

Prototype Non-Standardized 401(k)

Company Data:

Company Information:

1. Name of adopting employer (Plan Sponsor):
- 2a. Plan Sponsor address line 1:
- 2b. Plan Sponsor address line 2:
3. Plan Sponsor city:
4. Plan Sponsor state:
5. Plan Sponsor zip:
6. Plan Sponsor phone AC/Number:
7. Plan Sponsor fax AC/Number:
8. Plan Sponsor EIN:
9. Plan Sponsor fiscal year end:
- 10a. Plan Sponsor entity type:
☐ Corporation ☐ Partnership ☐ Limited Liability Company ☐ Limited Liability Partnership ☐ Sole Proprietorship ☐ Union
- 10b. If 10a. is "Corporation", is it a Subchapter S corporation:
☐ Yes ☐ No
- 10c. If 10a. is "Union", enter name of the representative of the parties who established or maintain the Plan:
11. State of organization of Plan Sponsor (not postal abbreviation):
- 12a. The Plan Sponsor is a member of an affiliated service group:
☐ Yes ☐ No
- 12b. If 12a is "Yes", list all members of the group (other than the Plan Sponsor):
- 13a. The Plan Sponsor is a member of a controlled group:
☐ Yes ☐ No
- 13b. If 13a is "Yes", list all members of the group (other than the Plan Sponsor):

Contact Information:

21. Contact name:
22. Contact title:
23. Contact salutation:
24. Contact phone:
25. Contact fax:
26. Contact email:

Notes:

30. Notes

Plan Data:

A. GENERAL INFORMATION

General

1. Plan Number:
- 2a. First line of Plan name:
- 2b. Second line of Plan name:
- 3a. Original effective date of Plan:
- 3b. Is this a restatement of a previously-adopted plan?
☐ Yes ☐ No
- 3c. If **A.3b** is "Yes", effective date of Plan restatement:
4. Plan Year End (Month Day):
5. Limitation Year means:
☐ Plan Year ☐ calendar year ☐ tax year of the Plan Sponsor

Plan Features

10. Elective Deferrals are permitted (Section 4.01):
☐ Yes ☐ No
11. Voluntary (after-tax) Contributions are permitted (Section 4.01) (If "No", questions regarding Voluntary Contributions are disregarded):
☐ Yes ☐ No ☐ Formerly Allowed
12. Matching Contributions are permitted (Section 4.02) (If "No", questions regarding Matching Contributions are disregarded):
☐ Yes ☐ No
13. Profit Sharing Contributions are permitted (Section 4.03) (If "No", questions regarding Profit Sharing Contributions are disregarded):
☐ Yes ☐ No

Compensation

20. Definition of Compensation:
☐ W-2 ☐ Withholding ☐ 415 Safe Harbor
21. Include deferrals in definition of Compensation?
☐ Yes ☐ No

Compensation Exclusions

22. Exclude pay earned before participation in Plan from definition of Compensation and, for purposes of determining Actual Contribution Percentages and Actual Deferral Percentages, the definition of Testing Compensation:
☐ Yes ☐ No
23. Exclude certain fringe benefits from definition of Compensation:
☐ Yes ☐ No
- 24a. Exclude other pay from definition of Compensation for the following Participants:
☐ None ☐ HCEs only ☐ All Participants
- 24b. If **A.24a** is "HCEs only" or "All Participants", describe other pay excluded from definition of Compensation:
25. Exclude all extraordinary pay from Compensation from which Elective Deferrals are made
☐ Yes ☐ No

Testing Compensation

26. Definition of Testing Compensation:
☐ W-2 ☐ Withholding
27. Effective date of consideration of Code section 132(f) transportation fringes in compensation:
28. When determining Actual Contribution Percentages and Actual Deferral Percentages include elective amounts that are not includible in the gross income of the Participant:
☐ Yes ☐ No

Highly Compensated Employee

29. Use top-paid group election in determining Highly Compensated Employees:
☐ Yes ☐ No
30. Use calendar year beginning with or within the preceding Plan Year in determining Highly Compensated Employees for any year other than that described in **A.31**:
☐ Yes ☐ No
31. Use calendar year election for 1997 Plan Year:
☐ Yes ☐ No

Other Definitions

32. Definition of Disability:
☐ Under Code section 22(e) ☐ Under the Social Security Act ☐ Inability to engage in comparable occupation ☐ Pursuant to other Company Disability Plan ☐ Under uniform rules established by the Plan Administrator
33. Name of state or commonwealth for choice of law (Section 14.06):

Miscellaneous

40. Enter date to place on cover of Summary Plan Description:
41. File Number:
42. Trust EIN:
43. User Defined Field #1
44. User Defined Field #2
45. User Defined Field #3
46. User Defined Field #4
47. User Defined Field #5

B. ELIGIBILITY

Exclusions

1. Exclude Employees covered under a collective bargaining agreement from definition of Eligible Employee:
☐ Yes ☐ No
2. Exclude leased Employees from definition of Eligible Employee:
☐ Yes ☐ No
3. Exclude nonresident aliens from definition of Eligible Employee:
☐ Yes ☐ No
- 4a. Exclude other Employees from definition of Eligible Employee (any exclusion must satisfy Code section 401(a)):
☐ Yes ☐ No
- 4b. If **B.4a** is "Yes", describe other excluded Employees from definition of Eligible Employee:
5. An Employee may irrevocably elect not to participate in the Plan:
☐ Yes ☐ No

