

**ADOPTION AGREEMENT FOR  
SUNGARD CORBEL LLC  
FUNDAMENTAL NON-STANDARDIZED MONEY PURCHASE PENSION PLAN**

**CAUTION:** Failure to properly fill out this Adoption Agreement may result in disqualification of the Plan.

**EMPLOYER INFORMATION**

(An amendment to the Adoption Agreement is not needed solely to reflect a change in the information in this Employer Information Section.)

1. EMPLOYER'S NAME, ADDRESS, TELEPHONE NUMBER AND TIN

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Street

City

State

Zip

Telephone: \_\_\_\_\_

Taxpayer Identification Number (TIN): \_\_\_\_\_

2. TYPE OF ENTITY

- a. ☐ Corporation (including Tax-exempt or Non-profit Corporation)
- b. ☐ Professional Service Corporation
- c. ☐ S Corporation
- d. ☐ Limited Liability Company that is taxed as:
  - 1. ☐ a partnership or sole proprietorship
  - 2. ☐ a Corporation
  - 3. ☐ an S Corporation
- e. ☐ Sole Proprietorship
- f. ☐ Partnership (including Limited Liability)
- g. ☐ Other: \_\_\_\_\_ (must be a legal entity recognized under federal income tax laws)

3. AFFILIATED EMPLOYERS/PARTICIPATING EMPLOYERS. Is the Employer a member of a controlled group or an affiliated service group (within the meaning of Code Section 414(b), (c) or (o))?

- a. ☐ No.
- b. ☐ Yes, Employer is a member of (select all that apply):
  - 1. ☐ a controlled group
  - 2. ☐ an affiliated service group

**AND**, will any of the Affiliated Employers adopt the Plan as Participating Employers?

- 3. ☐ Yes. (Complete a Participation Agreement for each Participating Employer.)
- 4. ☐ No. (The Plan could fail to satisfy the Code Section 410(b) coverage rules.)

**PLAN INFORMATION**

4. PLAN NAME:

\_\_\_\_\_

5. EFFECTIVE DATE

- a. ☐ This is a new Plan effective as of \_\_\_\_\_ (hereinafter called the "Effective Date").
- b. ☐ This is an amendment and restatement of a plan which was originally effective \_\_\_\_\_.  
The effective date of this amendment and restatement is \_\_\_\_\_ (hereinafter called the "Effective Date").
- c. ☐ FOR EGTRRA RESTATEMENTS: This is an amendment and restatement to bring a plan into compliance with the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA") and other legislative and regulatory changes. The Plan's original effective date was \_\_\_\_\_. Except as specifically provided in the Plan, the effective date of this amendment and restatement is \_\_\_\_\_ (hereinafter called the "Effective Date"). (May enter a restatement date that is the first day of the current Plan Year. The Plan contains appropriate retroactive effective dates with respect to provisions for the appropriate laws.)

