

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

FOURTH 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 January 1, 2023, amend Article IV, Section 2(f) in its entirety to state as follows:

(f) (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. Effective January 1, 2023, a participant making an application under this Section may provide a written certification attesting to the existence of such financial hardship, and that the amount requested does not exceed the amount required to relieve the financial need. The

Administration Office may rely on such written certification unless the Administration Office has actual knowledge to the contrary.

(ii) A participant who is below the age of 59½ on the date of his or her application may not take more than one hardship distribution per 12-month period.

(iii) Effective May 21, 2015, a participant who is age 59½ or older on the date of his or her application may apply for a second hardship distribution in the same 12-month period, provided that the second distribution must meet the requirements of subsection (i) above and may not exceed \$10,000. An administrative fee of \$125 shall be charged for a second hardship application made during the 2015 Plan Year, and said fee shall be increased by 3% per annum in each Plan Year thereafter.

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



Date: 5/18/2023 | 3:45 PM PDT

Chairman



Date: 5/18/2023 | 6:41 PM EDT

Secretary