

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Family Division
Domestic Relations Branch

EDNA J. HAYES
905 6th Street, S.W.
Apartment 701B
Washington, D.C. 20024

Plaintiff,

v.

CHARLES A. HAYES
907 6th Street, S.W.
Apartment 108
Washington, D.C. 20024

Defendant.

FILED
FAMILY DIVISION
APR 16 1991
Superior Court
of the District of Columbia
Washington, D.C.

Civil Action No. Dr90-2489d

ENTERED ON DOCKET

APR 18 1991

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND JUDGMENT OF ABSOLUTE DIVORCE

THIS CAUSE CAME ON TO BE HEARD this 16th day of April, 1991,
upon the pleadings filed herein. The Court, upon the evidence
adduced, has made the following:

FINDINGS OF FACT

1. The Plaintiff herein is an adult citizen of the United States and is and has been a bona fide resident of the District of Columbia for more than six (6) months next preceding the commencement of this action having resided continuously from January 1, 1989 to the present at 905 6th Street, S.W., Apartment 701B, Washington, D.C. 20024.

2. The Defendant is an adult citizen of the United States, a Representative from Illinois to the United States House of Representatives and maintains a residence in the District of Columbia located at 907 6th Street, S.W., Apartment 108, Washington, D.C. 20024.

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Form #20

Certificate No. 1482334 Document No. 3496476-F

TO THE REGISTRAR OF TITLES
COOK COUNTY, ILLINOIS:

You are directed to register the Document hereto attached
on the certificate 1482334 indicated affecting the
following described premises, to-wit:

— North Eighteen (18-1/2) feet of LOT THIRTY SEVEN — (37) —
— LOT THIRTY EIGHT (except North Nine (9-1/2) feet thereof) — (38) —
— In Block Two (2) in East Washington Heights, being a Subdivision of the West Half (1/2) of the Northwest Quarter (1/4)
and the Southwest Quarter (1/4) of Section 9, Township 37 North, Range 14, East of the Third Principal Meridian, in
Cook County, Illinois. — T.B.

04-35-325-407
619 Lehigh St.
Glenview, Ill 60025

Section _____ Township _____ North, Range _____ East of the
Third Principal Meridian, Cook County, Illinois.

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3. The parties were married in Prince George's County, Maryland on August 15, 1983.

4. There were no children born of the marriage, nor is birth of issue anticipated.

5. The parties separated on or about May 31, 1989 and have continued to live separate and apart without cohabitation, and without interruption from that date to the present.

6. There is no reasonable prospect of reconciliation between the parties.

7. There are no support or property rights to be adjudicated by this court as the parties entered into a Separation and Property Settlement Agreement dated April 16, 1991, which fully resolved all such matters between the parties.

8. The Defendant has, among other assets, two retirement benefits; one under the federal government CSRS or FERS plan and one under the United Food and Commercial Workers International ("UFCW") Retirement Plan for Employees (the "Plan").

9. The parties have been married at least nine (9) months as of the time of this Judgment of Divorce.

10. The parties, by agreement, intend that this Court Order be a qualifying Court Order, to provide the Plaintiff with a survivor annuity from each of the Defendant's retirement plans. The parties intend that this Judgment be a qualifying Court Order under 5 CFR §831.1701 for purposes of the Defendant's CSRS and/or FERS plan and that the parties submit a Qualified Domestic Relations Order ("QDRO") as defined in §414(p) of the Internal Revenue Code and

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§206(d) of the Employee Retirement Income Security Act ("ERISA"). The parties intend that the Plaintiff survivor annuity equal fifty percent (50%) of the Defendant's retirement annuity, but that should the Defendant elect some form of benefit other than an annuity, that the Plaintiff's survivor annuity shall nonetheless equal fifty percent (50%) of what would have been the Defendant's retirement annuity. The Defendant shall not elect any benefit that would deprive the Plaintiff of her right to receive the survivor annuity under either plan.

If this judgment is not found to be a Qualifying Court Order under 5 CFR §831.1701, then the parties intend that the Defendant elect to provide the survivor annuity to the Plaintiff.

