

1 Insert Name/Address/Telephone

4 Attorney for

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 COUNTY OF [COUNTY]

10 [Party Name 1]

11 Petitioner,

12 v.

13 [Party Name 2]

14 Respondent

Case No.: [Case Number]

**STIPULATION FOR DIVISION OF  
CEMENT MASONS PENSION TRUST  
FUND BENEFITS AND QUALIFIED  
DOMESTIC RELATIONS ORDER  
(QDRO)**

15 WHEREAS:

16 A. Petitioner and Respondent married on \_\_\_\_\_, separated on \_\_\_\_\_, and  
17 a Judgment of Dissolution of Marriage was entered in this proceeding on  
18 \_\_\_\_\_, finally dissolving the marriage effective \_\_\_\_\_;

19 B. This Court has personal jurisdiction over both Petitioner and Respondent and  
20 jurisdiction over the subject matter of this Order;

21 C. Petitioner and Respondent intend this Order to be a qualified domestic relations  
22 order (QDRO) as defined in § 206(d)(3) of the Employee Retirement Income  
23 Security Act of 1974 (ERISA), as amended by the Retirement Equity Act of 1984,  
24 29 U.S.C, § 1056(d)(3); and

25 D. Petitioner and Respondent hereby stipulate to the entry of the following Order:

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1 IT SHALL BE ORDERED AS FOLLOWS;

2 1. As used in this Order the following terms apply:

3 a. "Participant" is

4 Name: \_\_\_\_\_

5 Address: \_\_\_\_\_

6 Social Security Number: To be provided under separate cover

7 Date of Birth: (MM/YYYY)

8  
9 b. "Alternate Payee" is:

10 Name: \_\_\_\_\_

11 Address: \_\_\_\_\_

12 Social Security Number: To be provided under separate cover

13 Date of Birth: (MM/YYYY)

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15 c. "Plan" refers to the Pension Plan maintained by the Cement Masons Pension Trust  
16 Fund for Northern California and which is administered by the Board of  
17 Trustees for the Cement Masons Pension Trust Fund for Northern California located  
18 at 1600 Harbor Bay Parkway, Suite 200, Alameda, California 94502-3035.

19  
20 2. Participant has accrued benefits in the Plan that are the community property of  
21 Participant and Alternate Payee. For the purpose of dividing this community  
22 property, Alternate Payee is assigned as her separate property one-half of that  
23 portion of the Participant's total, unadjusted monthly pension benefit that  
24 accrued between the date of marriage and the date of separation.

25 3. Participant retired and began receiving pension benefits from the Plan effective \_\_\_\_\_, prior  
26 to entry of this Order and prior to the Plan's receipt of written notice of Alternate Payee's claim of a  
27 community property interest in the Participant's pension.

1 4. Alternate Payee's share, as defined in paragraph 2, shall be calculated as having matured and  
2 become payable to Alternate Payee on Participant's pension beginning date. However, the Plan shall begin  
3 paying Alternate Payee's share of Participant's monthly pension benefits from the first day of the first  
4 month after the Plan first received written notice of Alternate Payee's claim of a community property  
5 interest in Participant's pension under the form of payment previously selected by the Parties.

6 5. Except as provided above, Alternate Payee's share shall be paid to Alternate Payee under the  
7 terms of Participant's pension and only so long as benefits are payable under that pension.

8 6. If Participant is awarded a post-retirement benefit increase calculated on the  
9 amount of the benefits accrued, Alternate Payee will share equally in that portion  
10 of the increase attributable to benefits accrued between the date of marriage and  
11 the date of separation.

12 7. Nothing in this Order will be construed to require the Plan to provide a type or  
13 form of benefit or an option not otherwise provided under the Plan.

14 8. Nothing in this Order will be construed to require the Plan to provide increased  
15 benefits determined on the basis of actuarial value.

16 9. This Order does not require the Plan to pay Alternate Payee benefits which are  
17 required to be paid to another alternate payee under another order previously  
18 determined to be a qualified domestic relations order.

19 10. This Order is intended to be a QDRO made pursuant to ERISA, and its  
20 provisions will be administered and interpreted in conformity with ERISA and  
21 the Plan, as amended from time to time. To that end, the Plan Administrator  
22 reserves the right to reconfirm the qualified status of this Order at the time  
23 benefits become payable. If either ERISA or the Plan is amended or the law  
24 regarding QDROs is otherwise changed or modified, then either party may take  
25 the necessary steps to amend this Order to comply with any amendments,  
26 changes and/or modifications, or, if permissible under any amendment, change or  
27 modification, the Plan Administrator may continue to treat this Order as a  
28 qualified order.

1           11.       The Court will retain jurisdiction for the purpose of amending this Order so that  
2 it may qualify or continue to qualify as a QDRO.

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4 APPROVED AS TO FORM AND CONTENT;

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6  
7  
8 Date: \_\_\_\_\_

\_\_\_\_\_  
Petitioner

9  
10 Date: \_\_\_\_\_

\_\_\_\_\_  
Respondent

11  
12 IT IS SO ORDERED.

13  
14 Date: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court

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