

**NORTHERN CALIFORNIA TILE INDUSTRY DEFINED CONTRIBUTION PLAN**  
**(as revised January 1, 2023)**

**FIRST AMENDMENT**

Pursuant to the powers conferred upon them by Article II, Section 1, of the Supplemental Defined Contribution Plan Supplement to the Trust Agreement dated April 22, 1982, the Board of Trustees at their meeting on May 17, 2023 amended the Defined Contribution Plan as follows, to be effective immediately, except as otherwise indicated below, and authorized the Chairman and Secretary to authenticate the same by affixing their signatures hereto.

1. Effective May 17, 2023, amend Article IV, Section 2, subsection (f)(i) in its entirety to state as follows:

(i) An employee shall be entitled, upon application and demonstration of financial hardship, to withdraw up to 60% of his or her vested interest in funds that have been in the account for at least two years, providing that the employee may not withdraw more than \$10,000 net per hardship distribution. The amount requested for a hardship distribution from the Plan may not exceed the amount required to relieve the financial need. The hardship will be determined by the Trustees in accordance with applicable Treasury Regulations. Unless otherwise prescribed in the Regulations, “financial hardship” means an employee’s immediate and heavy financial need that cannot be met from other reasonably available resources and is caused by one or more of the following:

- 1) Medical expenses as defined in section 213(d) of the Code of the Employee or the Employee’s Eligible Spouse, Domestic Partner, or dependents not covered or paid for through insurance or any other third party;
- 2) Financing the cost of education beyond the secondary level for the Employee, his or her Eligible Spouse or Domestic Partner, or one or more of his or her dependents;
- 3) The cost of preventing eviction or foreclosure on the Employee’s principal residence;
- 4) The cost of any other demonstrated bill which causes the Employee, the Employee’s Spouse, Domestic Partner or dependents present or impending want or privation;
- 5) Burial or funeral expenses for the Employee’s Eligible Spouse, Domestic Partner or dependent.

A participant making an application under this Section has the burden of presenting to the Trustees written proof of such financial need so that the application for hardship withdrawal can be considered.

2. Effective May 17, 2023, amend Article IV, Section 2 by deleting subsection (g) in its entirety and renumbering the subsequent subsections accordingly.

IN WITNESS of the adoption of this Amendment, the Chairman and Secretary hereby subscribe their names, on the dates indicated.

Richl Romash  
Chairman  
Date: 5-17-23

N G. Gill  
Secretary  
Date: 5/17/23