6. PLAN YEAR means the 12 consecutive month period ending on \_\_\_\_\_. However, if this is a new Plan, the Plan Year will be the period beginning on the Effective Date of the Plan and ending on the date specified herein.
7. PLAN NUMBER (optional) assigned by the Employer: \_\_\_\_\_ (If this is the first qualified plan maintained by the Employer, enter 001, enter 002 for the second, etc.).
8. ELIGIBLE EMPLOYEES means all Employees (including Leased Employees) EXCEPT for the following Employees: (select all that apply below)
- a. ☐ N/A. No exclusions.
  - b. ☐ The following are excluded:
    - 1. ☐ Union Employees (as defined in Plan Section 1.24)
    - 2. ☐ Nonresident Aliens (as defined in Plan Section 1.24)
    - 3. ☐ Highly Compensated Employees
    - 4. ☐ Leased Employees
    - 5. ☐ Part-time/Temporary/Seasonal Employees. A part-time, temporary or seasonal Employee is an Employee whose regularly scheduled Service is less than \_\_\_\_\_ Hours of Service in the relevant eligibility computation period
    - 6. ☐ Other: \_\_\_\_\_  
(must be definitely determinable, may not be based on age or length of service (except as provided in 5. above), and, if using the average benefits test to satisfy Code Section 410(b) coverage testing, must be a reasonable classification).
9. CONDITIONS OF ELIGIBILITY (Plan Section 3.1)  
Any Eligible Employee will be eligible to participate in the Plan upon satisfaction of the following:
- a. SERVICE REQUIREMENT ☐ None ☐ 1 Year of Service
  - b. AGE REQUIREMENT ☐ None ☐ Age \_\_\_\_\_ (may not exceed 21)
10. EFFECTIVE DATE OF PARTICIPATION (ENTRY DATE) (Plan Section 3.2)  
An Eligible Employee who has satisfied the eligibility requirements will become a Participant in the Plan as of:
- a. ☐ the date such requirements are met.
  - b. ☐ the first day of the month coinciding with or next following the date on which such requirements are met.
  - c. ☐ the first day of the Plan Year quarter coinciding with or next following the date on which such requirements are met.
  - d. ☐ the earlier of the first day of the Plan Year or the first day of the seventh month of the Plan Year coinciding with or next following the date on which such requirements are met.
  - e. ☐ other: \_\_\_\_\_,  
provided that an Eligible Employee who has satisfied the maximum age (21) and service requirements (1 Year of Service) and who is otherwise entitled to participate, shall commence participation no later than the earlier of (a) 6 months after such requirements are satisfied, or (b) the first day of the first Plan Year after such requirements are satisfied, unless the Employee separates from service before such participation date.
11. RECOGNITION OF SERVICE WITH OTHER EMPLOYERS
- a. ☐ No service with other Employers shall be recognized (except as required by law).
  - b. ☐ Service with \_\_\_\_\_ will be recognized for all purposes.
12. NORMAL RETIREMENT AGE ("NRA") means age \_\_\_\_\_ (may not exceed 65).
13. COMPENSATION with respect to any Participant means wages, tips and other compensation on Form W-2 for the Plan Year; with respect to a Participant who is also a Self-Employed Individual, Compensation means such Participant's Earned Income.

**ADJUSTMENTS TO COMPENSATION**

- a. ☐ N/A. No adjustments, except adjustment as noted in Standard Provisions.
- b. ☐ Compensation shall be adjusted by: (select all that apply)
  - 1. ☐ including compensation which is not currently includible in the Participant's gross income by reason of the application of Code Sections 125 (cafeteria plan), 132(f)(4) (qualified transportation fringe), 402(e)(3) (401(k) plan), 402(h)(1)(B) (simplified employee pension plan), 414(h) (employer pickup contributions under a governmental plan), 403(b) (tax sheltered annuity) or 457(b) (eligible deferred compensation plan)
  - 2. ☐ excluding Compensation paid during the determination period while not a Participant in the Plan
  - 3. ☐ excluding overtime
  - 4. ☐ excluding bonuses
  - 5. ☐ excluding commissions

6. ☐ other: \_\_\_\_\_  
(e.g., describe Compensation from the elections available above or a combination thereof as to a Participant group (e.g., no exclusions as to Division A Employees and exclude bonuses as to Division B Employees) and/or describe another exclusion (e.g., exclude shift differential pay)).

**NOTE:** Options 3., 4., 5., or 6. may not be selected if an integrated allocation formula is selected (i.e., if 14.b. is selected). In addition, if 3., 4., 5., or 6. is selected, the definition of Compensation could violate the nondiscrimination rules.

14. FORMULA FOR DETERMINING EMPLOYER CONTRIBUTIONS.

a. ☐ **NON-INTEGRATED PLAN**

\_\_\_\_\_ % (not to exceed 25%) of each Participant's Compensation.

b. ☐ **INTEGRATED (PERMITTED DISPARITY) PLAN**

\_\_\_\_\_ % (not less than 3%) of each Participant's TOTAL Compensation, plus \_\_\_\_\_ % (see Limitations below) of such Compensation in excess of:

1. ☐ The Taxable Wage Base.
2. ☐ \_\_\_\_\_ % (not to exceed 100%) of the Taxable Wage Base.
3. ☐ \$ \_\_\_\_\_ (not greater than the Taxable Wage Base).

**LIMITATIONS:** The excess percentage specified above may not exceed the lesser of the base percentage of each Participant's total Compensation specified above or the following limits and shall be adjusted each year as appropriate.

1. 5.7%.
2. 4.3% if 2. or 3. above is more than 20% and less than or equal to 80% of the Taxable Wage Base.
3. 5.4% if 2. or 3. above is more than 80% of the Taxable Wage Base.