Other Employer Service

- 6a. Count service with other non-affiliated employers for eligibility purposes:
☐ Yes ☐ No
- 6b. If B.6a is "Yes", list other non-affiliated employers:

Break in Service

7. **Rule of parity.** If an Employee does not have any nonforfeitable right to Employer contributions, exclude eligibility service before a period of five (5) consecutive One-Year Breaks in Service/Periods of Severance:
☐ Yes ☐ No
8. **One-year holdout.** If an Employee has a One-Year Break in Service/Period of Severance, exclude eligibility service before such period until the Employee has completed a Year of Eligibility Service after returning to employment with the Employer:
☐ Yes ☐ No

Immediate Participation

9. If the Plan is a new plan, allow immediate participation to all Eligible Employees on the original effective date of the Plan specified in A.3a:
☐ Yes ☐ No

Elective Deferrals/Voluntary Contributions

10. Minimum age requirement for Elective Deferrals/Voluntary Contributions:
☐ None ☐ 21 ☐ 20 ☐ 19 ☐ 18
11. Minimum service requirement for Elective Deferrals/Voluntary Contributions:
☐ None ☐ one (1) Year ☐ nine (9) Months ☐ six (6) Months ☐ five (5) Months ☐ four (4) Months ☐ three (3) Months ☐ two (2) Months ☐ one (1) Month
- 12a. Frequency of entry dates for Elective Deferrals/Voluntary Contributions:
☐ Immediate ☐ first day of the calendar month ☐ first day of each plan quarter ☐ first day of the first month and seventh month of the Plan Year
- 12b. If B.12a is not "Immediate", selection of entry date:
☐ coincident with or next following ☐ next following

Matching Contributions

20. Minimum age requirement for Matching Contributions:
☐ None ☐ 21 ☐ 20 ☐ 19 ☐ 18
21. Minimum service requirement for Matching Contributions:
☐ None ☐ two (2) Years ☐ one (1) Year ☐ nine (9) Months ☐ six (6) Months ☐ five (5) Months ☐ four (4) Months ☐ three (3) Months ☐ two (2) Months ☐ one (1) Month
- 22a. Frequency of entry dates for Matching Contributions:
☐ Immediate ☐ first day of the calendar month ☐ first day of each plan quarter ☐ first day of the first month and seventh month of the Plan Year ☐ first day of the Plan Year
- 22b. If B.22a is not "Immediate", selection of entry date:
☐ coincident with or next following ☐ next following ☐ coincident with or immediately preceding ☐ immediately preceding ☐ nearest to

Profit Sharing Contributions

30. Minimum age requirement for Profit Sharing Contributions:
☐ None ☐ 21 ☐ 20 ☐ 19 ☐ 18
31. Minimum service requirement for Profit Sharing Contributions:
☐ None ☐ two (2) Years ☐ one (1) Year ☐ nine (9) Months ☐ six (6) Months ☐ five (5) Months ☐ four (4) Months ☐ three (3) Months ☐ two (2) Months ☐ one (1) Month
- 32a. Frequency of entry dates for Profit Sharing Contributions:
☐ Immediate ☐ first day of the calendar month ☐ first day of each plan quarter ☐ first day of the

- first month and seventh month of the Plan Year ☐ first day of the Plan Year
- 32b.** If **B.32a** is not "Immediate", selection of entry date:
☐ coincident with or next following ☐ next following ☐ coincident with or immediately preceding ☐
☐ immediately preceding ☐ nearest to

Eligibility Service Computation Rules

- 40.** Eligibility service computation method:
☐ Hours of Service ☐ Elapsed Time
- 41.** Eligibility Computation Period switch to Plan Year:
☐ Yes ☐ No
- 42.** If **B.40** is "Hours of Service", number of Hours of Service necessary for Year of Eligibility Service (1000 maximum without commas):
- 43a.** If **B.40** is "Hours of Service" and if eligibility is computed using months, enter the Hours of Service necessary for a Month of Eligibility Service or enter the Hours of Service that must be completed in the month period described above:
- 43b.** If **B.40** is "Hours of Service" and if eligibility is computed using months, must Hours of Service described in **B.43a** be completed in one month or over a period of months:
☐ One month ☐ Period of months
- 44.** If **B.40** is "Hours of Service", select hours equivalency for eligibility purposes:
☐ None ☐ 10 hours per day ☐ 45 hours per week ☐ 95 hours per semi-monthly payroll period ☐
190 hours per month

