

Hardship Distribution Adoption Agreement Amendment Kit

For use with Ascensus' Simplified 401(k) Profit Sharing Plans

INSTRUCTIONS

- Review and complete this Hardship Distribution Adoption Agreement Amendment if you have operated your Plan differently than described in the Hardship Distribution Basic Plan Document Amendment. If applicable, sign the completed Amendment and file it with your other qualified plan documents.
- If you must complete this Hardship Distribution Adoption Agreement Amendment, you must also complete the Hardship Distribution Summary of Material Modifications and provide each participant and beneficiary of a deceased participant with a copy. Retain a completed copy with your other qualified plan documents and provide a copy of it, along with a copy of the summary plan description, to new employees as they become eligible to participate in the Plan.

Hardship Distribution Adoption Agreement Amendment

This amendment of the Plan (hereinafter referred to as the "Amendment") is comprised of this Hardship Distribution Adoption Agreement Amendment (the "Adoption Agreement Amendment") and the corresponding Hardship Distribution Basic Plan Document Amendment (the "Basic Plan Document Amendment"). The Amendment is adopted to reflect certain provisions of the Bipartisan Budget Act of 2018 (BBA-18) and related guidance. The Amendment is intended to provide good faith compliance with the BBA-18 and related guidance until the Plan is formally restated to incorporate such guidance. Except as otherwise provided in the Basic Plan Document Amendment or indicated below, the Amendment is effective on the first day of the Plan Year beginning on or after January 1, 2019. This Amendment supersedes the existing provisions of the Plan to the extent those provisions are inconsistent with the provisions of the Amendment. The Amendment will not cause the Plan to become an individually designed plan. The elections set forth in this Adoption Agreement Amendment designate certain hardship distribution provision elections that will apply in place of the corresponding provisions set forth in the Basic Plan Document Amendment. Any subsequent changes to these elections will require an additional Adoption Agreement Amendment.

EMPLOYER INFORMATION

Name of Plan _____

Plan Sequence Number _____ Trust Identification Number (if applicable) _____ Account Number _____

DISTRIBUTIONS AND LOANS Complete Parts A through C, as applicable

If the Plan has been or will be operated differently than as described in the Basic Plan Document Amendment, complete the appropriate elections below. If the Basic Plan Document Amendment reflects how the Plan has been or will be operated for one or more of Parts A through C, do not complete the information for that Part and the provisions of the Basic Plan Document Amendment will apply.

Part A. Hardship Availability for QNECs, QMACs, and Safe Harbor Contributions

Complete this Part A if hardship withdrawals are not permitted from QNECs, QMACs and Safe Harbor Contributions. To remove a limitation that previously applied for hardship distributions, leave the box below blank and specify the effective date of the change. The provisions of the Basic Plan Document Amendment will then apply to the Plan as of the effective date.

- An Employee will not be entitled to request a hardship distribution of their Individual Account attributable to Qualified Nonelective Contributions, Qualified Matching Contributions, Basic Matching Contributions, Enhanced Matching Contributions, Safe Harbor Nonelective Contributions, QACA Basic Matching Contributions, QACA Enhanced Matching Contributions, and QACA Safe Harbor Nonelective Contributions, including any earnings thereon.

This Part A is effective _____. (Specify a date for this provision. The date may not be earlier than the first day of the Plan Year beginning on or after January 1, 2019.)

NOTE: Selection of Part A will not change the elections for hardship distributions of Elective Deferrals, Matching Contributions, and Employer Profit Sharing Contributions that were made pursuant to Section Five, Part A, item (2)(b) of the Adoption Agreement, as applicable.

Part B. Additional Conditions for Hardship Withdrawals

Complete this Part B if, in addition to obtaining all other currently available distributions under the Employer's qualified and nonqualified deferred compensation plans, an Employee will be required to obtain all nontaxable loans available from this Plan and all other plans maintained by the Employers and/or satisfy other conditions before receiving a hardship distribution. To remove a condition that previously applied for hardship distributions, leave the appropriate box below blank and specify the effective date of the change. If the additional conditions are removed, the provisions of the Basic Plan Document Amendment will then apply to the Plan as of the effective date.

In addition to the conditions described in Plan Section 5.01(C)(2)(a)(i)-(iii), the following requirements must also be satisfied before an Employee is eligible for a hardship distribution (select and complete all that apply):

- Loans Prior to Hardship Distributions. An Employee will be required to obtain all nontaxable loans under all plans maintained by the Employer.
- Other Conditions. _____

(Specify one or more additional condition(s) (e.g., a minimum distribution amount, an annual limit on the number of hardship withdrawals in a Plan Year). Such condition(s) must be applied in a uniform and nondiscriminatory manner.)

This Part B is effective _____. (Specify a date for this provision. The date may not be earlier than the first day of the Plan Year beginning on or after January 1, 2019.)

