

MATRIMONIAL PROPERTY ORDER

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

CLERK'S STAMP:

COURT FILE NUMBER:

COURT OF QUEEN'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 MASTER/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 pursuant to the provisions of the *Public Sector Pension Plans Act* and the *Matrimonial Property Act* of Alberta,

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 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 administrator of SFPP ("Alberta Pensions Services Corporation" or "APS") shall at the time of:
- (i) payment to the Defendant of termination benefits from SFPP;
 - (ii) payment of SFPP benefits on the death of the Defendant;
 - (iii) a reciprocal transfer or other transfer arrangement of the Defendant's benefits in SFPP to another pension plan; or
 - (iv) commencement of the Defendant's pension under SFPP;

(whichever occurs first)

calculate and transfer to a locked-in retirement account ("LIRA") which complies with the *Employment Pension Plans Act* and which is owned by the Plaintiff, [insert percentage] of the Total Pre Division Benefit (the "Plaintiff's Share"), as that term is defined in the *Public Sector Pension Plans (Legislative Provisions) Regulation*, Alberta Regulation 365/1993. 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%*

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 Matrimonial Property Order within the meaning of the *Matrimonial Property Act*, R.S.A. 2000, c. M-8.
8. Nothing in this Matrimonial 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 Queen'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:
