

Sample Language A

Paragraph 9 replacement directing Option 4 only if unmarried at time of retirement

9. At the time of Member's retirement, Member shall elect a benefit election based upon Member's marital status as follows:
 - A. If Member is married to a qualifying spouse at Member's date of retirement, Member shall elect the Unmodified Option or Unmodified Plus Option under the Plan, effective at Member's retirement, and name such qualifying spouse as beneficiary for the surviving spouse continuance under that option. It is the intention of the parties that Non-Member receive Non-Member's community interest, as described in paragraph 5 herein, in any surviving spouse benefit that may be payable to Member's surviving spouse pursuant to *In re Marriage of Carnall* (1989) 216 Cal.App.3d 1010. The parties understand that Non-Member shall receive such benefit in lieu of electing to force Member to select Option 4 providing Non-Member a separate survivor's benefit.
 - B. If Member is not married to a qualifying spouse at Member's date of retirement, Member shall elect Option 4 retirement option, effective at Member's retirement, and name Non-Member as one of the beneficiaries thereunder such that upon Member predeceasing Non-Member after retirement, Non-Member shall continue to receive a monthly benefit as calculated under paragraph 5 herein (including COLAs) until the later death of Non-Member.

Under this Option 4 election, Non-Member shall receive Non-Member's share of the benefits by separate warrant directly from the Board beginning on the date that the Member begins to receive retirement benefits. The amount of the payment shall be the benefit to which Member shall be entitled on the Unmodified form, multiplied by the Non-Member's share, as described in paragraph 5 herein, reduced by the reduction in the benefits payable attributable to the benefit election under Option 4 (only for the portion which is payable to Non-Member), as provided herein above. Payments to Non-Member pursuant to this Order will cease with the last payment due prior to the death of the Member, except as provided under Option 4.

If at the time of Member's death before or after retirement the Member leaves a surviving spouse who is eligible for a monthly survivor's allowance, Non-Member shall be entitled to receive his or her community property share, as described in paragraph 5 herein, of such survivor's allowance, pursuant to *In re Marriage of Carnall* (1989) 216 Cal.App.3d 1010.