (i) superseded by a subsequent order dividing the entire community property interest of Participant and Alternate Payee under the Pension Plan (inclusive of any survivor benefits) or (ii) vacated by a subsequent order of this court.

APPROVED AS TO FORM:

Petitioner

Respondent

DATED: _____

JUDGE OF THE SUPERIOR COURT

(Revised 1/1/2008)