CN: 201703018170
SN: 375
PC: 8

FILED

2020 MAY 15 P 2:33

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

Superior Court of Washington, County of Spokane

In re the marriage of: Petitioner: Sirinya Surina Respondent: Aaron Surina	No. 17-3-01817-0 Motion for QDRO clarification

Motion for QDRO Clarification

1. **Relief Requested:**
   My name is: Sirinya Surina, I am the Petitioner. I ask the court to review and sign The attached QDRO from Fidelity Investments Track No: 563433879

2. **Statement of Issues**
   See Declaration

3. **Statement of Facts/Grounds**
   See Declaration

4. **Evidence Relied Upon**
   See Declaration

5. **Legal Authority**
   I have the right to ask for this order according to the law because:
   The court has jurisdiction

6. A Proposed Order is attached to this *Motion*.

Person making this motion fills out below

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true. I have attached six pages.

Signed at Spokane, WA Date: 5/15/2020

▶ ______________________ Siriny Surina

Person making this motion signs here *Print name here*

I agree to accept legal papers for this case at the following address:

Box 30491	Spokane	WA	99223
street address or PO box	*city*	*state*	*zip*

(Optional) email: sirinyadavid@gmail.com

Sirinya Surina
227 E 22nd Ave
Spokane, WA 99203

Spokane County Superior Court

In Re the Marriage of:

Sirinya Surina, Petitioner, and Aaron Surina, Respondent	Case No.: 17-3-01817-0 QUALIFIED DOMESTIC RELATIONS ORDER

QUALIFIED DOMESTIC RELATIONS ORDER

WHEREAS, this Court has jurisdiction over the parties and the subject matter of this Order; and

WHEREAS, the parties and the Court intend that this Order shall be a Qualified Domestic Relations Order (hereinafter referred to as a "QDRO") as defined in Section 206(d)(3) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA") and Section 414(p) of the Internal Revenue Code of 1986, as amended; and,

WHEREAS, pursuant to the referenced statutes, the Plan Administrator shall make a determination of the qualified status of this Order; and

WHEREAS, following approval by the Plan Administrator, this Order shall constitute a Qualified Domestic Relations Order; and

WHEREAS, the parties have stipulated that the Court enter this Order;

NOW, THEREFORE, pursuant to this state's Domestic Relations Laws, IT IS HEREBY ORDERED BY THE COURT as follows:

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

(a). "Participant" shall mean Aaron Surina, whose current address is 5317 S. Palouse Hwy, #123, Spokane, WA 99223.

(b). "Alternate Payee" shall mean Sirinya Surina, whose current address is 227 E 22nd Ave, Spokane, WA 99203.

(c). "Plan" shall mean Multiple Employer 401(k) Plan.

2. The Order relates to marital property rights

3. The date of marriage was 12/29/2011.

4. The date of legal separation or divorce is 12/20/2019.

5. The Alternate Payee is the former spouse of the Participant.

6. With respect to marital property, alimony or spousal support awards, the Participant and the Alternate Payee are/were considered married for federal income tax purposes.

7. This Order is to be reviewed only as it relates to plans on Fidelity's QDRO Review Service.

8. The "Valuation Date" shall be 12/20/2019.

9. The Alternate Payee's interest in the Plan shall be $16,595.88 of the Participant's total vested account balance under the Plan as of the Valuation Date.

10. The Alternate Payee's award is not entitled to earnings (defined as gains, losses, dividends and interest) from the Valuation Date to the date that the award is segregated from the Participant's account. From and after the Date of Segregation, the Alternate

Payee's award shall be held in an account under the Plan and shall be entitled to all earnings attributable to the investments therein.

11. In the event there is an outstanding loan balance as of the Valuation Date, the loan balance will not be included for purposes of calculating the total vested account balance to be divided. In the event the Plan does not allow loans, this language will be disregarded.

12. The Alternate Payee's award will be transferred proportionately from all contribution sources as of the Valuation Date and all standard plan investment options in which the Participant's account is invested as of the Date of Segregation. Under the Plan, BrokerageLink is not considered to be a standard plan investment option. If there are insufficient funds in the standard plan investment options to satisfy the Alternate Payee's award, the liquidation of the Participant's BrokerageLink account will be effectuated using a last in, first out methodology until sufficient assets have been obtained to satisfy the Alternate Payee's award.