Part C. Six-Month Suspension of Elective Deferrals and Nondeductible Employee Contributions

Complete this Part C to specify a date, other than the first day of the Plan Year beginning on or after January 1, 2019, that new or existing six-month suspensions of Elective Deferrals (and Nondeductible Employee Contributions, if applicable) will no longer apply.

1. An Employee's Elective Deferrals (and Nondeductible Employee Contributions, if applicable) will not be suspended for any period of time due to the receipt of a hardship distribution that is made from the following sources on or after the effective date listed below (select all that apply):
- Elective Deferrals, or any other sources indicated in Plan Section 5.01(C)(2)(b), as applicable.
 - Matching Contributions.
 - Employer Profit Sharing Contributions.

This Part C.1. is effective _____. (Specify a date. The date may not be earlier than the first day of the Plan Year beginning on or after January 1, 2019 and may not be later than December 31, 2019.)

2. Any existing six-month suspension of an Employee's Elective Deferrals (and Nondeductible Employee Contributions, if applicable) due to the receipt of a hardship distribution will cease to continue on or after the effective date listed below.

This Part C.2. is effective _____. (Specify a date. The date may not be earlier than the first day of the Plan Year beginning on or after January 1, 2019 and may not be later than December 31, 2019.)

NOTE: For a hardship distribution that is made on or after January 1, 2020, an Employee's Elective Deferrals (and Nondeductible Employee Contributions, if applicable) in all plans maintained by the Employer will not be suspended on account of the hardship distribution. If item 1 is selected and no contribution source is specified, Elective Deferrals (and Nondeductible Employee Contributions, if applicable) will be suspended following a hardship distribution before January 1, 2020 from any of the applicable contribution sources.

SIGNATURE

Signature of Employer:

- 1. I acknowledge that I have relied upon my own advisers regarding the completion of this Hardship Distribution Adoption Agreement Amendment and the legal and tax implications of amending this Plan;**
- 2. I understand that my failure to properly complete this Hardship Distribution Adoption Agreement Amendment may result in disqualification of the Plan; and**
- 3. I have received a copy of this Hardship Distribution Adoption Agreement Amendment and the corresponding Hardship Distribution Basic Plan Document Amendment.**

Signature of Adopting Employer _____ Date Signed _____

Hardship Distribution Summary of Material Modifications

Name of Plan _____

Name of Adopting Employer _____

Plan Sequence Number _____ Plan Year End _____

The purpose of this document is to update your Summary Plan Description (SPD). This document is very important and should be kept with your SPD. The following update to your SPD is limited to certain hardship distribution provisions and does not impact the other provisions of the SPD. To the extent that any provisions of this Summary of Material Modifications (SMM) conflict with your SPD, the terms of this SMM will apply. The following sections of your SPD are amended to read as follows:

DISTRIBUTIONS AND LOANS

Can I withdraw money from the Plan while I am still employed?

Hardship Distributions of Deferrals

If you are permitted to take a distribution from Pre-tax Deferrals and/or Roth Deferrals due to a financial hardship, such distribution will include any earnings on the respective contributions.

Hardship Distributions of QNECs, QMACs, and Safe Harbor Contributions

Yes No

If "Yes" is selected and you have a financial hardship, you may take a distribution from Qualified Nonelective Contributions, Qualified Matching Contributions, ADP safe harbor contributions, or QACA ADP safe harbor employer contributions, including any earnings on the respective contributions.

This provision is effective _____.

The types of expenses that qualify for a hardship distribution include medical expenses for you, your spouse, or your dependents; payment to purchase your principal residence; tuition and education-related expenses for you, your spouse, or your dependents; payments to prevent eviction from your principal residence; funeral expenses for your parent, your spouse, or your dependents; payments to repair your principal residence that qualify for a casualty loss deduction; and expenses and losses (including loss of income) that you incurred as a result of a disaster declared by the Federal Emergency Management Agency because your principal residence or principal place of employment was located in the area at the time of the disaster. The Plan Administrator may modify the list of events that qualify for a hardship distribution when Profit Sharing Contributions and/or Matching Contributions are being used to satisfy your hardship request.

Before you take a hardship distribution, you must take all other distributions, including not including all nontaxable loans available to you under the Plan and all other plans maintained by the Employer.

In addition, you will be required to satisfy the following additional condition(s) before you take a hardship distribution:

This provision is effective _____.

If you take a hardship distribution from the following types of contributions, you will will not be eligible to make Deferrals (and Nondeductible Employee Contributions, if applicable) for the next six months.

Elective Deferrals. Matching Contributions. Profit Sharing Contributions.

This provision is effective _____.

In addition, any existing six-month restriction from being eligible to make Deferrals (and Nondeductible Employee Contributions, if applicable) following the hardship distribution will will not continue to apply.

This provision is effective _____.

If you take a hardship distribution on or after January 1, 2020, you will be eligible to make Deferrals (and Nondeductible Employee Contributions, if applicable) immediately following the hardship distribution.