15. REQUIREMENTS TO SHARE IN ALLOCATIONS OF EMPLOYER CONTRIBUTIONS AND FORFEITURES (select a. OR all that apply at b.)

a. ☐ **No conditions.** All Participants share in the allocations regardless of service completed during the Plan Year and employment status at the end of the Plan Year. (skip to next Question.)

b. ☐ **Conditions for Participants employed at the end of the Plan Year.**

1. ☐ No service requirement.
2. ☐ A Participant must complete a Year of Service (Caution: could cause the Plan to violate coverage requirements under Code Section 410(b).)

**Conditions for Participants NOT employed at the end of the Plan Year.**

3. ☐ Participants will share in such allocations, regardless of service.
4. ☐ A Participant must complete a Year of Service (Caution: could cause the Plan to violate coverage requirements under Code Section 410(b).)
5. ☐ Participants will NOT share in such allocations, regardless of service (Caution: could cause the Plan to violate coverage requirements under Code Section 410(b).)

16. VESTING OF PARTICIPANT'S INTEREST (Plan Section 6.4(b))

The vesting schedule, based on a Participant's Years of Service is:

- a. ☐ 100% upon entering Plan.
- b. ☐ The following vesting schedule, based on a Participant's Years of Service:
  1. ☐ 6 Year Graded: 0-1 year-0%; 2 years-20%; 3 years-40%; 4 years-60%; 5 years-80%; 6 years-100%
  2. ☐ 3 Year Cliff: 0-2 years-0%; 3 years-100%

**AND,** if b. above is selected, the following service will be excluded for vesting purposes (select all that apply)

- c. ☐ Service prior to the Effective Date of the Plan or a predecessor plan.
- d. ☐ Service prior to the time an Employee has attained age 18.

17. FORFEITURES

May Forfeitures first be used to pay any administrative expenses?

- a. ☐ Yes.
- b. ☐ No.

**AND,** any remaining Forfeitures will be:

- c. ☐ added to the Employer contribution and allocated in the same manner.
- d. ☐ used to reduce the Employer contribution.

18. AUTOMATIC TOP-HEAVY PLAN

- a. ☐ This Plan will be deemed to be a Top-Heavy Plan.
- b. ☐ This Plan will not automatically be deemed to be a Top-Heavy Plan.

19. **FORM OF DISTRIBUTIONS** (Plan Sections 6.5 and 6.6) Distributions under the Plan may be made in annuities and (select all that apply):
- a. ☐ Lump-sums.
  - b. ☐ Substantially equal installments.
  - c. ☐ Partial withdrawals or installments are only permitted for required minimum distributions under Code Section 401(a)(9).

**AND**, distributions may be made in:

- d. ☐ Cash only
- e. ☐ Cash only (except for insurance contracts, annuity contracts or Participant loans).
- f. ☐ Cash or property, except that the following limitation(s) apply: \_\_\_\_\_  
(leave blank if there are no limitations on property distributions).

20. **CONDITIONS FOR DISTRIBUTIONS UPON TERMINATION OF EMPLOYMENT.** Distributions upon termination of employment pursuant to Plan Section 6.4(a) of the Plan will not be made unless the following conditions have been satisfied:

**A. Accounts in excess of \$5,000.**

- a. ☐ Distributions may be made as soon as administratively feasible following termination of employment.
- b. ☐ Distributions may be made as soon as administratively feasible after the Participant has incurred \_\_\_\_\_ 1-Year Break(s) in Service.
- c. ☐ Distributions may be made as soon as administratively feasible after the last day of the Plan Year coincident with or next following termination of employment.
- d. ☐ No distributions may be made until a Participant has reached Normal Retirement Date.
- e. ☐ Other: \_\_\_\_\_  
(must be objective conditions which are ascertainable and are not subject to Employer discretion except as otherwise permitted in Regulation Section 1.411(d)-4 and may not exceed the limits of Code Section 401(a)(14) as set forth in Plan Section 6.7).

**B. Accounts of \$5,000 or less.**

- f. ☐ Same as above.
- g. ☐ Distributions may be made as soon as administratively feasible following termination of employment.
- h. ☐ Distributions may be made as soon as administratively feasible after the Participant has incurred \_\_\_\_\_ 1-Year Break(s) in Service.
- i. ☐ Distributions may be made as soon as administratively feasible after the last day of the Plan Year coincident with or next following termination of employment.
- j. ☐ Other: \_\_\_\_\_  
(must be objective conditions which are ascertainable and are not subject to Employer discretion except as otherwise permitted in Regulation Section 1.411(d)-4 and may not exceed the limits of Code Section 401(a)(14) as set forth in Plan Section 6.7).