C. CONTRIBUTIONS

ADP/ACP Safe Harbor

- 1.** If **A.10** is "Yes" (Elective Deferrals are permitted), is this a safe-harbor plan exempt from most testing?
☐ No ☐ Yes - safe harbor match ☐ Yes - nonelective contribution ☐ Yes - to another plan
- 2.** If **C.1** is not "No", enter effective date of safe harbor provisions:
- 3.** If **C.1** is "to another plan", name of other plan to which safe harbor contributions are made:
- 4a.** If **C.1** is "nonelective", safe harbor nonelective contributions will be made on behalf of:
☐ All Participants ☐ Nonhighly Compensated Employees only ☐ Participants meeting the greatest minimum age and service under section 410(a)
- 4b.** If **C.1** is "nonelective", and **C.4a** is "All Participants", require service for Highly Compensated Employees to receive safe harbor nonelective contribution:
☐ Yes ☐ No
- 4c.** If **C.1** is "nonelective", **C.4a** is "All Participants", and **C.4b** is "Yes", Hours of Service required in the Plan Year for Highly Compensated Employees to receive safe harbor nonelective contribution (1000 maximum without commas):
- 4d.** If **C.1** is "nonelective" and **C.4a** is "All Participants", require employment on last day of Plan Year for Highly Compensated Employees to receive safe harbor nonelective contribution:
☐ Yes ☐ No

Elective Deferrals

- 5a.** Minimum Elective Deferral contribution:
☐ None ☐ one percent (1%) ☐ two percent (2%) ☐ three percent (3%)
- 5b.** Maximum Elective Deferral contribution:
☐ five percent (5%) ☐ ten percent (10%) ☐ fifteen percent (15%) ☐ twenty percent (20%) ☐
twenty-five percent (25%) ☐ thirty percent (30%) ☐ forty percent (40%) ☐ fifty percent (50%) ☐
seventy-five percent (75%) ☐ one hundred percent (100%)
- 6a.** When may Participants modify/start/stop elections regarding Elective Deferrals/Voluntary Contributions?
☐ Each pay period ☐ Monthly ☐ Quarterly ☐ Semi Annual ☐ Annual ☐ Pursuant to Plan Administrator procedures
- 6b.** May Participants stop election to contribute at any time?

- ☐ Yes ☐ No
- 7a.** Should Plan provide for negative elections? (Section 4.01(e))
☐ No ☐ Yes - New hires only ☐ Yes - All Participants
- 7b.** If **C.7a** is "Yes", amount of negative election:
☐ one percent (1%) ☐ two percent (2%) ☐ three percent (3%) ☐ four percent (4%) ☐ five percent (5%)
- 8a.** Actual Contribution Percentages and Actual Deferral Percentages of Nonhighly Compensated Employees are determined using:
☐ Current year - no exceptions ☐ Current year - with exceptions ☐ Prior year - no exceptions ☐ Prior year - with exceptions
- 8b.** If **C.8a** is "with exceptions", enter years for which exceptions apply:
- 8c.** If **C.8a** is "Prior year" and the Plan is a new 401(k) plan, designate NHCE percentage for first Plan Year:
☐ 3% ☐ Current year percentages
- 9a.** Allow Participants to make EGTRRA catch-up contributions (Section 5.01(d) as amended by the EGTRRA Addendum to the Basic Plan Document):
☐ Yes ☐ No
- 9b.** If **C.9a** is "Yes", the election shall apply with respect to contributions on or after

Voluntary Contributions

- 11.** If **A.11** is "Yes" (Voluntary Contribution allowed), Minimum Voluntary Contribution:
☐ None ☐ one percent (1%) ☐ two percent (2%) ☐ three percent (3%)
- 12.** If **A.11** is "Yes", Maximum Voluntary Contribution:
☐ five percent (5%) ☐ ten percent (10%) ☐ fifteen percent (15%) ☐ twenty percent (20%) ☐ twenty-five percent (25%) ☐ thirty percent (30%) ☐ forty percent (40%) ☐ fifty percent (50%) ☐ seventy-five percent (75%) ☐ one hundred percent (100%)
- 13.** If **A.11** is "Yes", Maximum of total combined Elective Deferral/Voluntary Contribution:
☐ None ☐ five percent (5%) ☐ ten percent (10%) ☐ fifteen percent (15%) ☐ twenty percent (20%) ☐ twenty-five percent (25%) ☐ thirty percent (30%) ☐ forty percent (40%) ☐ fifty percent (50%) ☐ seventy-five percent (75%) ☐ one hundred percent (100%)
- 14.** If **A.11** is "Yes", the Company will base Matching Contributions on a Participant's Voluntary Contributions:
☐ Yes ☐ No
- 15.** If **A.11** is not "No", distributions from a Participant's Voluntary Contribution Account will be paid first out of contributions accumulated prior to January 1, 1987:
☐ Yes ☐ No

Matching - Service

- 21a.** Require service for a Participant to receive an allocation of Matching Contributions?
☐ Yes ☐ No
- 21b.** If **C.21a** is "Yes", Hours of Service required in the applicable Plan Year for a Participant to receive an allocation of Matching Contributions (1000 maximum without commas):
- 22.** Require employment by the Company on the last day of Plan Year for a Participant to receive an allocation of Matching Contributions?
☐ Yes ☐ No
- 23a.** Waive service requirement under **C.21** and last day requirement under **C.22** for a Participant who Terminates employment with the Employer during the Plan Year due to death:
☐ Yes ☐ No
- 23b.** Waive service requirement under **C.21** and last day requirement under **C.22** for a Participant who Terminates employment with the Employer during the Plan Year due to Disability:
☐ Yes ☐ No
- 23c.** Waive service requirement under **C.21** and last day requirement under **C.22** for a Participant who Terminates employment with the Employer during the Plan Year due to attainment of Normal Retirement Age:
☐ Yes ☐ No

