## VOLUME SUBMITTER DEFINED CONTRIBUTION PLAN

## **ADDENDUM**

## RE: Code Sections 401(k) & 401(m) Proposed Regulations

Amendments for Fidelity Basic Plan Document No. 17

## **PREAMBLE**

Adoption and Effective Date of Amendment. This amendment of the Plan is adopted to reflect the promulgated proposed regulations pursuant to Code Sections 401(k) & 401(m) regarding the definitions of qualified nonelective contributions and qualified matching contributions. This amendment is intended to remove any provision from the Plan which would prevent utilizing forfeitures to fund any 401(k) Safe Harbor Matching Employer Contribution, 401(k) Safe Harbor Nonelective Employer Contribution, Qualified Matching Employer Contribution, or Qualified Nonelective Employer Contribution. This amendment is intended to serve as a change to the Plan in good faith compliance with the requirements of those proposed regulations and is to be construed in accordance with any guidance issued thereunder.

Except as provided otherwise below, the amendments contained herein shall be effective on and after January 18, 2017.

<u>Supersession of Inconsistent Provisions</u>. This amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this amendment.

Article 1. Removal of Funding Prohibition. Section 11.09 is amended by replacing the third paragraph in its entirety with the following:

Except as permitted pursuant to EPCRS and notwithstanding any other provision of the Plan to the contrary, in no event may forfeitures be used to reduce the Employer's obligation to remit to the Trust (or other appropriate Plan funding vehicle) loan repayments made pursuant to Article 9, Deferral Contributions, or Employee Contributions.

The Volume Submitter Sponsor (Fidelity Management & Research Company) executed this Amendment by separate resolution on March 9, 2017.