**C. Participant consent (i.e., involuntary cash-outs).** Should vested account balances less than a certain dollar threshold be automatically distributed without Participant consent (mandatory distributions)?

**NOTE:** The Plan provides that distributions of amounts of \$5,000 or less do not require spousal consent and are only paid as lump-sums.

**NOTE:** If this is an EGTRRA restatement and there are special effective dates for the Participant consent provisions, complete k. or l. based on the current Plan provisions and complete n. or o. below.

- k. ☐ No, Participant consent is required for all distributions.
- l. ☐ Yes, Participant consent is required only if the distribution is over:
  - 1. ☐ \$5,000
  - 2. ☐ \$1,000
  - 3. ☐ \$\_\_\_\_\_ (less than \$1,000)

**NOTE:** If 2. or 3. is selected, rollovers will be included in determining the threshold for Participant consent.

**AND**, if this is an EGTRRA restatement, the following apply:

- m. ☐ N/A. Not an EGTRRA restatement.
- n. ☐ Provisions above at k. or l. apply to distributions made on or after March 28, 2005.
- o. ☐ Provisions above at k. or l. are effective for distributions made on or after \_\_\_\_\_ (enter a date later than March 28, 2005). The following applies to distributions prior to such date but after March 28, 2005:
  - 1. ☐ No mandatory distributions.
  - 2. ☐ Participant consent is required only if the distribution is over:
    - a. ☐ \$5,000
    - b. ☐ \$1,000
    - c. ☐ \$\_\_\_\_\_ (less than \$1,000)

**D. Exclusion of rollovers in determination of \$5,000 threshold.** In determining the \$5,000 threshold (or other dollar threshold in C. above) for the timing of distributions, form of distributions, or consent rules, effective for distributions made after December 31, 2001, rollover contributions will be:

- p. ☐ included.
- q. ☐ excluded.

21. **LOANS TO PARTICIPANTS** (Plan Section 7.6)

- a. ☐ Loans are NOT permitted.
- b. ☐ Loans are permitted.

22. **TRUSTEE(S) OR INSURER(S)**

- a. ☐ This Plan is funded exclusively with Contracts and the name of the Insurer is \_\_\_\_\_.
- b. ☐ Financial institution that is the sponsor of this prototype plan.
  - ☐ Check here if the financial institution has full trust powers.
- c. ☐ Sole proprietor, practitioner, partner or officer who signs this Adoption Agreement on behalf of the Employer.
- d. ☐ The following person or entity:

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**EGTRRA TRANSITION RULES**

The following questions only apply if this is an EGTRRA restatement (i.e., Question 5.c. is selected). If this is not an EGTRRA restatement, then this Plan will not be considered an individually designed plan merely because the following questions are deleted from the Adoption Agreement.

**NOTE:** The following provisions are designed to be left unanswered if the selections do not apply to the Plan.

23. **MINIMUM DISTRIBUTIONS.** The Code Section 401(a)(9) Final and Temporary Treasury Regulations apply for purposes of determining required minimum distributions for calendar years beginning with the 2002 calendar year unless otherwise selected below (leave blank if not applicable):

- a. ☐ Apply the 2001 Proposed Code Section 401(a)(9) Regulations to all minimum distributions for the 2002 distribution calendar year.
- b. ☐ Apply the 1987 Proposed Code Section 401(a)(9) Regulations to all minimum distributions for the 2002 distribution calendar year.
- c. ☐ Other: \_\_\_\_\_  
(specify the date the Final and Temporary Regulations were first applied; e.g., the Final and Temporary Regulations only apply to distributions for the 2002 distribution calendar year that are made on or after a specified date *within* 2002 or the Plan's initial Effective Date if later).

Required minimum distributions for calendar year 2001 were made in accordance with Code Section 401(a)(9) and the 1987 Proposed Regulations, unless selected below:

- d. ☐ Required minimum distributions for 2001 were made pursuant to the proposed Regulations under Code Section 401(a)(9) published in the Federal Register on January 17, 2001 (the "2001 Proposed Regulations").