24. Method to fix Matching Contribution Code section 410(b) coverage failures (Section 4.02(d)):
☐ Do not automatically fix ☐ Add just enough ☐ Add all

Matching - Formula

25. Matching Contribution formula:
☐ Discretionary ☐ Single rate ☐ Two rates
- 26a. If C.25 is "Single rate" or "Two rates", rate of Matching Contributions (without % sign):
- 26b. If C.25 is "Single rate" or "Two rates", maximum amount of Employee contributions matched on single rate or first rate (without % sign)
- 26c. If C.25 is "Two rates", rate of Matching Contributions on second rate (without % sign):
- 26d. If C.25 is "Two rates", maximum amount of Employee contributions matched on second rate (without % sign):
- 26e. If C.25 is "Single rate" or "Two rates", permit the Board to provide for Matching Contributions to be made in addition to the foregoing:
☐ Yes ☐ No

Matching - Maximum Allocation

- 27a. Plan limits Matching Contributions to maximum dollar amount:
☐ Yes ☐ No
- 27b. If C.27a is "Yes", maximum dollar amount of Matching Contributions for each Participant in each Plan Year (without \$ sign or commas):

Matching - Allocations

28. Matching Contributions are allocated to Participant Accounts at the following time(s):
☐ End of Plan Year ☐ Semi-annually ☐ Quarterly ☐ Each calendar month ☐ Each pay period
29. The Company will make a true-up Matching Contribution at end of Plan Year (Section 4.02(b)):
☐ Yes ☐ No

Profit Sharing - Service

- 31a. Require service for a Participant to receive an allocation of Profit Sharing Contributions?
☐ Yes ☐ No
- 31b. If C.31a is "Yes", Hours of Service required in the applicable Plan Year for a Participant to receive an allocation of Profit Sharing Contributions (1000 maximum without comma):
32. Require employment by the Company on the last day of Plan Year for a Participant to receive an allocation of Profit Sharing Contributions?
☐ Yes ☐ No
- 33a. Waive service requirement under C.31 and last day requirement under C.32 for a Participant who Terminates employment with the Employer during the Plan Year due to death:
☐ Yes ☐ No
- 33b. Waive service requirement under C.31 and last day requirement under C.32 for a Participant who Terminates employment with the Employer during the Plan Year due to Disability:
☐ Yes ☐ No
- 33c. Waive service requirement under C.31 and last day requirement under C.32 for a Participant who Terminates employment with the Employer during the Plan Year due to attainment of Normal Retirement Age:
☐ Yes ☐ No
34. Method to fix Profit Sharing Contribution Code section 410(b) coverage failures (Section 4.03(d)):
☐ Do not automatically fix ☐ Add just enough ☐ Add all

Profit Sharing - Formula

35. Profit Sharing allocation formula (Section 4.03):

☐ Pro rata ☐ Integrated ☐ Points ☐ Fixed Amount ☐ Davis Bacon

Profit Sharing - Integration

- 36a.** If **C.35** is "Integrated", integration level for determining Excess Compensation:
☐ Taxable wage base ☐ Fixed percentage ☐ Fixed dollar amount
- 36b.** If **C.35** is "Integrated", and **C.36a** is not "taxable wage base", enter fixed percentage or fixed dollar amount (without % or \$ or commas):
- 36c.** If **C.35** is "Integrated", enter amount of permitted disparity:
☐ 5.7 ☐ 5.4 ☐ 4.3

Profit Sharing - Points

- 37a.** If **C.35** is "Points", points will be computed on basis of:
☐ Age, Service and Compensation ☐ Age and Service ☐ Age and Compensation ☐ Service and Compensation ☐ Age Only ☐ Service Only
- 37b.** If **C.35** is "Points", points awarded for \$100 of Compensation:
- 37c.** If **C.35** is "Points", points awarded for each Year of Service:
- 37d.** If **C.35** is "Points", points awarded for each year of age:

Profit Sharing - Disability

- 39a.** Allocate Profit Sharing Contributions to Disabled Participants (Section 4.03(e)):
☐ Yes ☐ No
- 39b.** If **C.39a** is "Yes", select the anniversary of Disability when allocations end:
☐ first ☐ second ☐ third ☐ fourth ☐ fifth ☐ sixth ☐ seventh ☐ eighth ☐ ninth ☐ tenth

Qualified Nonelective Contributions

- 40.** Qualified Nonelective Contributions will be made on behalf of (Section 4.04(b)):
☐ All Participants ☐ Nonhighly Compensated Employees only ☐ Such Participants determined at the discretion of Employer
- 41.** If **C.40** is not "at discretion of Employer", the Company's Qualified Nonelective Contribution (in addition to any safe harbor nonelective contribution made pursuant to **C.1**) shall be allocated:
☐ Pro rata ☐ Fixed Amount ☐ Bottom up
- 42.** If **C.40** is not "at discretion of Employer", are Qualified Nonelective Contributions allocated only to Participants who made Elective Deferrals?
☐ Yes ☐ No
- 43a.** If **C.40** is not "at discretion of Employer", require service to receive Qualified Nonelective Contribution?
☐ Yes ☐ No
- 43b.** If **C.40** is not "at discretion of Employer" and **C.43a** is "Yes", Hours of Service required in the applicable Plan Year to receive Qualified Nonelective Contribution (1000 maximum without commas):
- 44.** If **C.40** is not "at discretion of Employer", require employment by the Company on last day of Plan Year to receive Qualified Nonelective Contribution?
☐ Yes ☐ No

