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- b.1. This Plan.
- b.2. The following defined benefit plan: \_\_\_\_\_.

**H9. Prior Plan Protected Benefits (Section 3.8.3)** - The adoption of this Plan shall not reduce or eliminate any previously accrued protected benefits under Code section 411(d)(6). In the event that this Adoption Agreement does not reflect an optional form of payment or other protected benefit accrued under a prior plan, the Employer may elect to attach an appendix to this Adoption Agreement, describing all such prior plan protected benefits.

- a. Not applicable. No prior plan protected benefits.
- b. No appendix. See prior plan document for prior plan protected benefits.
- c. Appendix describing prior plan protected benefits is attached to this Adoption Agreement.  
<Text Box>

*Note: If an IRC 411(d)(6) protected benefit in the Plan or a plan being merged into the Plan is not either 1) available as a provision through the pre-approved plan, or 2) the subject of a prior determination, advisory, or opinion letter, the Employer cannot rely on the pre-approved plan provider's opinion letter for qualification with respect to such benefit. If an IRC 411(d)(6) protected benefit in the Plan or a plan being merged into the Plan is not permitted in a pre-approved plan, as described by Revenue Procedure 2017-41, Sec. 6.03, such provision must be discontinued no later than the date the Employer adopts this pre-approved plan or, in the case of a merger, the merger date and shall apply only to the extent required under IRC 411(d)(6).*

**H10. Funding Based Limits**

a. Severe funding shortfall benefit accruals after cessation period. Benefit accruals that were not permitted to accrue because of the application of 3.1.12 shall be restored when that limitation ceases to apply if the continuous period of the limitation was 12 months or less and the plan's enrolled actuary certifies that the Adjusted Funding Target Attainment Percentage for the Plan Year would not be less than 60 percent taking into account any restored benefit accruals for the prior Plan Year.

- a.1. No reinstatement. Benefit accruals not permitted by benefit restrictions shall not be reinstated.
- a.2. Benefit accruals not permitted to accrue shall recommence and benefit accruals for the cessation period shall be reinstated. This election is effective:
  - a.2.A. As of the effective date of the Plan.
  - a.2.B. For Plan Years beginning on or after \_\_\_/\_\_\_/\_\_\_\_ (MM/DD/YYYY)  
(Enter the first day of the Plan Year for which the election is effective.)

b. Distribution Options under Benefit Restrictions (May select all, a combination or none)

- b.1. Participants and Beneficiaries previously limited to half single sum payments may elect to take full lump sum payments after the restrictions of this Section no longer apply.
- b.2. Participants and Beneficiaries with distribution options limited by the restrictions of this Section may select half single sum payments.
- b.3. The Plan Administrator shall provide ad hoc optional forms of benefit when only half single sum payments are allowed by the restrictions in this Section.
- b.4. Participants and Beneficiaries are permitted to elect backup distribution optional forms in case the optional form they have selected could later be subject to the restrictions of this Section.

c. Effective date. The selections in this H10 are as of the effective date of the Plan for new plans or \_\_\_/\_\_\_/\_\_\_\_ for restated plans. (MM/DD/YYYY) (For restatement purposes, generally the first day of the Plan Year beginning on or after January 1, 2008.)



**H11. Maximum Permitted Disparity Factors** – For Plans with an integrated formula, the maximum factor that can be entered in the benefit formula of D3. is derived from the tables below. First, select the table that corresponds to the mortality table selected in D12. Next, determine the applicable factor based on the Normal Retirement Age under the Plan ("NRA"), as specified in B2., (determined without regard to any Years of Participation requirement), and the Plan's Normal Form of Benefit, as specified in D1. If the Employer elects as an Integration Level option d. or e. in D15., the applicable factor shall be multiplied by .80. In addition, the applicable factor for a Code section 412(e) Plan must be further reduced by multiplying it by .80. The resulting factor is the maximum factor for unit benefit formulas (formulas c. and d. in D3.). For fixed benefit formulas (formulas a. and b. in D3.), the maximum factor is the resulting factor multiplied by the number of years entered in D6., but not in excess of thirty-five (35).

TABLES

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SAMPLE