CONCLUSIONS OF LAW

The Court, therefore, adopts the foregoing Findings of Fact and concludes as a matter of law that it has jurisdiction over the parties and the subject matter; and the Plaintiff is entitled to a Judgment of Absolute Divorce from the Defendant on the ground of the parties having lived separate and apart without cohabitation for a period in excess of one year.

JUDGMENT

WHEREFORE, it is by the Court this 16th day of April, 1991,
ORDERED that:

The Plaintiff, EDNA J. HAYES, be and she is hereby granted an absolute divorce from the Defendant, CHARLES A. HAYES, on the ground that the parties have lived separate and apart without cohabitation for a period in excess of one (1) year next preceding the com-

mencement of this action and continuing to this day; and it is further

ORDERED that pursuant to the terms of the Property Settlement Agreement entered into by and between the parties on April 16, 1991, that Defendant shall pay to the Plaintiff, the amount of Three Thousand Dollars (\$3,000.00) per month, as and for alimony and spousal support. Said payments are to be made to the Superior Court of the District of Columbia, Family Division by the first day of each month and shall be forwarded to the Plaintiff through the finance office of this Court. Said amount shall not be modifiable by this or any other court and shall continue until the death of either party; and it is further

ORDERED that the Defendant's CSRS and/or FERS survivor annuity be payable to the Plaintiff in an amount equal to fifty percent (50%) of the Defendant's retirement annuity, and that the Defendant shall not elect any form of retirement benefit that shall in any way negate or delimit the Plaintiff's entitlement to the survivor annuity, and it is intended that this a qualifying Court Order under 5 CFR §831.1701; and it is further

ORDERED that if this judgment is not found to be a Qualifying Court Order under 6 CFR §831.1701, then the Defendant shall elect that the Plaintiff shall be his survivor annuity beneficiary under CSRS and/or FERS pursuant to Paragraph 3(b) of the Voluntary Separation and Property Settlement Agreement.

ORDERED that the parties shall submit a QDRO to this Court for the purposes of assigning to the Plaintiff a survivor annuity in the

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amount of fifty percent (50%) of the Defendant's retirement annuity from the Plan which shall in turn be submitted to the Plan Administrator for the Plan for (1) determination of the qualified status of the QDRO, and (2) assignment of the survivor annuity to the Plaintiff. This Court shall retain jurisdiction to modify said QDRO if it is determined that it is not qualified for purposes of IRC §414(p) and ERISA §206(d), and should the Court be required to modify said QDRO, the modification Order shall be entered nunc pro tunc, if appropriate.

PROVIDED, HOWEVER, that this Judgment shall not become effective until the statutory time for noting appeal shall have expired or if notice of appeal is timely filed and until the final disposition of such appeal.

A TRUE COPY

TEST:

TIME WITHIN WHICH TO FILE APPEAL

Clerk, Superior Court of
the District of Columbia

[Signature]
Deputy Clerk

[Signature]
HEARING COMMISSIONER

Judge of the Superior Court of
the District of Columbia


(Any party within this action may within ten (10) days from the entry of Judgment herein by the Commissioner file a Motion for review of the Judgment by a Judge with the Superior Court of the District of Columbia.)


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Approved as to form:

LEWIS, DACK, PARADISO,
O'CONNOR & GOOD


EDOUARD J.P. BOUQUET
1000 Connecticut Avenue, N.W.
Suite 900
Washington, D.C. 20036
Counsel for Plaintiff


AMY ROBERTSON GOLDSON #242693
4015 28th Place, N.W.
Washington, D.C. 20008
Counsel for Defendant

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County of Cook County Clerk's Office

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CAROL MOSELEY BRAUN
REGISTRAR OF DEEDS

IDENTIFIED No.
Registrar of Deeds Titles CAROL MOSELEY BRAUN BOWSKY

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Ms. Helen Hart Jones
122 South Michigan Ave.
Chicago, Ill. 60603
Suite 3050

Property of Cook County Clerk's Office