

[SAMPLE TRANSMITTAL LETTER]

[Date]

Board of Trustees  
Locals 302 & 612 of the International Union of  
Operating Engineers-Employers Construction  
Industry Retirement Trust  
P. O. Box 34203  
Seattle, WA 98124

Re: QDRO – [Participant] and [Alternate Payee]

Dear Plan Administrator:

Enclosed is a [draft] [court approved] Qualified Domestic Relations Order (“Order”) impacting the benefits of [Participant] under the Locals 302 & 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust.

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: [Participant’s Name]  
Social Security Number: [Participant’s SSN]  
Date of Birth: [Participant’s Birth Date]

**Alternate Payee**

Alternate Payee: [Alternate Payee’s Name]  
Social Security Number: [Alternate Payee’s SSN]  
Date of Birth: [Alternate Payee’s Birth Date]

If further information is needed in connection with this QDRO, please contact [name] at [number].

Sincerely,

[name]  
Counsel for [Participant] [Alternate Payee]

cc: [name], Counsel for [Participant] [Alternate Payee]

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IN THE SUPERIOR COURT OF THE STATE OF [STATE]  
IN AND FOR THE COUNTY OF [COUNTY]

IN RE THE MARRIAGE OF:

***[PETITIONER’S NAME],***

Petitioner,

v.

***[RESPONDENT’S NAME],***

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 the 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 filed with court]**;  
NOW, THEREFORE,

IT IS HEREBY ORDERED by the Court as follows:

- Definitions.** The following are the definitions used in this Order:

QUALIFIED DOMESTIC RELATIONS  
ORDER – 1

1            1.1    “Participant”:  
               Address:                         *[Participant’s Name]*  
   *[Address]*

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

4            1.2    “Alternate Payee”:  
               Relationship to                         *[Alternate Payee’s Name]*  
               Participant:                                 *[Relationship to Participant]*  
5                 Address:                                         *[Address]*

6                                 The Alternate Payee’s social security number and date of birth will be  
7 provided separately to the Plan Administrator.

8            1.3    “Plan”:  
   Locals 302 & 612 of the International  
   Union of Operating Engineers-Employers  
   Construction Industry Retirement Plan

9            1.4    “Plan Administrator”:  
               Address:                                         Board of Trustees  
   P. O. Box 34203  
   Seattle, WA 98124

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11 **2.         Division of Marital Property.** This Order is entered into pursuant to *[RCW*  
12 *26.09.080 governing division of marital property (as that term is defined therein) between*  
13 *spouses and former spouses in dissolution actions] [describe state law provisions]*. This  
14 Order hereby creates and recognizes the existence of the Alternate Payee’s right to receive  
15 a portion of the Participant’s benefits under the Plan.

16 **3.         Participant’s Retirement.** Participant retired effective *[date]* and elected  
17 benefits payable in the form of a *[form of payment]*, designating Alternate Payee as  
18 beneficiary following Participant’s death.

19 **4.         Payments to Alternate Payee.** Effective the month following entry of this  
20 Order and receipt of a conformed copy by the Plan, the entire interest in the benefits from the  
21 Plan is awarded to Participant. Alternate Payee waives any and all rights to present or future  
benefit payments, including survivorship benefits she may have otherwise been entitled to  
receive. Participant shall be entitled to increase his or her benefits to a single life annuity  
pursuant to the terms of the Plan, with all benefit payments terminating on his or her death.

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

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

1                   5.2 To provide increased benefits (determined on the basis of actuarial  
2 value) not available to the Participant;

3                   5.3 To provide benefits to the Alternate, Payee which are required to be  
4 paid to another Alternate Payee under another order previously determined to be a QDRO;  
or

5                   5.4 To provide the payment to the Alternate Payee of benefits forfeited  
6 by the Participant.

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

9                   6.1 Immediately notify the Participant and the Alternate Payee of:

10                   6.1.1 The receipt of this Order; and

11                   6.1.2 The Plan's procedures for determining whether this Order is a  
QDRO.

12                   6.2 Within a reasonable period of time, determine if this Order is a  
13 QDRO, and notify the Participant and Alternate Payee of such determination.

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

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

19                   DONE IN OPEN COURT this \_\_\_\_\_ day of *[month], [year]*.

20  
21 \_\_\_\_\_  
JUDGE/COURT COMMISSIONER

QUALIFIED DOMESTIC RELATIONS  
ORDER – 3

1 Presented by:

2 ***[NAME OF ATTORNEY'S OFFICE]***

3

By \_\_\_\_\_

4 ***[NAME OF ATTORNEY]***

Bar No. ***[00000]***

5 Attorney for Respondent

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Copy Received, Approved for Entry,  
7 Notice of Presentment Waived:

8 ***[NAME OF ATTORNEY'S OFFICE]***

9

By \_\_\_\_\_

10 ***[NAME OF ATTORNEY]***

Bar No. ***[0000]***

11 Attorney for Petitioner

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QUALIFIED DOMESTIC RELATIONS  
ORDER – 4