

**FISCHER MANAGEMENT, LLC  
FORMAL RECORD OF ACTION**

The following is a formal record of action taken by the governing body of Fischer Management, LLC (the "Employer").

With respect to the amendment of the Fischer Homes 401(k) Profit Plus Plan and Trust (the "Plan"), the following resolutions are hereby adopted:

**RESOLVED:** That the Plan be amended in the form attached hereto, which amendment is hereby adopted and approved;

**RESOLVED FURTHER:** That the appropriate officers of the Employer be, and they hereby are, authorized and directed to execute said amendment on behalf of the Employer;

**RESOLVED FURTHER:** That the officers of the Employer be, and they hereby are, authorized and directed to take any and all actions and execute and deliver such documents as they may deem necessary, appropriate or convenient to effect the foregoing resolutions including, without limitation, causing to be prepared and filed such reports documents or other information as may be required under applicable law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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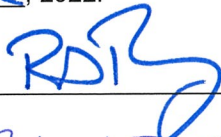
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Dated this 18<sup>th</sup> day of November, 2022.

  
\_\_\_\_\_  
Robert D. Bosley  
\_\_\_\_\_  
Chief Financial Officer  
\_\_\_\_\_

## FISCHER HOMES 401(K) PROFIT PLUS PLAN AND TRUST

### AMENDMENT

**WHEREAS**, Fischer Management, LLC (the "Employer") maintains the Fischer Homes 401(k) Profit Plus Plan and Trust (the "Plan") for the benefit of certain of its employees; and

**WHEREAS**, Pursuant to Section 12.01 of the Plan, the Employer desires to amend the Plan;

**NOW, THEREFORE**, the Plan is hereby amended by substituting the following in the Adoption Agreement, effective as of January 1, 2023:

#### SECTION C. CONTRIBUTIONS - ELECTIVE DEFERRALS AND SAFE HARBOR

##### 7. Initial Automatic Enrollment Amount (ACA and EACA)

- a. The initial amount of the automatic enrollment (as a percentage of pay): 5%
- b. ☐ The automatic enrollment deferral percentage will increase by \_\_\_\_\_% according to the schedule in C.9.
  - i. The maximum automatic enrollment deferral percentage is: \_\_\_\_\_%
- c. ☐ Delayed automatic enrollment. The traditional automatic enrollment will be deemed elected \_\_\_\_\_ after the initial satisfaction of the eligibility requirements of Article 3 with respect to Elective Deferrals (and after effective date of the addition of an automatic enrollment feature for current Participants).

**NOTE:** If C.4c is selected (EACA), the Plan must provide that the initial default contribution is a uniform percentage of Plan Compensation; although, the percentage may vary based on years of service.

**NOTE:** C.7c may only be used with a plan intending to satisfy the ACA requirements.

##### 9. Application of Increase Provisions

- a. The first deferral rate increase will occur on:
  - i. ☐ The first day of the second Plan Year following the Plan Year during which the initial automatic enrollment became effective.
  - ii. ☐ The first day of the \_\_\_\_\_ Plan Year following the Plan Year during which the initial automatic enrollment became effective.
  - iii. ☐ Other: \_\_\_\_\_
- b. Subsequent deferral increases will occur:
  - i. ☐ The first day of each Plan Year
  - ii. ☐ The anniversary of the Participant's initial automatic enrollment
  - iii. ☐ The anniversary of the Participant's date of hire
  - iv. ☐ Other: \_\_\_\_\_

**NOTE:** If C.9a.ii is selected and the plan is intended to satisfy the QACA requirements, the plan may not delay the first deferral rate increase beyond the first day of the second Plan Year following the Plan Year during which the initial automatic enrollment became effective.

**NOTE:** C.9b.iv may not be used with a plan intending to satisfy the EACA or QACA requirements.

**NOTE:** If the Plan is intended to satisfy the QACA requirements, the provisions of C.8 and C.9 must be used together in such a way that the both the automatic enrollment percentages and the schedule of deferral increases satisfy the minimum requirements.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed this 18<sup>TH</sup> day of NOVEMBER, 2022.

FISCHER MANAGEMENT, LLC:

Signature: [Signature]

Print Name: Robert D. Bosley

Title/Position: Chief Financial Officer

**FISCHER HOMES 401(K) PROFIT PLUS PLAN AND TRUST****SUMMARY OF MATERIAL MODIFICATIONS**

The purpose of this Summary of Material Modifications is to inform you of a change that has been made to the Fischer Homes 401(k) Profit Plus Plan and Trust effective January 1, 2023. This change has affected the information previously provided to you in the Plan's Summary Plan Description. The revised portion of the Summary Plan Description is described below.

**INTRODUCTION**

Fischer Management, LLC (the "Company") established the Fischer Homes 401(k) Profit Plus Plan and Trust (the "Plan") effective April 27, 1981. The Plan was restated effective September 01, 2021. This Summary Plan Description describes the Plan as amended effective January 01, 2023. This revised Summary Plan Description supersedes all previous Summary Plan Descriptions. Although the purpose of this document is to summarize the more significant provisions of the Plan, the plan document will prevail in the event of any inconsistency. In addition, the terms of the Plan cannot be modified by written or oral statements made to you by the Plan Administrator or other personnel.

The following special effective dates apply to some features of the Plan: Roth contributions were added effective July 1, 2015.

**CONTRIBUTIONS**Automatic Contributions

After receiving a notice from the Plan Administrator, you will be deemed to have made an Elective Deferral Contribution election in the amount of 5% of your Plan Compensation.

Please note, the automatic elections specified above will be designated as pre-tax Elective Deferral Contributions.

If you do not turn in the form in time to prevent automatic contributions, you can withdraw the automatic contributions for a short time, despite the general limits on Plan withdrawals. During the 90 days after automatic contributions are first taken from your pay, you can withdraw the prior automatic contributions by turning in a refund form to the Plan Administrator. The amount you withdraw will be adjusted for any gain or loss. If you take out your automatic contributions, you lose Company contributions that matched the automatic contributions. Also, your withdrawal will be subject to federal income tax (but not the extra 10% tax that normally applies to early distributions). If you take out automatic contributions, the Company will treat you as having chosen to make no further contributions. However, you can always choose to continue or restart your contributions by turning in a contribution form.