

STATE OF MINNESOTA  
COUNTY OF KANABEC

DISTRICT COURT  
TENTH JUDICIAL DISTRICT  
FAMILY COURT DIVISION  
Case Type: Dissolution Without Children

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In Re The Marriage of:	)	
	)	COURT FILE NO.: 33-FA-07-32
	)	
SHARON EILEEN HORRIGAN,	)	
Petitioner,	)	DOMESTIC RELATIONS COURT
	)	ORDER COURT ORDERED
and	)	PAYMENTS FROM THE CIVIL
	)	SERVICE RETIREMENT SYSTEM
DONAVON EARL HORRIGAN,	)	(CSRS) PENSION PLAN
Respondent.	)	
	)	

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1. INTRODUCTION. The Court enters this Domestic Relations Court Order (herein “Order”) under Minnesota Statutes Section 518.54, which authorizes courts to award marital property interests in the Civil Service Retirement System (herein “CSRS”) to a divorced Former Spouse.

The Court enters this Order awarding part of the Employee’s CSRS benefits to his divorced Former Spouse pursuant to the FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER FOR JUDGMENT AND JUDGMENT AND DECREE entered April 9, 2008. This Order awards the divorced Former Spouse specific rights to part of the benefits of the Employee which were earned under CSRS because of this employment and contributions with the federal government. CSRS is administered by the U. S. Office of Personnel Management (herein “OPM”) under Subchapter III of Chapter 83 of Title 5, U.S. Code (herein “5 USC”).

CSRS’s mailing address is found in Appendix A to Subpart A of Part 838 of Title 5, Code of Federal Regulations (herein “5 CFR 838”).

Civil Service Retirement System (CSRS)  
U. S. Office of Personnel Management (OPM)  
Retirement and Insurance Group  
Court Ordered Benefits Section  
P O Box 17  
Washington, DC 20044-0017

2. IDENTIFICATION. Donavon Earl Horrigan (herein “Employee”) is the Employee and is a participant in CSRS. He was born on June 4, 1950. Because of Minnesota Statute 518.146, his social security number is not in this Order, but it is on record with CSRS. His address is 1071 130<sup>th</sup> Avenue, Ogilvie, Minnesota 56358-3571.

Sharon Eileen Horrigan (herein “Former Spouse”), is the divorced Former Spouse of the Employee. She was born on December 10, 1952. Because of Minnesota Statute 518.146 her social security number is not in this Court Order. It will be supplied to OPM separately. Her address is 104 Vedders Avenue- P. O. Box 54, Pease, Minnesota 56363.

3. **AUTHORITY.** The Court is exercising its authority granted under Sections 8342(j)(1)(B) and 8345 (j)(1) of 5 USC.

5 USC 8342(j)(1)(B) permits State Courts to block payment of refunds of Employee contributions when a Former Spouse is awarded part of an Employee Annuity or a Survivor Annuity.

5 USC 8345(j)(1) USC permits State Courts to award a Former Spouse part of the CSRS Employee Annuity otherwise payment to the Employee.

4. **JURISDICTION. CONTINUING JURISDICTION.** This Court finds it has jurisdiction over the Employee and the Former Spouse (herein “Parties”) and CSRS and OPM subject to this Order. Further, this Court specifically retains jurisdiction over the Parties and CSRS and OPM to establish and maintain this Order in force.

If CSRS, OPM, or a court of competent jurisdiction ever determines that this Order is not acceptable for processing by OPM, then the Parties shall cooperate fully and shall promptly take all actions, and shall equally share the costs and expenses necessary to obtain an Order that is acceptable for processing by OPM.

5. **COMPLIANCE.** The Court has considered the requirements and standard terminology in 5 CRF 838. The terminology in this Order is governed by the standard conventions established in 5 CFR 838.

The Court makes this Order to assign marital properly interests under both state and federal law. The Court intends the provisions of this Order will comply with 5 CRF 838. In particular, this Order reflects the fact that no CSRS benefits are payable before the Employee retires.

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. **THIS ORDER BLOCKS PAYMENT OF A REFUND OF EMPLOYEE CONTRIBUTIONS.** During the lifetime of the Former Spouse, this Order prohibits the Employee from requesting OPM to refund Employee contributions and directs OPM not to refund Employee contributions to the Employee.

