

FAMILY PROPERTY ORDER

Defendant is vested, within 10 years of pensionable age (55) at the end of the joint accrual period – immediate division

CLERK'S STAMP:

COURT FILE NUMBER:

COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE: (Municipality)

PLAINTIFF(S): (Non-Pension Plan Participant)

DEFENDANT(S): (Pension Plan Participant)

DOCUMENT: **ORDER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PERSON FILING THIS DOCUMENT: (Insert address and contact information)

DATE ON WHICH ORDER WAS PRONOUNCED:

NAME OF JUDGE WHO MADE THIS ORDER:

UPON hearing read the Pleadings herein; AND UPON hearing what was alleged by Counsel; AND UPON seeing endorsed hereon the consent of Counsel for the Plaintiff and the consent of Counsel for the Defendant; AND UPON it appearing that the Defendant has an employment pension pursuant to the terms of the Special Forces Pension Plan ("SFPP" or the "Pension Plan"); AND UPON it appearing that the parties wish to divide the Defendant's pension and benefits earned during their marriage/relationship pursuant to the provisions of the *Employment Pension Plans Act* and its accompanying regulations (collectively, "EPPA") [where applicable, ADD the *Family Property Act*],

IT IS ORDERED THAT:

1. For the purposes of this Order the "joint accrual period" is agreed to be from _____ to _____.

- *In the first space, insert the date of commencement of cohabitation, marriage or other date provided by the Court.*
- *In the second space, insert the date the parties have agreed to, or the Court has found, was the date the SFPP pension benefit ceased being jointly accrued.*

2. The pension benefit administrator of SFPP, Alberta Pensions Services Corporation ("APS"), upon being served with this Order, shall transfer to a locked-in retirement account ("LIRA") which complies with the EPPA and which is owned by the Plaintiff, [insert percentage] of the Total Pre-Division Benefit, as that term is defined in the EPPA (the "Plaintiff's Share"). Prior to APS transferring the Plaintiff's Share to the Plaintiff's LIRA, the Plaintiff and the Defendant shall provide to APS all information required to effect that transfer.
 - *Percentage cannot exceed 50%.*
 - *Please note, the assumed date of retirement is "pensionable age", as that term is defined in EPPA. If the member has already reached pensionable age (55), but has not yet retired when the Order is filed, the retirement date will be presumed to be the date following the date of the Order, unless the Order specifies a different date.*
3. The Plaintiff's Share of SFPP is declared to be the Plaintiff's property.
4. Upon the payment by APS of the Plaintiff's Share to, or on behalf of, the Plaintiff pursuant to this Order, the Plaintiff shall have no further interest in SFPP.
5. If one party receives any of the other's share, he or she shall pay it to the other.
6. A certified copy of this Order shall be filed with APS.
7. This Order is a Family Property Order within the meaning of the *Family Property Act*, R.S.A. 2000, c. F-4.7.
8. Nothing in this Family Property Order is intended to or does amend, vary, contradict or in any way affect the terms of SFPP as amended from time to time including, without limitation, the creation of any additional entitlement under SFPP for either the Plaintiff or the Defendant.

Justice of the Court of King's Bench of Alberta

CONSENTED TO this ___ day of _____, 20___

Per:

Counsel for the Plaintiff or consenting party:

Counsel for the Defendant or consenting party:
