

The Defined Contribution Retirement Plan— Self-Employed 401(k) Adoption Agreement Instructions

Complete the Profit Sharing/401(k) Plan Adoption Agreement No. 001 to adopt or amend the Defined Contribution Retirement Self-Employed 401(k) Plan. This is a pre-approved plan for use with the Defined Contribution Retirement Plan, Basic Plan Document No. 04.

Helpful to Know

- The Adoption Agreement should be completed by the Employer.
- A Plan Administrator must be appointed for your Plan. The Employer may serve as the Plan Administrator, or you can designate another individual to administer the Plan on your behalf and to serve as the main contact with Fidelity. Do not list a company as the Plan Administrator. The Plan Administrator is a “named fiduciary” for purposes of ERISA Section 402(a)(1) and has the powers and responsibilities with respect to the management and operation of your company’s Plan.
- It is recommended that you also appoint a Successor Plan Administrator to act on behalf of the Plan in the event that the named Plan Administrator dies, resigns, or is otherwise unable or unwilling to act on the behalf of the Plan. The Successor Plan Administrator must also be a person and not a company.
- To learn more about the duties of the Plan Administrator or Successor Plan Administrator, refer to Section 11.2(b) of the Plan Document.
- **You should keep a copy of the completed Adoption Agreement for your permanent company records.**

1. Plan Information

A. Enter the legal name of the Plan.

- For a sole proprietor with no business name, you can use your name as the name of the Plan, for example, the “John Smith Self-Employed 401(k) Plan.”
- For an amendment of a previously adopted Plan, fill in the existing name of the Plan.

Enter the three-digit Plan Number.

- This number is assigned to the Plan by the Employer and is a requirement of the Internal Revenue Service.
- For a new plan, and *if you have never maintained another qualified retirement plan*, this Plan Number is “001.”
- If you currently have or have ever maintained any other qualified retirement plan(s), this Plan Number should follow consecutively (for example, your first Plan is 001, the next Plan is 002, and so on).

B. Enter the requested contact information for the appointed Plan Administrator.

- The Plan Administrator is typically the Employer, but can be another individual designated by the Employer. Do not list a company.
- The Plan Administrator will be responsible for administering your company’s Plan, ensuring that the Plan is operating according to the Plan Document, and will serve as the main contact with Fidelity. Fidelity will use the provided Plan Administrator contact information to provide any future notices regarding amendments to the Fidelity Retirement Plan, as well as the Annual Valuation Statement mailing each year that is designed to help you complete your Form 5500 or 5500-EZ annual report.
- You should also name a second individual as a Successor Plan Administrator who will assume the responsibilities of the Plan Administrator in the event that the Plan Administrator is unable or unwilling to fulfill its duties on behalf of the Plan.

C. The type of plan has already been preselected.

D. Check either Calendar Year or Fiscal Year as the Plan Year for your Plan. If Fiscal Year, provide your fiscal-year ending date.

E. Indicate the Plan’s Status and Effective Date.

(1) For a new Plan, check Box 1 and provide the Plan Effective Date.*

(2) To amend or restate an existing Plan, check Box 2 and provide both the Amendment Effective Date* and the Original Plan Effective Date.

– If you are amending from an existing Fidelity Self-Employed 401(k), Profit Sharing, or Money Purchase Retirement Plan, check Box E.2.a.

– If you are amending from an existing plan that is **not** a Fidelity Retirement Plan, check Box E.2.b.—You only need to provide the Effective Date of 401(k) Contributions if you are permitting Eligible Participants to make elective contributions for the first time.

*If you want to be able to calculate contribution amounts based on a full year’s Compensation for the current Plan Year, use the first day of the current Plan Year as your Effective Date.

Instructions continue on next page. ►►

2. Employer

A. Provide the required information for your company.

- Enter the company's Employer (Tax) Identification Number (EIN).
- **Do not enter your Social Security Number.** To obtain an EIN for your Plan, you can file IRS Form SS-4 or call the IRS directly at 800-829-4933.

B. If you are part of an affiliated group of Employers, as defined in Section 2.3 of the Plan Document (collectively defined as "Affiliated Employers"), then all Affiliated Employers must be included in the Plan and listed in this section.

Unrelated Employers cannot be included as part of your Plan. Please consult your tax attorney and/or accountant for assistance on the definition of Affiliated Employers.

3. Coverage

A. Indicate the requirements an Employee must complete with your company (including Affiliated Employers) to be eligible to participate in the Plan.

- (1) Choose the required length of service.
- (2) Choose the age an Employee must attain before he or she may participate in the Plan.

B. Indicate the date an eligible employee will first become a Participant in the Plan.

C. Indicate how the elected service and age requirements will apply to Employees, including any current owner(s) and/or officer(s) of the company:

- Check the first box if applicable to all current and future Employees.
- Check the second box if applicable to all Employees, *except those employed on the Effective Date. Such Employees will participate immediately.* All other Employees will need to satisfy the requirements listed above.

4. Compensation

This provision allows you to elect what portion of Compensation is includable for the first year an eligible Employee becomes an active Participant in the Plan. Be certain that any annual contribution amounts calculated for active Participants meet the "top-heavy minimum contribution" amount, which is generally 3% of a Participant's full-year Compensation. You are encouraged to consult with your tax advisor when calculating contribution amounts.

5. Discretionary Nonelective Employer Contributions

The Plan allows for discretionary nonelective Employer Profit Sharing Contributions, and this section provides the option of integrating these contributions with Social Security.

- **Social Security Integration (permitted disparity) is designed for multi-participant plans and is not generally appropriate for a Self-Employed 401(k) Retirement Plan, self-employed individuals, or owner-only businesses.**
- You can check Box A to indicate that Contributions will not be integrated with Social Security, or consult a tax advisor first to determine what is appropriate for your Plan.

6. Normal Retirement Age

You can skip this section unless the Plan adopted a Normal Retirement Age of 55 before January 1, 2009. Unless you previously adopted age 55 as the Plan's Normal Retirement Age, the Normal Retirement Age is age 59½.

7. Multiple Qualified Plans

You can skip this section if you are only operating one qualified plan.

8. Reliance on Opinion Letter

FMR LLC has obtained an "opinion letter" from the Internal Revenue Service for the Defined Contribution Retirement Plan, Basic Plan Document No. 04. A copy of the opinion letter is included with the Plan Document. In certain cases, you may wish to apply for a Determination Letter for your Plan. Please refer to the Adoption Agreement and Plan Document for further details. Consult your attorney or accountant for further information.

9. Provider Information

FMR LLC serves as the Provider of the preapproved Plan Document.

10. Execution Page

The Employer must sign and date the Adoption Agreement before returning it to Fidelity.

On this form, "Fidelity" means Fidelity Brokerage Services LLC and its affiliates. Brokerage services are provided by Fidelity Brokerage Services LLC, Member NYSE, SIPC. 353784.6.0 (11/20)

The Defined Contribution Retirement Plan— Profit Sharing/401(k) Plan Adoption Agreement No. 001

A pre-approved plan for use with the Defined Contribution Retirement Plan, Basic Plan Document No. 04

1. Plan Information

A. Name of Plan:

This is the

(the "Plan")
Plan Number

The Plan consists of the Basic Plan Document, this Adoption Agreement as completed, and the separate Trust Agreement.

B. Name of Plan Administrator (if not the Employer):

Name		
Address		
City	State	ZIP Code
Telephone Number	Email Address	

The Plan Administrator serves as the main contact for the Plan and the designated agent for service of legal process for the Plan.

Name of Successor Plan Administrator:

Name		
Address		
City	State	ZIP Code
Telephone Number	Email Address	

[Note: The failure to name a successor Plan Administrator may result in the delay of Plan distributions, if the Plan Administrator is unable to fulfill its duties.]

Plan Information continues on next page. ►►



C. Type of Plan:

Check one.

- 1. Profit Sharing only—Elective Contributions (401(k) contributions) are **not** permitted. The Employer may make Nonelective Employer Contributions in the manner elected in this Adoption Agreement.
- 2. Safe Harbor 401(k) Plan—Elective Contributions (401(k) contributions) **are** permitted **and** the Employer will make Safe Harbor Nonelective Employer Contributions to the Plan on behalf of Eligible Participants equal to 3% of their “Compensation” for the Plan Year. The Employer may make Nonelective Employer Contributions in the manner elected in this Adoption Agreement.
- 3. Non-Safe Harbor 401(k) Plan—Elective Contributions (401(k) contributions) **are** permitted. The Employer will **not** make Safe Harbor Nonelective Employer Contributions to the Plan. The Employer may make Nonelective Employer Contributions in the manner elected in this Adoption Agreement.

D. Plan Year and Limitation Year:

Check one.

- 1. Calendar Year
- 2. Fiscal Year ending

[Note: If left blank, the Plan Year and Limitation Year will be the calendar year.]

E. Plan Status and Effective Date:

Check one.

- 1. New Plan Effective Date: [Note: Cannot be earlier than the first day of the current Plan Year.]
- 2. Amendment Effective Date: [Note: Cannot be earlier than the first day of the current Plan Year.]

This is:

Check one.

- a. an amendment and restatement of a Basic Plan Document No. 04 Adoption Agreement previously executed by the Employer. With the execution of this restatement, the Trust Agreement formerly within Basic Plan Document No. 04 is hereby removed to become a separate, independent Trust Agreement without altering the substance thereof.
- b. an amendment and restatement from another plan document to a Basic Plan Document No. 04 Adoption Agreement.

The original effective date of the Plan

Complete if adding Elective Contributions (401(k) contributions) to your Plan for the first time:

Effective date of Elective Contributions: [Note: Cannot be earlier than the day this amended Adoption Agreement is signed.]

2. Employer

A.

Name of Employer		
Address		
City	State	ZIP Code
Telephone Number	Employer's Tax Identification Number	

Employer continues on next page. ►►





B. The term "Employer" includes the following Affiliated Employers covered by the Plan:

[Note: All Affiliated Employers are required to be covered under the terms of the Plan.]

3. Coverage

A. The eligibility requirements for participation in the Plan will be:

1. Eligibility Service Requirement:

- Check one. a. No eligibility service requirement.
- b. Six months of employment. (If this option is selected, an Employee will not be required to complete any specified number of Hours of Service in the six-month period.)
- c. One Year of Service.
- d. Two Years of Service. (This option may **only** be selected if Section 1.C.1, Profit Sharing only, is selected above. This option may **not** be selected if the Plan provides for Elective Contributions (401(k) contributions).)

2. Age Requirement:

- Check one. a. No minimum age requirement.
- b. Years (Cannot be more than 21.)

B. An Employee who has satisfied the eligibility requirements for participation in Section 3.A above will become a Participant on the following date, provided he is an Employee:

- Check one. 1. On the first day of the calendar month in which such requirements are satisfied.
2. On the first day of the Plan Year and the first day of the seventh month of the Plan Year (whichever is earlier) coinciding with or immediately following the date on which such requirements are satisfied.

C. The requirements listed above are:

- Check one. 1. Applicable to all Employees.
2. Applicable to all Employees, except those Employees employed on the Effective Date. Such Employees will participate immediately. All other Employees will need to satisfy the requirements listed above.

4. Compensation

Contributions for the Plan Year in which an Employee first becomes a Participant shall be determined based on the Employee's "Compensation":

- Check one. A. For the entire Plan Year.
- B. For the portion of the Plan Year in which the Employee is eligible to participate in the Plan.

[Note: "Compensation" is defined in Article 2.12 of the Basic Plan Document.]

Form continues on next page. ►►



5. Discretionary Nonelective Employer Contributions

If A or B is elected below, the Employer may make discretionary Nonelective Employer Contributions on behalf of each Participant in accordance with the provisions of this Section 5 and the Basic Plan Document.

- Check one. **A.** Allocation of Nonelective Employer Contributions will not be integrated with Social Security. [See Article 4.10 of the Basic Plan Document.]
- B.** Allocation of Nonelective Employer Contributions will be integrated with Social Security. [See Article 4.11 of the Basic Plan Document.]

If the Plan will be integrated with Social Security, fill in the blanks below:

1. The Integration Level means the Social Security Taxable Wage Base for the Plan Year, unless the Employer elects a lesser amount in (a) or (b) below:

a. (may not exceed the Taxable Wage Base).
\$

b. of the Taxable Wage Base in effect on the first day of each Plan Year (may not exceed 100%).
%

2. The Excess Contribution Percentage (which may not exceed the Profit Sharing Maximum Disparity Rate described below) will be:

%

3. The Profit Sharing Maximum Disparity Rate shall be:

- a. Unless an Integration Level other than the Social Security Taxable Wage Base is specified in Section 5.B.1 above, 5.7%.
- b. If a different Integration Level is specified in Section 5.B.1 above, the applicable percentage determined in accordance with the table below:

If the Integration Level is more than:	But not more than:	The applicable percentage is:
\$0	X*	5.7%
X*	80% of TWB	4.3%
80% of TWB	Y**	5.4%
*X = the greater of \$10,000 or 20% of the TWB.		
**Y = any amount more than 80% of the TWB but less than 100% of the TWB.		

6. Normal Retirement Age

- A.** Unless otherwise elected below, Normal Retirement Age means age 59½.

1. The Employer adopted a Normal Retirement Age of 55 before January 1, 2009. [Note: This election is only available if the Employer previously adopted age 55 as the Plan's Normal Retirement Age. If the Plan's prior Normal Retirement Age was age 55, the Employer's ability to increase the Normal Retirement Age to age 59½ is limited by Article 10.3 of the Basic Plan Document and applicable anti-cutback provisions of ERISA and the Code.]

Form continues on next page. ►►



7. Multiple Qualified Plans

Select A or B below only if the Employer maintains other qualified plans and uses a method of satisfying the 415 limits or the top-heavy minimum contribution requirements different from the method provided under the Plan.

- A. Other Order for Limiting Annual Additions:** If the Employer maintains other defined contribution plans, annual additions to a Participant's Account shall be limited as provided in Article 12.3 of the Basic Plan Document to meet the requirements of Code Section 415, unless the Employer elects this Option and completes the 415 Correction Addendum describing the order in which annual additions shall be limited among the plans.
- B. Other Method to Satisfy Top-Heavy Minimum Contribution Requirement:** If the Employer maintains other qualified plans that are aggregated with the Plan for top-heavy purposes, the minimum contribution requirement will be met as provided in Article 13.2 of the Basic Plan Document, unless the Employer elects this Option and completes the 416 Contributions Addendum to the Adoption Agreement describing the way in which the minimum contribution requirements will be satisfied in the event the Plan is or is treated as a "top-heavy plan."

8. Reliance on Opinion Letter

This is a "standardized" pre-approved plan. You may rely on the opinion letter issued by the Internal Revenue Service as evidence that your Plan is qualified under Section 401 of the Internal Revenue Code except to the extent provided in Section 7.01 of Revenue Procedure 2017-41. You may not rely on the opinion letter in certain other circumstances or with respect to certain qualification requirements, which are specified in Section 7.03 of Revenue Procedure 2017-41.

If you have ever maintained or later adopt any plan (including a welfare benefit fund as defined in Section 419(e) of the Internal Revenue Code, which provides post-retirement medical benefits allocated to separate accounts for key employees, as defined in Section 419A(d)(3) of the Internal Revenue Code or an individual medical account, as defined in Section 415(1)(2) of the Code) in addition to the Plan, you will not be able to rely on the opinion letter issued by the Internal Revenue Service for the Pre-Approved Plan with respect to the requirements of Sections 415 and 416 of the Internal Revenue Code. You will not be considered to have maintained another plan merely because you maintained another defined contribution plan, provided that (i) the other defined contribution plan terminated before the effective date of the Plan and (ii) no annual additions were credited to the account of any participant under such other plan within a limitation year of the Plan. If you adopt or maintain multiple plans and you wish to obtain reliance with respect to the requirements of Sections 415 and 416 of the Internal Revenue Code, you must apply to Employee Plans Determinations of the Internal Revenue Service for a determination letter with respect to your Plan.

Failure to properly complete the Adoption Agreement and failure to operate the Plan in accordance with the terms of the Plan document may result in disqualification of the Plan.

9. Provider Information

A. Name of Provider:

FMR LLC

B. Address of Provider:

245 Summer Street
Boston, Massachusetts 02210
800-544-5373

Questions regarding this pre-approved plan document may be directed to the Provider.

Form continues on next page. ►►



10. Execution Page

The Employer appoints Fidelity Management Trust Company as Trustee and agrees to the fees set forth in the Retirement Plan Account Application, as amended from time to time. The Employer hereby directs the Trustee to invest any funds of the Plan that are transmitted without complete investment instructions in Fidelity Government Cash Reserves.

The Adoption Agreement may be used only in conjunction with Defined Contribution Retirement Plan, Basic Plan Document No. 04. Failure to fill out this Adoption Agreement properly may result in the disqualification of the Plan. The Provider shall inform the adopting Employer of any amendments made to the Plan or of the discontinuance or abandonment of the Pre-Approved Plan.

IN WITNESS WHEREOF, the Employer has caused this Adoption Agreement to be executed

This	day of
------	--------

EMPLOYER (NAME OF BUSINESS)	
PRINT NAME OF PERSON SIGNING BELOW	
SIGN	SIGNATURE OF EMPLOYER
	X
DATE	DATE MM/DD/YYYY
	X

Did you sign the form and include any necessary documents?

Send the ENTIRE form and any account application(s) to Fidelity Investments.

Questions? Go to [Fidelity.com/se401k](https://www.fidelity.com/se401k) or call 800-544-5373.

Regular mail

Fidelity Investments
PO Box 770001
Cincinnati, OH 45277-0036

Overnight mail

Fidelity Investments
100 Crosby Parkway KC1K
Covington, KY 41015

On this form, "Fidelity" means Fidelity Brokerage Services LLC and its affiliates. Brokerage services are provided by Fidelity Brokerage Services LLC, Member NYSE, SIPC. 493049.7.0 (03/21)