24. **EXCLUSION OF ROLLOVERS.** If rollovers are excluded in determining whether the mandatory distribution threshold (e.g., \$5,000) is met for the timing of distributions, form of distributions, or consent rules, then such provision is effective for distributions made after December 31, 2001, unless an alternative effective date is selected below (leave blank if not applicable):
- a. ☐ Rollover contributions will be excluded only with respect to distributions made after \_\_\_\_\_.  
(Enter a date no earlier than December 31, 2001 or the Plan's initial Effective Date if later.)
  - b. ☐ Rollover contributions will only be excluded with respect to Participants who separated from service after \_\_\_\_\_. (Enter a date. The date may be earlier than December 31, 2001.)

**FINAL**

**STANDARD PROVISIONS**

1. Valuation Date means the last day of the Plan Year and any other dates deemed necessary or appropriate by the Administrator, which may include any day that the Trustee, any transfer agent appointed by the Trustee (or Insurer) or the Employer, and any stock exchange used by such agent are open for business (daily valuation).
2. A separate Trust Agreement may only be used if it has been approved for use with this Plan.
3. The Employer will be the Plan Administrator.
4. This Plan shall be governed by the laws of the state or commonwealth where the Employer's (or, in the case of a corporate Trustee or Insurer, such Trustee's or Insurer's) principal place of business is located.
5. To the extent applicable, the Hours of Service method shall be used to compute eligibility for Employees based on actual hours for which an Employee is paid or entitled to payment. "Year of Service" means the computation period of twelve (12) consecutive months during which an Employee has completed at least 1,000 Hours of Service. Employees whose records of actual Hours of Service are not maintained or available (e.g., salaried employees) will be credited with one hundred ninety (190) Hours of Service for each month they would be credited with at least 1 Hour of Service during the month. The eligibility computation period after the initial eligibility computation period shall shift to the Plan Year. The vesting computation period shall be the Plan Year.
6. Compensation shall be adjusted by excluding reimbursements or other expense allowances, fringe benefits (cash or non-cash), moving expenses, deferred compensation and welfare benefits.
7. Distributions upon the death of a Participant prior to receiving any benefits shall be made pursuant to the election of the Participant or Beneficiary.
8. Rollovers may be accepted from all Eligible Employees. Distributions from a Participant's Rollover Account may be made at any time.
9. Required minimum distributions shall be made at the later of age 70 1/2 or retirement, except for 5% owners. Unless an alternative is selected on an addendum attached to this Adoption Agreement to specify an alternative effective date (which may not be later than 2003), the Code Section 401(a)(9) Final and Temporary Treasury Regulations apply for purposes of determining required minimum distributions for calendar years beginning with the 2002 calendar year.

## Fundamental Money Purchase Pension Plan

The adopting Employer may rely on an opinion letter issued by the Internal Revenue Service as evidence that the Plan is qualified under Code Section 401 only to the extent provided in Rev. Proc. 2005-16.

The Employer may not rely on the opinion letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the opinion letter issued with respect to the Plan and in Rev. Proc. 2005-16. In order to have reliance in such circumstances or with respect to such qualification requirements, application for a determination letter must be made to Employee Plans Determinations of the Internal Revenue Service.

This Adoption Agreement may be used only in conjunction with basic Plan document #02. This Adoption Agreement and the basic Plan document shall together be known as SunGard Corbel LLC Fundamental Defined Contribution Plan and Trust #02-006.

The adoption of this Plan, its qualification by the IRS, and the related tax consequences are the responsibility of the Employer and its independent tax and legal advisors.

SunGard Corbel LLC will notify the Employer of any amendments made to the Plan or of the discontinuance or abandonment of the Plan. Furthermore, in order to be eligible to receive such notification, the Employer agrees to notify SunGard Corbel LLC of any change in address.

This Plan may not be used, and shall not be deemed to be a Prototype Plan, unless an authorized representative of SunGard Corbel LLC has acknowledged the use of the Plan. Such acknowledgment is for administrative purposes only. It acknowledges that the Employer is using the Plan but does not represent that this Plan, including the choices selected on the Adoption Agreement, has been reviewed by a representative of the sponsor or constitutes a qualified retirement plan.