13. The Alternate Payee will be permitted to initiate a distribution of the award as soon as administratively feasible following the qualification of this Order and segregation of the Alternate Payee's award, unless otherwise prohibited by the Plan's rules and administrative procedures. The Alternate Payee may select from the distribution options available to Alternate Payees at the time he/she elects to receive a distribution. The distribution must be made in accordance with the administrative procedures established for the Plan.

14. In the event of the Alternate Payee's death after the qualification of this Order, either prior to or subsequent to the segregation of assets for the Alternate Payee, the Alternate Payee's award will be distributed pursuant to the administrative procedures established for the Plan. To the extent allowed by the Plan, all beneficiary designations will be made

after qualification of the Order and segregation of the award into a separate account for the Alternate Payee pursuant to the administrative procedures established for the Plan.

15. Neither Party shall accept any benefits from the Plan which are the property of the other Party. In the event that the Plan Administrator inadvertently pays to the Participant any benefits that are assigned to the Alternate Payee pursuant to the terms of this Order, the Participant shall forthwith return such benefits to the Plan. In the event that the Plan Administrator inadvertently pays to the Alternate Payee any benefits that are not assigned to the Alternate Payee pursuant to the terms of this Order, the Alternate Payee shall forthwith return such benefits to the Plan.

16. For purposes of Sections 402 and 72 of the Internal Revenue Code, any Alternate Payee who is the spouse or former spouse of the Participant will be treated as the distributee of any distributions or payments made to the Alternate Payee under the terms of this Order, and as such, will be required to pay the appropriate federal and/or state income taxes on such distribution. If the Alternate Payee is a child or other dependent of the Participant, the Participant will be responsible for any federal and/or state income taxes on any such distribution.

17. The parties to this Order intend that it comply with the applicable provisions of ERISA and the Internal Revenue Code. Nothing in this Order shall require the Plan or the Plan Administrator to: (a) pay any benefits not permitted under ERISA or the Internal Revenue Code; (b) provide any type or form of benefit or any option not provided under the Plan; (c) provide increased benefits (determined on the basis of actuarial value) under the Plan; (d) pay benefits to the Alternate Payee which are required to be paid to another alternate payee under another order previously determined to be a QDRO; or (e) pay benefits to the Alternate Payee in the form of a qualified joint and survivor annuity for the lives of the Alternate Payee and his or her subsequent spouse.

18. The Court shall retain jurisdiction with respect to this Order to the extent required to maintain its qualified status and the original intent of the parties as stipulated herein.

19. The Participant is responsible for the one-time fee for review of the domestic relations order. The fee will be deducted from the Participant's account following the first review of the Order. The fee will be deducted from the investment options in the applicable account(s) according to the Plan-level fee method in effect as of the date the fee is deducted.

20. The name of the prior qualified Order was Stipulated Qualified Domestic Relations Order.

21. The current Order is intended to supersede the prior Qualified Domestic Relations Order dated 12/20/2019.

22. The Parties consent to receive electronic communications concerning the status of the Order. Each Party must individually submit their own email address under separate cover. To accept electronic communications, each Party will be required to create a username and password to access the Voltage Secure Message Center. A link to the Voltage Secure Message Center will be provided via email. Once logged into the Voltage Secure Message Center, the Parties will be able to view correspondence sent by the Fidelity QDRO Administration Group. The Parties may request paper versions of correspondence. The Parties may withdraw their consent to receive electronic communications at any time by notifying the QDRO Administration Group in writing via fax or regular mail using the contact information provided in the Plan's QDRO Approval Guidelines and Procedures.

Alternate Payee:	**Participant:**
Sirinya Surina	Aaron Surina

227 E 22nd Ave	5317 S. Palouse Hwy, #123
Spokane, WA 99203	Spokane, WA 99223
Dated: ______________	Judge Of the Court: ______________

Track No: 563433879