Rollovers

- 50.** Rollover Contributions are permitted (Section 4.05):
☐ No ☐ Yes - All Eligible Employees ☐ Yes - Only active Participants
- 51a.** If **C.50** is not "No", Rollover Contributions are permitted from:
☐ All permissible plans ☐ Only qualified plans and conduit IRAs
- 51b.** If **C.50** is not "No" and **C.51a** is "All permissible plans", enter the effective date:

SIMPLE 401(k)

60. The Plan is intended to be a SIMPLE 401(k) Plan (Section 4.10):
☐ Yes ☐ No
61. If C.60 is "Yes", amount of Compensation to be eligible for SIMPLE Plan (Cannot be greater than 5000) without \$ sign or comma:

415 Corrections

70. Corrections to Code section 415 violations made to another plan (Section 5.04):
☐ Yes ☐ No
71. If C.70 is "No", order of correction for section 415 violations:
☐ Employer contributions first ☐ Participant contributions first
72. If C.70 is "No", method of correction of Employer contributions for section 415 violations:
☐ Reduce Company contributions ☐ Reallocate to other Participants
73. If C.70 is "Yes", name of plan in which 415 corrections will be made:

D. VESTING

Vesting Service Computation Rules:

1. Vesting service computation method:
☐ Hours of Service ☐ Elapsed Time
2. Number of Hours of Service necessary for Year of Vesting Service (1000 maximum without commas):
3. Select equivalency for vesting purposes:
☐ None ☐ 10 hours per day ☐ 45 hours per week ☐ 95 hours per semi-monthly payroll period ☐ 190 hours per month
4. Vesting Computation Period:
☐ Calendar year ☐ Plan Year ☐ Anniversaries of employment date

Other Employer Service

- 5a. Count service with other non-affiliated employers for vesting purposes:
☐ Yes ☐ No
- 5b. If D.5a is "Yes", list other non-affiliated employers:

Vesting Exceptions

6. Provide for full vesting for a Participant who Terminates employment with the Employer due to death while an Employee (Section 6.02):
☐ Yes ☐ No
7. Provide for full vesting for a Participant who Terminates employment with the Employer due to Disability while an Employee (Section 6.02):
☐ Yes ☐ No

Vesting Exclusions

- 8a. Exclude Years of Vesting Service earned before age 18:
☐ Yes ☐ No
- 8b. Exclude Years of Vesting Service earned before the Employer maintained this Plan or a predecessor plan:
☐ Yes ☐ No
- 8c. **One-year holdout.** If an Employee has a 1-Year Break in Service/Period of Severance, exclude Years of Vesting Service before such period until the Employee has completed a Year of Vesting Service after return to employment with the Employer:
☐ Yes ☐ No
- 8d. **Rule of parity.** If an Employee does not have a nonforfeitable right to the Account balance derived from Employer contributions, exclude Years of Vesting Service before a period of 5 consecutive 1-Year Breaks in Service/Periods of Severance:

☐ Yes ☐ No

Matching

10. Matching Contribution Account Vesting Schedule:
☐ 100% ☐ 3-7 Year Graded ☐ 2-6 Year Graded ☐ 1-5 Year Graded ☐ 1-4 Year Graded ☐ 5 Year Cliff ☐ 3 Year Cliff ☐ 2 Year Cliff ☐ Other
- 11a. Other Match Schedule - less than 1 year (without % sign):
- 11b. Other Match Schedule - 1 year but less than 2 years (without % sign):
- 11c. Other Match Schedule - 2 years but less than 3 years (without % sign):
- 11d. Other Match Schedule - 3 years but less than 4 years (Min 20 without % sign):
- 11e. Other Match Schedule - 4 years but less than 5 years (Min 40 without % sign):
- 11f. Other Match Schedule - 5 years but less than 6 years (Min 60 without % sign):
- 11g. Other Match Schedule - 6 years but less than 7 years (Min 80 without % sign):

EGTRRA Matching

12. EGTRRA Matching Contribution Account Vesting Schedule:
☐ 100% ☐ 2-6 Year Graded ☐ 1-5 Year Graded ☐ 1-4 Year Graded ☐ 3 Year Cliff ☐ 2 Year Cliff ☐ Other
- 13a. Other EGTRRA Schedule - less than 1 year (without % sign):
- 13b. Other EGTRRA Schedule - 1 year but less than 2 years (without % sign):
- 13c. Other EGTRRA Schedule - 2 years but less than 3 years (Min 20 without % sign):
- 13d. Other EGTRRA Schedule - 3 years but less than 4 years (Min 40 without % sign):
- 13e. Other EGTRRA Schedule - 4 years but less than 5 years (Min 60 without % sign):
- 13f. Other EGTRRA Schedule - 5 years but less than 6 years (Min 80 without % sign):