SunGard Corbel LLC

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

With regard to any questions regarding the provisions of the Plan, adoption of the Plan, or the effect of an opinion letter from the IRS, call or write (this information must be completed by the sponsor of this Plan or its designated representative):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

The Employer and Trustee (or Insurer) hereby cause this Plan to be executed on the date(s) specified below:

EMPLOYER: \_\_\_\_\_  
(name of employer)

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

DATE SIGNED

TRUSTEE (OR INSURER):

☐ The signature of the Trustee or Insurer appears on a separate agreement or Contract,

OR

\_\_\_\_\_  
TRUSTEE OR INSURER

DATE SIGNED



**APPENDIX A  
SPECIAL EFFECTIVE DATES AND OTHER PERMITTED ELECTIONS**

**A. Special effective dates.** The following special effective dates apply: (Select a. or all that apply at b. – d.)

- a. ☐ N/A. No special effective dates selected below.
- b. ☐ **Employer Contributions.** The Employer Contribution provisions under Questions 14. and 15. are effective: \_\_\_\_\_.
- c. ☐ **Distribution elections.** The distribution elections under Questions \_\_\_\_\_ (Choose 19. - 20. as applicable) are effective: \_\_\_\_\_.
- d. ☐ **Other special effective date(s):** \_\_\_\_\_.  
For periods prior to the above-specified special effective date(s), the Plan terms in effect prior to its restatement under this Adoption Agreement will control for purposes of the designated provisions. A special effective date may not result in the delay of a Plan provision beyond the permissible effective date under any applicable law.

**B. Other Permitted Elections.** Select a. or any of the following elections that apply at b. – i.

- a. ☐ N/A. No other elections selected below.
- b. ☐ **Deemed 125 compensation** (Plan Sections 1.14 and 1.36). Deemed 125 compensation shall be included in Compensation and 415 Compensation effective as of Plan Years and Limitation Years beginning on or after \_\_\_\_\_ (insert the later of January 1, 1998, or the first day of the first Plan Year the Plan used this definition).
- c. ☐ **Beneficiary if no beneficiary elected by Participant** (Plan Section 6.2(e)). In the event no valid designation of Beneficiary exists, then in lieu of the order set forth in Plan Section 6.2(e), the following order of priority will be used: \_\_\_\_\_  
(specify an order of beneficiaries; e.g., children per stirpes, parents, and then step-children).
- d. ☐ **Common, collective or pooled trust funds** (Plan Sections 7.2(c)(5) and/or 7.3(b)(6)). The name(s) of the common, collective or pooled trust funds available under the Plan is (are): \_\_\_\_\_.
- e. ☐ **411(d)(6) protected benefits** (Plan Section 8.1(b)). The following are Code Section 411(d)(6) protected benefits that are preserved under this Plan: \_\_\_\_\_  
(specify the protected benefits and the accrued benefits that are subject to the protected benefits).
- f. ☐ **415 Limits when 2 defined contribution plans are maintained** (Plan Section 4.4).  
If any Participant is covered under another qualified defined contribution plan maintained by the Employer, other than a "master or prototype plan," or if the Employer maintains a welfare benefit fund, as defined in Code Section 419(e), or an individual medical account, as defined in Code Section 415(l)(2), under which amounts are treated as "annual additions" with respect to any Participant in this Plan, then the provisions of Plan Section 4.4(b) will apply as if the other plan were a "master or prototype plan" unless otherwise specified below:
  - 1. ☐ Specify, in a manner that precludes Employer discretion, the method under which the plans will limit total "annual additions" to the "maximum permissible amount," and will properly reduce any "excess amounts": \_\_\_\_\_.
- g. ☐ **Top-heavy duplications when 2 defined contribution plans are maintained** (Plan Section 4.3(f)).  
When a Non-Key Employee is a Participant in this Plan and another defined contribution plan maintained by the Employer, indicate which method shall be utilized to avoid duplication of top-heavy minimum benefits:
  - 1. ☐ N/A. The Employer does not maintain another qualified defined contribution plan.
  - 2. ☐ The full top-heavy minimum will be provided in each plan.
  - 3. ☐ A minimum, non-integrated contribution of 3% of each Non-Key Employee's 415 Compensation shall be provided in the Money Purchase Plan (or other plan subject to Code Section 412).
  - 4. ☐ Specify the method under which the Plans will provide top-heavy minimum benefits for Non-Key Employees that will preclude Employer discretion and avoid inadvertent omissions, including any adjustments required under Code Section 415: \_\_\_\_\_.

