

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

**SECOND AMENDMENT**

Pursuant to the powers conferred upon them by Article V, Section 5.5 of the Trust Agreement, the Board of Trustees, meeting on the 19<sup>th</sup> day of July, 2023, amended the Defined Benefit Plan as follows, to be effective immediately except as provided below, and authorized the Chairman and Secretary to authenticate the same by affixing their signatures hereto:

1. Effective for distributions made after December 31, 2022 with respect to individuals who attain age 72 after such date, amend Article V, Section 1.c in its entirety to state as follows:

c. The Employee attains age 70½ with a vested interest in the Plan, even if still employed in the Tile Industry in the State of California. Effective January 1, 2020, the above rule shall apply when the Employee attains age 72. Effective January 1, 2023, for Employees who attain age 72 after December 31, 2022, the above rule shall apply when the Employee attains age 73.

2. Effective for distributions made after December 31, 2022 with respect to individuals who attain age 72 after such date, amend Article VI, Section 1.b in its entirety to state as follows:

b. For Plan Years through December 31, 1996, notwithstanding any other provision of this Plan, benefits shall commence for any Employee who has attained age 70½, and who is entitled to benefits under this Plan, no later than April 1 of the calendar year following the year in which the Employee attains age 70½. On or after January 1, 1997 through December 31, 2019, this provision shall apply to an Employee only if the Employee has separated from service or is an owner of at least 5% of a contributing employer. All other Employees, i.e., those individuals still actively employed, shall have the option of commencing their benefit under Article V. Effective January 1, 2020, benefits to each Employee must commence no later than the following times (1) if the Employee is a 5% owner of a contributing employer: April 1 of the calendar year following the year in which the Employee attains age 72; or (2) if the Employee is not a 5% owner, the later of (i) April 1 of the calendar year following the year that the Employee attains age 72; or (ii) the Employee's retirement from Covered Employment. Effective January 1, 2023, benefits to each Employee who attains age 72 after December 31, 2022 must commence no later than the following times (1) if the Employee is a 5% owner of a contributing employer: April 1 of the calendar year following the year in which the Employee attains age 73; or (2) if the Employee is not a 5% owner, the later of (i) April 1 of the calendar year following the year that the Employee attains age 73; or (ii) the Employee's retirement from Covered Employment. Any benefits accrued by an Employee who has opted not to receive a pension after age 70½ shall be actuarially adjusted in accordance with Internal Revenue Code § 401(a)(9) and any applicable regulations.

3. Effective for distributions made after December 31, 2022 with respect to individuals who attain age 72 after such date, amend Article VIII Section 1.a in its entirety to state as follows:

a. In the event of the death prior to retirement of an Employee who has a vested interest in the Plan, and who is married for at least one year at the time of death, the 50% Survivor Annuity provided in Article VI, Section 3.b. shall be payable in favor of the Employee's spouse. Benefits shall be computed as of the date of the Employee's death. Benefits shall commence, upon application of the Employee's spouse after the Employee would have attained age 55, but in no event after the Employee, if living, would have attained age 70½. Effective January 1, 2020, the above rule shall apply when the Employee, if living, would have attained age 72. Effective January 1, 2023, the above rule shall apply when the Employee, who attained age 72 after December 31, 2022, would have, if living, attained age 73. If benefits commence under this subsection before the Employee would have attained his or her Normal Retirement Age, the amount of benefits shall be reduced under the rules applicable to Early Retirements.

4. Effective for distributions made after December 31, 2022 with respect to individuals who attain age 72 after such date, amend Article VIII Section 2.a in its entirety to state as follows:

a. In the event of the death prior to retirement of an Employee who has a vested interest in the Plan, and who has a Domestic Partner, the 50% Contingent Annuitant Benefit in Article VI, Section 3.d. shall be payable in favor of the Employee's Domestic Partner. Benefits shall be computed as of the date of the Employee's death. Benefits shall commence, upon application of the Employee's Domestic Partner after the Employee would have attained age 55, but in no event after the Employee, if living, would have attained age 70½. Effective January 1, 2020, the above rule shall apply when the Employee, if living, would have attained age 72. Effective January 1, 2023, the above rule shall apply when the Employee who attained age 72 after December 31, 2022 would have, if living, attained age 73. If benefits commence under this subsection before the Employee would have attained his or her Normal Retirement Age, the amount of benefits shall be reduced under the rules applicable to Early Retirements.

5. Effective for distributions made after December 31, 2022 with respect to individuals who attain age 72 after such date, amend Article IX, Section 1.a in its entirety to state as follows:

a. The benefits of any Employee on retirement after attainment of age sixty-two (62) shall be suspended during any month in which he or she was employed for forty hours or more in Industry Service in the Tile Industry anywhere in the State of California, whether as an employee or in a managerial, supervisory, proprietary or any other capacity for a participating or non-participating employer or as a self-employed person, unless the Employee began receiving benefits after age 70½ under the provisions of the Plan and is continuing to work for an Individual Employer of this Plan, or except as provided in subsections d., e., f., and g., below. Effective January 1, 2020, the benefits of any Employee on retirement after attainment of age sixty-two (62) shall be suspended during any month in which he or she was employed for forty hours or more in Industry Service in the Tile Industry anywhere in the State of California,

whether as an employee or in a managerial, supervisory, proprietary or any other capacity for a participating or non-participating employer or as a self-employed person, unless the Employee began receiving benefits after age 72 under the provisions of the Plan and is continuing to work for an Individual Employer of this Plan, or except as provided in subsections d., e., f., and g., below. Effective January 1, 2023, the benefits of any Employee who attained age 72 after December 31, 2022 and is on retirement after attainment of age sixty-two (62) shall be suspended during any month in which he or she was employed for forty hours or more in Industry Service in the Tile Industry anywhere in the State of California, whether as an employee or in a managerial, supervisory, proprietary or any other capacity for a participating or non-participating employer or as a self-employed person, unless the Employee began receiving benefits after age 73 under the provisions of the Plan and is continuing to work for an Individual Employer of this Plan, or except as provided in subsections d., e., f., and g., below.

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

Rich Romanoff  
Chairman

Date: 7-19-23

N. C. Hall  
Secretary

Date: 7/19/23