Profit Sharing

20. Profit Sharing Contribution Account Vesting Schedule:
☐ 100% ☐ 3-7 Year Graded ☐ 2-6 Year Graded ☐ 1-5 Year Graded ☐ 1-4 Year Graded ☐ 5 Year Cliff ☐ 3 Year Cliff ☐ 2 Year Cliff ☐ Other
- 21a. Other Profit Sharing Schedule - less than 1 year (without % sign):
- 21b. Other Profit Sharing Schedule - 1 year but less than 2 years (without % sign):
- 21c. Other Profit Sharing Schedule - 2 years but less than 3 years (without % sign):
- 21d. Other Profit Sharing Schedule - 3 years but less than 4 years (Min 20 without % sign):
- 21e. Other Profit Sharing Schedule - 4 years but less than 5 years (Min 40 without % sign):
- 21f. Other Profit Sharing Schedule - 5 years but less than 6 years (Min 60 without % sign):
- 21g. Other Profit Sharing Schedule - 6 years but less than 7 years (Min 80 without % sign):

E. DISTRIBUTIONS

Normal Retirement

- 1a. Requirement for Normal Retirement Age:
☐ Age only ☐ Age and Plan Participation
- 1b. Age component of Normal Retirement Age (not to exceed 65):
☐ 50 ☐ 51 ☐ 52 ☐ 53 ☐ 54 ☐ 55 ☐ 56 ☐ 57 ☐ 58 ☐ 59 ☐ 59-1/2 ☐ 60 ☐ 61 ☐ 62 ☐ 63 ☐ 64 ☐ 65
- 1c. If E.1a is "Age and Plan Participation", anniversary of participation for Normal Retirement Age:
☐ fifth ☐ fourth ☐ third ☐ second ☐ first
2. Allow in-service distributions after attainment of Normal Retirement Age (Section 7.01(b)):
☐ Yes ☐ No

Time and Form of Payment after Termination for Reasons other than Death

- 3a.** Distributions after Termination of Employment for reasons other than death shall commence (Section 7.02):
☐ Immediate ☐ End of Plan Year ☐ Normal Retirement Age ☐ Other
- 3b.** If **E.3a** is "Other", enter time when distributions after Termination of Employment commence:
- 4a.** Medium of distribution from the Plan:
☐ Cash only ☐ Cash or in-kind ☐ Cash or in-kind to a specified vendor
- 4b.** If **E.4a** is "specified vendor", enter name of specified vendor:
- 5.** Distributions from the Plan after Termination for reasons other than death may be made in the following forms:
☐ Lump sum only ☐ Lump sum and installments ☐ Continuous right of withdrawal
- 6.** Permit distributions in the form of an annuity:
☐ Yes ☐ No

Payment on Participant Death

- 7.** Distributions on account of the death of the Participant shall be made in accordance with one of the following:
☐ Pay by end of fifth year ☐ Pay no later than end of Plan Year of death ☐ Allow extended payments for all beneficiaries ☐ Allow extended payments under spousal exception only

Cash Out

- 8.** Involuntary cash-out amount for purposes of Sections 7.03 and 7.10 (not more than 5000 without dollar sign \$ or commas):
- 9.** Involuntary cash-out of a terminated Participant's Account balance when it exceeds the cash-out amount specified in **E.8** is deferred under Section 7.03(b) until:
☐ Later of age 62 or Normal Retirement Age ☐ Required Beginning Date - allow lump sum and installments ☐ Required Beginning Date - allow lump sum only
- 10a.** Exclude amounts attributable to Rollover Contributions in determining the value of the Participant's nonforfeitable account balance for purposes of the Plan's involuntary cash-out rules:
☐ Yes ☐ No
- 10b.** If **E.10a** is "Yes", the election shall apply with respect to distributions made on or after:
- 11a.** It is necessary to provide an effective date for the cash out amount specified in **E.8**:
☐ Yes ☐ No
- 11b.** If **E.11a** is "Yes", enter the effective date of the change in the cash-out amount:

Spousal Death Benefits

- 20.** The Plan has received a transfer of assets from a plan subject to the survivor annuity rules of Code sections 411(a)(11) and 417:
☐ Yes ☐ No
- 21.** If **E.20** or **E.6** is "Yes", upon the death of a married Participant, Participant's spouse is the beneficiary of this portion of such Participant's Account unless spouse waives such right in accordance with Section 7.10: (Section 7.04(a))
☐ 100% of Account

Required Beginning Date

- 30.** Required Beginning Date for a Participant other than a More Than 5% Owner:
☐ Later of age 70-1/2 or retirement ☐ Age 70-1/2 ☐ Election of later of age 70-1/2 or retirement

Required Beginning Date Transition Rules

- 31.** The Plan was amended before the Effective Date to revise definition of Required Beginning Date or the Plan is a new plan:
☐ Yes ☐ No

32. If **E.31** is "No" and **E.30** is not "Age 70-1/2", enter effective date of new definition:
33. If **E.31** is "No" and **E.30** is "Later of age 70-1/2 or retirement", enter Required Beginning Date transition rule:
☐ Eliminate prospectively - allow election of old rule in interim ☐ Eliminate prospectively - no election of old rule
34. If **E.31** is "No" and **E.30** is not "Age 70-1/2", permit Participants receiving required distributions under old rule to stop distributions until the distributions must recommence under the new definition of Required Beginning Date:
☐ No ☐ Yes - No new Annuity Starting Date ☐ Yes - With a new Annuity Starting Date