2. **AWARD IS 92% OF A PRORATA SHARE OF EMPLOYEE SELF-ONLY ANNUITY.** The Employee is eligible for benefits under CSRS based upon employment and contributions with the federal government. This Order awards the Former Spouse 92% (ninety-two percent) of a Prorata Share of the Employee’s monthly Self-Only Annuity from CSRS. The marriage began September 15, 1973. The divorce decree was entered April 10, 2008. ( Note: 92% of 50% is 46%.)

Prorata Share of Employee Annuity is defined in 5 CFR 838.621(a): “Prorata Share means one-half of the fraction whose numerator is the number of months of federal civilian and military service that the employee performed during the marriage and whose denominator is the total number of months of federal civilian and military service performed by the employee.”

Self-Only Annuity is defined in 5 CFR 838.103: “Self-Only annuity means the recurring unreduced payments under CSRS to a retiree with no survivor annuity payable to anyone.”

Under Section 8345(j)(1) of 5 USC, this Order directs OPM to pay the Former Spouse's share directly to her or to her representative.

3. REMARRIAGE HAS NO EFFECT ON THE AWARD OF THE EMPLOYEE ANNUITY. Under current law, and under this Order, if the Former Spouse remarriages, such remarriage would have no effect on this award of a share of Employee Annuity to her.

4. IF THE FORMER SPOUSE PREDECEASES THE EMPLOYEE. If the Former Spouse predeceases the Employee, in accord with 5 CFR 838.237(b)(3), the Former Spouse's share of the employee annuity shall terminate on the last day of the month before the death of the Former Spouse and the Former Spouse's share of employee annuity reverts to the Employee.

5. AWARD TO FORMER SPOUSE IS NOT REDUCED BY DISABILITY. The award to the Former Spouse shall be reduced if Employee becomes disabled.

6. FORMER SPOUSE TO SHARE IN ALL COLA'S. All COLA's ( Cost-of-living-adjustments) applied to the Employee's CSRS benefits, shall also apply to the Former Spouse's share.

7. FUTURE INCOME TAXES. Liability for income tax is determined by applicable tax laws when benefits are paid. Under current tax laws, a Former Spouse is liable for income tax on CSRS payments received.

8. LETTER OF APPLICATION REQUIRED. The Former Spouse ( personally or through a representative) must write a letter of application to OPM to be eligible for the part of the Employee Annuity awarded to her.

In accord with 5 CRF 838.221 the letter of application for the award of Employee Annuity must include:

(1.) a certified copy of the Court Order acceptable for processing that is directed at the Employee Annuity; and,

(2.) a Certification from the Former Spouse (or the Former Spouse's representation) that the Court Order is currently in force and has not been amended , superseded, or set aside; and,

(3.) Information sufficient to identify the Employee such as full name, date of birth, and social security number, and the CSRS Claim Number if a Claim Number has been assigned; and,

(4.) the current mailing address and the social security number of the Former Spouse; and,

(5.) the current mailing address of the Employee.

9. FORMER SPOUSE IS ENTITLED TO ACCESS TO INFORMATION. So that the Former Spouse may verify the accuracy of this Order and the relevant calculations by OPM, this Order directs OPM to fully disclose all of the their calculations and all of the CSRS contributions and employment records of the Employee to the Former Spouse and/her representative whenever they request such information.

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10. INCORPORATION BY REFERENCE. The provisions of this Order are incorporated by reference into the FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER FOR JUDGMENT AND JUDGMENT AND DECREE, entered on April 10, 2008. However, if there are inconsistencies between this Order and prior documents with respect to these retirement benefits, with respect to this marriage, this Order supersedes and takes precedence over such documents because it is more recent in time and because it is more specific and detailed and contains certain statutory language prescribed in 5 CRF 838.

BY THE COURT:

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Timothy R. Bloomquist  
Judge of the District Court

Dated: \_\_\_\_\_, 2010

Dated: \_\_\_\_\_, 2010

\_\_\_\_\_  
Donavon Earl Horrigan  
Respondent, Employee

\_\_\_\_\_  
Sharon Eileen Horrigan  
Petitioner, Former Spouse

Dated: \_\_\_\_\_, 2010

Dated: \_\_\_\_\_, 2010

By: \_\_\_\_\_

By: \_\_\_\_\_

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