## SIXTH AMENDMENT TO THE FIRST AMENDED CONGOLEUM PLAN TRUST DISTRIBUTION PROCEDURES (EFFECTIVE JULY 7, 2011)

THIS SIXTH AMENDMENT TO THE FIRST AMENDED CONGOLEUM PLAN TRUST DISTRIBUTION PROCEDURES (effective July 7, 2011) (the "TDP") is made by the Plan Trustee of the Congoleum Plan Trust (the "Plan Trust") pursuant to Section 9.1 of the TDP, effective May 1, 2016.

Capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the TDP.

## **RECITALS:**

- 1. The Congoleum Plan Trust Distribution Procedures became effective on July 1, 2010.
- 2. The Plan Trustee, with the consent of the Trust Advisory Committee ("TAC") and the Futures Representative ("FR"), adopted certain amendments to the Congoleum Plan Trust Distribution Procedures, which amendments became effective July 7, 2011, November 15, 2011, February 23, 2012, June 3, 2013, April 8, 2014, and January 1, 2016. The Congoleum Plan Trust Distribution Procedures, as amended, are referred to herein as the TDP.
- 3. Pursuant to Section 9.1 of the TDP, the Plan Trustee of the Plan Trust may amend, modify, delete, or add to any provisions of the TDP provided the Plan Trustee first obtains the consent of the TAC and the FR. The TAC or the FR may propose to the Plan Trustee, in writing, amendments to the TDP.
- 4. As evidenced by the signatures below, pursuant to Section 9.1 of the TDP, the Plan Trustee, the TAC and the FR wish to amend the TDP as set forth herein.

## **ADOPTION OF AMENDMENT:**

NOW, THEREFORE, the TDP is hereby amended as follows:

The following paragraph shall be added at the end of Section 2.6, "Claims Payment Ratio:

Notwithstanding any other provision herein, if, at the end of a calendar year, there are excess funds in either Category A or Category B and insufficient funds in the other Category to pay such Category's claims, the Plan Trustee may transfer up to a specified amount of excess funds (the "Permitted Transfer Amount" as defined below) to the Category with the shortfall; provided, however that the Plan Trustee shall never transfer more than the amount of the receiving Category's shortfall. The "Permitted Transfer Amount" shall be determined as follows: (a) the Plan

Trustee shall first determine the cumulative amount allocated to the Category with excess funds based on the Claims Payment Ratio since the date the Plan Trust last calculated its Payment Percentage; (b) the Plan Trust estimated would be paid to the Category with excess funds since the date the Plan Trust last calculated its Payment Percentage; (c) the Plan Trustee shall then subtract the amount determined in (b) from the amount determined in (a), and the difference between the two shall be referred to as the "Permitted Transfer Amount." When deciding whether to make a transfer, the Plan Trustee shall take into account any artificial failures of the processing queue that may have impacted the amount of funds expended from either Category. The Plan Trustee shall provide the TAC and the Futures Representative with the Permitted Transfer Amount calculation thirty (30) days prior to making a transfer.

IN WITNESS WHEREOF, the Plan Trustee, with the consent of the TAC and FR as provided in the Congoleum Plan Trust Agreement, has executed this Sixth Amendment to the TDP effective as of the date first above written. This Sixth Amendment to the TDP may be executed in any number of counterparts, each of which shall constitute an original, and all of which together shall constitute one and the same instrument.

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TRUST ADVISORY COMMITTEE:

By its counsel:

Ann C. McMillan, Caplin & Drysdale

**FUTURES REPRESENTATIVE:** 

By his counsel:

Richard H. Wyron, Frankel Wyron LLP