New 401(a)(9) Regulations

- 35a. The Plan adopts the new proposed IRS 401(a)(9) regulations (Section 7.05(c)):
☐ No ☐ Yes - Ann 2001-18 Model Amendment ☐ Yes - Ann 2001-82 Model Amendment
- 35b. Effective date of adoption of new proposed 401(a)(9) regulations specified in **E.35a**:
- 36a. Effective date of adoption of final 401(a)(9) regulations (Section 7.11 as added by the Minimum Distribution Addendum to the Basic Plan Document):
☐ 2002 ☐ 2003
- 36b. If **E.36a** is "2002", enter effective date of adoption of final 401(a)(9) regulations in 2002:

F. IN SERVICE WITHDRAWAL/LOANS

General

1. In-service withdrawals under **F** are allowed from Accounts that are only partially vested:
☐ No - fully vested only ☐ Yes

Hardship

10. Hardship withdrawals are allowed from the portion of a Participant's Accounts described in **F.1** as follows (Section 8.01) (If "None", questions regarding Hardship withdrawals are disregarded. Skip to **F.20**):
☐ None ☐ All Accounts ☐ Selected Accounts
11. The criteria used in determining whether a Participant is entitled to receive a Hardship withdrawal:
☐ Safe Harbor ☐ Non Safe Harbor
- 12a. If **F.10** is "Selected Accounts", hardship withdrawal is permitted from Elective Deferral Account:
☐ Yes ☐ No
- 12b. If **F.10** is "Selected Accounts", hardship withdrawal is permitted from Matching Contribution Account:
☐ Yes ☐ No
- 12c. If **F.10** is "Selected Accounts", hardship withdrawal is permitted from Profit Sharing Contribution Account:
☐ Yes ☐ No
- 12d. If **F.10** is "Selected Accounts", hardship withdrawal is permitted from Voluntary Contribution Account:
☐ Yes ☐ No
- 12e. If **F.10** is "Selected Accounts", hardship withdrawal is permitted from Rollover Contribution Account:
☐ Yes ☐ No
- 12f. If **F.10** is "Selected Accounts", hardship withdrawal is permitted from Transfer Account:
☐ Yes ☐ No

Specified Age

20. In-service withdrawals are allowed on attainment of the age specified in **F.21** from the portion of a Participant's Accounts described in **F.1**. (Section 8.02)
☐ None ☐ All Accounts ☐ Selected Accounts
21. In-service withdrawal permitted after age (must be on or after 59-1/2 if Electives or QNECs are eligible Accounts):
☐ 55 ☐ 56 ☐ 57 ☐ 58 ☐ 59 ☐ 59-1/2 ☐ 60 ☐ 61 ☐ 62 ☐ 63 ☐ 64 ☐ 65

- 22a. If F.20 is "Selected Accounts", specified age withdrawal is permitted from Elective Deferral Account.
☐ Yes ☐ No
- 22b. If F.20 is "Selected Accounts", specified age withdrawal is permitted from Matching Contribution Account.
☐ Yes ☐ No
- 22c. If F.20 is "Selected Accounts", specified age withdrawal is permitted from Profit Sharing Contribution Account.
☐ Yes ☐ No
- 22d. If F.20 is "Selected Accounts", specified age withdrawal is permitted from Qualified Nonelective Contribution Account.
☐ Yes ☐ No
- 22e. If F.20 is "Selected Accounts", specified age withdrawal is permitted from Voluntary Contribution Account.
☐ Yes ☐ No
- 22f. If F.20 is "Selected Accounts", specified age withdrawal is permitted from Rollover Contribution Account.
☐ Yes ☐ No
- 22g. If F.20 is "Selected Accounts", specified age withdrawal is permitted from Transfer Account.
☐ Yes ☐ No

Other Withdrawals

30. In-service withdrawals allowed from Matching and Profit Sharing Contribution Accounts after 5 yrs. Participation or on funds held 2 yrs.:
☐ Yes ☐ No
31. In-service withdrawals allowed from Voluntary Contribution and Rollover Accounts at any time:
☐ Yes ☐ No

Loans

40. Loans are permitted (Section 8.06) (If "No", questions regarding loans are disregarded. Skip to G):
☐ Yes ☐ No
41. Require showing of financial hardship or unusual or special situation to receive loan:
☐ Yes ☐ No
42. Permit loans in excess of 1/2 of account balance up to \$10,000 with adequate security:
☐ Yes ☐ No
43. Allow extended loan amortization for purchase of principal residence:
☐ Yes ☐ No
44. Minimum loan amount:
☐ None ☐ \$100 ☐ \$200 ☐ \$250 ☐ \$300 ☐ \$400 ☐ \$500 ☐ \$600 ☐ \$700 ☐ \$750 ☐ \$800 ☐ \$900 ☐ \$1,000
45. Maximum number of loans outstanding:
☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
46. If G.3 does not permit participant self-direction, are loans treated as a segregated investment:
☐ Yes ☐ No
47. A Participant must obtain the consent of his or her spouse, if any, to use the Account balance as security for a loan:
☐ Yes ☐ No