**NOTE:** If 3. or 4. is selected and both plans do not benefit the same Participants, then the uniformity requirement of the Regulations under Code Section 401(a)(4) may be violated.

h. ☐ **Top-heavy duplications when a defined benefit plan is maintained** (Plan Section 4.3(i)).

When a Non-Key Employee is a Participant in this Plan and a non-frozen defined benefit plan maintained by the Employer, indicate which method shall be utilized to avoid duplication of top-heavy minimum benefits: (If 2., 3., 4., or 5. is selected, 6. must be completed.)

1. ☐ N/A.
2. ☐ The full top-heavy minimum will be provided in each plan (if selected, Plan Section 4.3(i) shall not apply).
3. ☐ 5% defined contribution minimum.
4. ☐ 2% defined benefit minimum.
5. ☐ Specify the method under which the Plans will provide top-heavy minimum benefits for Non-Key Employees that will preclude Employer discretion and avoid inadvertent omissions: \_\_\_\_\_.

**NOTE:** If 3., 4., or 5. is selected and the defined benefit plan and this Plan do not benefit the same Participants, the uniformity requirement of the Regulations under Code Section 401(a)(4) may be violated.

**AND,** the "present value" (Plan Section 9.2) for top-heavy purposes shall be based on:

6. ☐ Interest Rate: \_\_\_\_\_  
Mortality Table: \_\_\_\_\_
7. ☐ The interest rate and mortality table specified to determine "present value" for top-heavy purposes in the defined benefit plan.

i. ☐ Minimum distribution transitional rules (Plan Section 6.8(e)(5))

**NOTE:** This Section does not apply to (1) a new Plan or (2) an amendment or restatement of an existing Plan that never contained the provisions of Code Section 401(a)(9) as in effect prior to the amendments made by the Small Business Job Protection Act of 1996 (SBJPA).

The "required beginning date" for a Participant who is not a "five percent (5%) owner" is:

1. ☐ April 1st of the calendar year following the year in which the Participant attains age 70 1/2. (The pre-SBJPA rules continue to apply.)
2. ☐ April 1st of the calendar year following the later of the year in which the Participant attains age 70 1/2 or retires (the post-SBJPA rules), with the following exceptions (select one or both and if no election is made, both will apply effective as of January 1, 1996):
  - a. ☐ A Participant who was already receiving required minimum distributions under the pre-SBJPA rules as of \_\_\_\_\_ (not earlier than January 1, 1996) was allowed to stop receiving distributions and have them recommence in accordance with the post-SBJPA rules. Upon the recommencement of distributions, if the Plan permits annuities as a form of distribution then the following apply:
    1. ☐ N/A. Annuity distributions are not permitted.
    2. ☐ Upon the recommencement of distributions, the original Annuity Starting Date will be retained.
    3. ☐ Upon the recommencement of distributions, a new Annuity Starting Date is created.
  - b. ☐ A Participant who had not begun receiving required minimum distributions as of \_\_\_\_\_ (not earlier than January 1, 1996) was allowed to defer commencement of distributions until retirement. The option to defer the commencement of distributions applied to all such Participants unless elected below:
    1. ☐ The in-service distribution option was eliminated with respect to Participants who attained age 70 1/2 in or after the calendar year that began after the later of (1) December 31, 1998, or (2) the adoption date of the amendment and restatement to bring the Plan into compliance with SBJPA.

**APPENDIX B  
ADMINISTRATIVE ELECTIONS**

The following are optional administrative provisions. The Administrator may implement procedures that override any elections in this section without a formal Plan amendment. In addition, modifications to this Appendix B will not affect an Employer's reliance on an IRS opinion letter or determination letter.

**A. Participant Directed Investments.** (Plan Section 4.10)

- a. ☐ Participant directed investments are NOT permitted.
- b. ☐ Participant directed investments are permitted.

**AND**, if permitted, is it intended that the Plan comply with ERISA Section 404(c) with respect to the accounts subject to Participant investment direction?

- c. ☐ No.
- d. ☐ Yes.

