

DECLARATION, WAIVER AND INDEMNIFICATION

Participant: _____

Spouse: _____

Pension Plan for the Northern California Cement Masons Trust Fund

The Participant and Spouse listed above hereby declare under penalty of perjury that:

- (1) The Participant retired under the Plan effective _____ with a pension payable in the form of a Husband-and-Wife Pension with the Spouse listed above. Participant and Spouse were married at the time of retirement.
- (2) The marriage of the Participant and Spouse was dissolved on _____, which is after the Participant's pension effective date listed above.
- (3) In the parties' judgment of dissolution, a copy of which is attached hereto, the Spouse agrees to waive or disclaim any rights in the Participant's pension, including specifically the right to be treated as the surviving spouse under the Husband-and-Wife form of benefit selected at retirement.
- (4) By the Spouse's signature hereto, Spouse acknowledges that he/she has no rights to any plan benefits based on Participant's service after the Participant's death.
- (5) Participant and Spouse agree to defend and indemnify the Plan in the event that the Spouse or her representative makes any claims relative to surviving spouse benefits under the Plan. This indemnity includes, but is not limited to, the payment of attorneys fees and costs incurred by the Plan in the event that Spouse brings a claim, whether or not a lawsuit is filed.
- (6) Participant and Spouse agree to hold the Plan harmless with respect to its reliance on this Declaration, Waiver and Indemnification.
- (7) Participant and Spouse represent and warrant that they each had the opportunity to consult with independent legal counsel before signing this document, and that they are signing this document voluntarily and of their own free will.

I declare under penalty of perjury that the foregoing is true and correct, and if called upon to testify, I could and would competently testify thereto.

(Participant's Signature)

Date: _____

I declare under penalty of perjury that the foregoing is true and correct, and if called upon to testify, I could and would competently testify thereto.

(Ex-Spouse's Signature)

Date: _____