G. PLAN OPERATIONS

Permitted Investments

1. Plan may invest in "qualifying employer securities" and "qualifying employer real property" (Section 9.04):
☐ Yes ☐ No
2. Plan may invest in life insurance (Section 9.07):
☐ Yes ☐ No

Participant Self Direction

3. Specify the extent to which the Plan permits Participant self direction and the Plan's intent to comply with ERISA section 404(c) (Section 9.02) (If "None", questions regarding Participant self direction are disregarded. Skip to **G.7a**):
☐ All Accounts with 404(c) ☐ All Accounts w/o 404(c) ☐ Some Accounts ☐ None
4. If **G.3** is not "None", Participants may also establish individual brokerage accounts:
☐ Yes ☐ No
5. Participants may exercise voting rights with respect to the following investments (Section 9.06) (If **G.1** is "Yes" and **G.3** is "All Accounts with 404(c)" then voting rights may not be "None"):
☐ None ☐ Company stock only ☐ All investments
- 6a. If **G.3** is "Some Accounts", self direct Elective Deferral Account:
☐ Yes ☐ No
- 6b. If **G.3** is "Some Accounts", self direct Matching Contribution Account:
☐ Yes ☐ No
- 6c. If **G.3** is "Some Accounts", self direct Voluntary Contribution Account:
☐ Yes ☐ No
- 6d. If **G.3** is "Some Accounts", self direct Profit Sharing Contribution Account:
☐ Yes ☐ No
- 6e. If **G.3** is "Some Accounts", self direct Qualified Nonelective Contribution Account:
☐ Yes ☐ No
- 6f. If **G.3** is "Some Accounts", self direct Rollover Contribution Account:
☐ Yes ☐ No
- 6g. If **G.3** is "Some Accounts", self direct Transfer Account:
☐ Yes ☐ No

Valuation Date

- 7a. Enter Valuation Date (if **G.3** is "All Accounts with 404(c)", then Valuation Date must be at least quarterly)
☐ Last day of Plan Year ☐ Last day of Plan quarter ☐ Last day of each month ☐ Each business day ☐ Other
- 7b. If **G.7a** is "Other", enter Valuation Date:

Plan Administration

- 10a. Designation of Plan Administrator (Section 12.01):
☐ Plan Sponsor ☐ Committee appointed by Plan Sponsor ☐ Other
- 10b. If **G.10a** is "Other", Name of Plan Administrator:
11. Establishment of procedures for the Plan Administrator and the Investment Fiduciary (Sections 12.01(c) and 12.02(c)):
☐ Plan fiduciary adopts own procedures ☐ Board sets procedures
- 12a. Type of indemnification for the Plan Administrator and Investment Fiduciary:
☐ None ☐ Standard ☐ Custom
- 12b. If **G.12a** is "Custom", enter indemnification for the Plan Administrator and Investment Fiduciary:

Trust

20. Trust Agreement is contained in a document separate from the Basic Plan Document.
☐ Yes ☐ No
21. Trustee Type
☐ Corporate ☐ Individual
22. If **G.21** is "Corporate", enter Trustee address:
23. Number of Trustee signature lines:
☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
- 23a. Name of first Trustee or Corporate Trustee:
- 23b. Name of second Trustee:

- 23c. Name of third Trustee:
23d. Name of fourth Trustee:
23e. Name of fifth Trustee:
24a. Type of Trustee Indemnification:
[] Standard [] Custom
24b. If G.24a is "Custom", enter indemnification for the Trustee:

H. TOP HEAVY

Top Heavy Plans

1. Plan to which Top-Heavy allocations are made:
[] This Plan [] Pursuant to the terms of another plan
2. If H.1 is "another plan", name of other Plan to which Top-Heavy allocations are made:
3. If H.1 is "This Plan", type of other plan maintained by the Company that covers employees eligible to participate in this Plan:
[] N/A - No other plan [] Defined Contribution [] Defined Benefit

Top Heavy Allocations

4. If H.1 is "This Plan", Participants who share in Top-Heavy minimum allocations:
[] Non-Key only [] All Participants

Top Heavy Vesting

5. Top-Heavy vesting schedule:
[] 100% [] 2-6 Year Graded [] 3 Year Cliff [] Other
6a. Other Top-Heavy Schedule - less than 1 year (without % sign):
6b. Other Top-Heavy Schedule - 1 year but less than 2 years (without % sign):
6c. Other Top-Heavy Schedule - 2 years but less than 3 years (Min 20 without % sign):
6d. Other Top-Heavy Schedule - 3 years but less than 4 years (Min 40 without % sign):
6e. Other Top-Heavy Schedule - 4 years but less than 5 years (Min 60 without % sign):
6f. Other Top-Heavy Schedule - 5 years but less than 6 years (Min 80 without % sign):

Present Value Assumptions

- 7a. Enter the interest rate to be used for determining Present Value to compute the top-heavy ratio (without % sign):
7b. Enter the mortality table to be used for determining Present Value to compute the top-heavy ratio:

I. CUSTOM LANGUAGE APPENDICES

Custom Language

1. Enter custom language that is to be added as an Addendum to the Adoption Agreement.

Custom Effective Date

2. Enter custom effective date(s) that are to be added as an Addendum to the Adoption Agreement:.