

## DIVORCE SPLIT CHECKLIST 4-22-2010

To get things started, Participant needs to either scan and email or fax a SIGNED request for a list of movie titles. The request should include current address, phone number and last 4 digits of social security number or Fund account number if known. Upon receipt of the signed request, we can provide the list of films.

Participant should also provide ex-spouse's name, address, phone number, or e-mail address (if available) so that we can send a Musician Confirmation Form to ex-spouse and he/she will need to complete/sign form as soon as possible. The information on this form will be added to our system so that we can set ex-spouse up to receive their payments directly from the Fund. Please mail the original, signed copy of the form to:

Participant Services  
Film Musicians Secondary Markets Fund  
12001 Ventura Pl., 5th Floor  
Studio City, CA 91604

Or fax attn: Participant Services/Karen Tucker @ 818-755-7778

Attached is the link to the Fund's divorce split policy:

<http://www.fmsmf.org/ourpolicies/ourpolicies.html#4> for your review

(scroll down to divorce policy). The parties can set the divorce split on a film-by-film basis or by splitting Participant's annual gross amount.

**If you split on a film-by-film basis**, the court order must include:

- A list of the films that are subject to the split (or a marked up copy of the list to indicate the films for the Fund to split). Any films not listed or not marked will be paid 100% to Participant. Both parties will receive Statements with their checks. Neither party is entitled to see the other's statement nor acquire any information about the amount(s) received by the other party, unless requested via subpoena. Participant will be subject to tax withholdings and receive a W-2. The ex-spouse will receive a 1099 and will be responsible for their tax obligations.
- **PLEASE BE ADVISED THAT THE MOVIE TITLE LIST CONTAINS RELEASE YEARS ONLY, NOT THE ENTIRE RELEASE DATE. IN ORDER TO FIND THE COMPLETE RELEASE DATE, YOU CAN GO TO [www.imdb.com](http://www.imdb.com) AND SEARCH BY FILM TITLE. WE CANNOT PROCESS A SPLIT WHICH INSTRUCTS THE FUND TO SPLIT THE FILMS THAT WERE "RELEASED DURING THE DATES OF MARRIAGE". WE NEED THE MOVIE TITLES. UNFORTUNATELY, THE FUND DOESN'T HAVE THE RESOURCES TO PROVIDE THE COMPLETE RELEASE DATES, SO THE TASK OF RESEARCHING EXACT RELEASE DATES FALL TO THE PARTIES.**

- If you select to split the annual check gross amount each year, Participant will be subject to tax withholdings, but the ex-spouse will not. In other words, same as film-by-film and the ex-spouse is responsible for their tax obligations.
- The Court order **MUST specifically name the Film Musicians Secondary Markets Fund** as the entity distributing these payments. If another entity is named, we will not be able to comply with the order until a correction is made.
- The Order should also provide clear instructions re: how the Fund should handle the split (50/50, 60/40, etc., for the gross split), as well as the duration of the split (10 yrs or indefinitely). If no duration is indicated, the split will continue indefinitely.
- Please be advised that the list of films credited with The Fund is not exhaustive. For instance other films that may be community property could start making payments to the Fund after the split is implemented, so you must provide us with instructions on how to handle the new films.

Please be advised that the Fund cannot make any adjustments to the split without a court order. Therefore, those new films which begin paying into the Fund after the divorce has been finalized will be treated as Participant's separate property without further instructions from the parties. Those new films won't be included on the ex-spouse's statement, because they weren't included on the list of films to split. Newly added films are indicated in bold on statements.

**NOTE: If you want the split to take effect for the July 1, 2010 distribution, it is imperative that you provide us with a conformed or certified copy of the filed court order in the manner indicated above. We cannot guarantee that we'll be able to process the split in time if we receive the documents after June 1, 2010.**