**B. Loan Limitations. Note:** the separate loan program required by the DOL will override any inconsistent selections made below. (complete only if loans to Participants are permitted)

- a. ☐ N/A. No loan limitations selected below.
- b. ☐ Limitations (select all that apply):
  - 1. ☐ Loans will be treated as Participant directed investments.
  - 2. ☐ Loans will only be made for hardship or financial necessity (as defined in the loan program).
  - 3. ☐ The minimum loan will be \$\_\_\_\_\_ (may not exceed \$1,000).
  - 4. ☐ A Participant may only have \_\_\_\_\_ (e.g., one (1)) loan(s) outstanding at any time.
  - 5. ☐ All outstanding loan balances will become due and payable in their entirety upon the occurrence of a distributable event (other than satisfaction of the conditions for an in-service distribution, if applicable).
  - 6. ☐ Loans are repaid by (if left blank, then payroll deduction applies):
    - a. ☐ payroll deduction
    - b. ☐ ACH (Automated Clearing House)
    - c. ☐ check

**C. Life Insurance.** (Plan Section 7.5)

- a. ☐ Life insurance may not be purchased.
- b. ☐ Life insurance may be purchased
  - 1. ☐ at the option of the Administrator.
  - 2. ☐ at the option of the Participant.

**AND**, the purchase of initial or additional life insurance will be subject to the following limitations:

- 3. ☐ N/A. No limitations.
- 4. ☐ Limitations (select all that apply):
  - a. ☐ Each initial Contract will have a minimum face amount of \$\_\_\_\_\_.
  - b. ☐ Each additional Contract will have a minimum face amount of \$\_\_\_\_\_.
  - c. ☐ The Participant has completed \_\_\_\_\_ Years of Service.
  - d. ☐ The Participant has completed \_\_\_\_\_ Years of Service while a Participant in the Plan.
  - e. ☐ The Participant is under age \_\_\_\_\_ on the Contract issue date.
  - f. ☐ The maximum amount of all Contracts on behalf of a Participant may not exceed \$\_\_\_\_\_.
  - g. ☐ The maximum face amount of any life insurance Contract will be \$\_\_\_\_\_.

**D. Plan Expenses.** Will the Plan assess against an individual Participant's account certain Plan expenses that are incurred by, or are attributable to, a particular Participant based on use of a particular Plan feature?

- a. ☐ No.
- b. ☐ Yes.

**E. Rollover Limitations.** Will the Plan accept rollover contributions and/or direct rollovers of distributions from the sources specified below?

- a. ☐ No.
- b. ☐ Yes.

**AND**, indicate the sources of rollovers that will be accepted (select all that apply)

- 1. ☐ **Direct Rollovers.** The Plan will accept a direct rollover of an eligible rollover distribution from: (Check each that applies or none.)
  - a. ☐ a qualified plan described in Code Section 401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan), excluding after-tax employee contributions.
  - b. ☐ a qualified plan described in Code Section 401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan), including after-tax employee contributions.

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- c. ☐ a plan described in Code Section 403(a) (an annuity plan), excluding after-tax employee contributions.
  - d. ☐ a plan described in Code Section 403(a) (an annuity plan), including after-tax employee contributions.
  - e. ☐ a plan described in Code Section 403(b) (a tax-sheltered annuity), excluding after-tax employee contributions.
  - f. ☐ a plan described in Code Section 403(b) (a tax-sheltered annuity), including after-tax employee contributions.
  - g. ☐ a plan described in Code Section 457(b) (eligible deferred compensation plan).
2. ☐ **Participant Rollover Contributions from Other Plans (i.e., not via a direct plan-to-plan transfer).** The Plan will accept a contribution of an eligible rollover distribution: (Check each that applies or none.)
- a. ☐ a qualified plan described in Code Section 401(a) (including a 401(k) plan, profit sharing plan, defined benefit plan, stock bonus plan and money purchase plan).
  - b. ☐ a plan described in Code Section 403(a) (an annuity plan).
  - c. ☐ a plan described in Code Section 403(b) (a tax-sheltered annuity).
  - d. ☐ a plan described in Code Section 457(b) (eligible deferred compensation plan).
3. ☐ **Participant Rollover Contributions from IRAs:** The Plan will accept a rollover contribution of the portion of a distribution from a traditional IRA that is eligible to be rolled over and would otherwise be includible in gross income. Rollovers from Roth IRAs or a Coverdell Education Savings Account (formerly known as an Education IRA) are not permitted because they are not traditional IRAs. A rollover from a SIMPLE IRA is allowed if the amounts are rolled over after the individual has been in the SIMPLE IRA for at least two years.

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