

MATRIMONIAL PROPERTY ORDER
Pension already in pay prior to date of order

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), upon being served with this Order and in accordance with the form of payment required by the *Public Sector Pension Plans (Legislative Provisions) Regulation*, Alberta Regulation 365/1993 (the "Legislative Provisions Regulation"), shall pay to the Plaintiff [insert percentage] of the Total Pre Division Benefit, as that term is defined in the Legislative Provisions Regulation (the "Plaintiff's Share").

- *percentage cannot exceed 50%*

3. The Plaintiff's Share of the Pension Plan is declared to be the Plaintiff's property.

4. If one party receives any of the other's share, he or she shall pay it to the other.

5. A certified copy of this Order shall be filed with APS.

6. This Order is a Matrimonial Property Order within the meaning of the *Matrimonial Property Act*, R.S.A 2000, c. M-8.

7. 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.

Please note: depending on the form of pension chosen at retirement, you may need to include provisions as to what is to occur upon the death of the first of the parties. Contact APS to confirm the type of option that was elected and to determine whether benefits can continue to the non-member pension partner or the non-member's pension partner's estate after the death of either party.

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:
