

Sample Language B

Paragraph 9 replacement directing forced Option 4, regardless of marital status

9. At the time of Member's retirement, Member is ordered to make an Option 4 election 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.

Non-Member shall receive Non-Member's share of the benefits by separate warrant directly from the Board beginning on the date that 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 that 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 Member, except as provided under Option 4.

If at the time of Member's death before 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.