

**AMENDMENT NO. 1
TO THE EAST BAY RESTAURANT AND TAVERN RETIREMENT PLAN**

WHEREAS, Article XI, Section 11.1 permits the Trustees to amend or modify this Plan;
and

WHEREAS, the Trustees, at a meeting held on October 16, 2015, and upon written agreement herein, decided to amend the Plan with respect to various changes required under the Internal Revenue Code and ERISA and in relation to the September 2, 2015 favorable IRS Determination Letter .

NOW THEREFORE, effective October 16, 2015 (unless otherwise stated herein), the Trustees do hereby declare that the Plan shall be amended as follows:

A. Section 1.22 shall be added to the Plan and state as follows:

Section 1.22 Spouse. Effective June 26, 2013, "Spouse" is the person to whom a Participant is legally married to based upon the laws of the state of the marriage celebration.

Current Sections 1.22 ("Total and Permanent Disability") through 1.25 ("Union") shall be renumbered as Sections 1.23 through 1.26, respectively.

B. A sentence shall be added to Section 3.1 of the Plan and states as follows:

For all limitation years beginning on or after July 1, 2007, contributions attributable to a Participant from all contributing employers shall be taken into account for purposes of benefit determination.

C. Effective January 1, 2015, Subsection 4.1 of the Plan shall be amended and state as follows:

4.1. Participants in Predecessor Plan. A Covered Employee who became a Participant in the Plan on or before January 1, 1989 under the terms of the Plan in effect prior to January 1, 1989 (i.e., a Covered Employee on whose behalf a contribution was required to be made to the Trust Fund prior to 1989) is a Participant in this restated Plan.

D. Effective January 1, 2015, Subsection 7.6(e) (1) of the Plan shall be amended and state as follows:

7.6(e) (1): Designated Beneficiary. The individual who is designated as the Beneficiary, as defined in and pursuant to Section 1.2 of the Plan and is the

designated beneficiary under Section 401 (a) (9) of the Internal Revenue Code and Section 1.40(a) (9)-4 of the Treasury regulations.

IN WITNESS WHEREOF, this Amendment has been executed by the Trustees on this

16th day of October, 2015.

UNION TRUSTEES

EMPLOYER TRUSTEES

Grant A

Julian Denis

Steven

designated beneficiary under Section 401 (a) (9) of the Internal Revenue Code and Section 1.40(a) (9)-4 of the Treasury regulations.

IN WITNESS WHEREOF, this Amendment has been executed by the Trustees on this

16th day of October, 2015.

UNION TRUSTEES

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Gren A
Melson Clark

EMPLOYER TRUSTEES

designated beneficiary under Section 401 (a) (9) of the Internal Revenue Code and Section 1.40(a) (9)-4 of the Treasury regulations.

IN WITNESS WHEREOF, this Amendment has been executed by the Trustees on this
16th day of October, 2015.

UNION TRUSTEES

Gran A

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EMPLOYER TRUSTEES

Thompson

W. E.
