



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 05- *115*

of the

SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

WHEREAS, the Squaxin Island Tribal Council found that it was in the best interest of the Tribe to provide a 401(k) plan for employees off the Squaxin Island Gaming Enterprise (SIGE) and established the Squaxin Island Gaming Enterprises 401(k) Profit Sharing Plan (the "Plan"); and

WHEREAS, the Squaxin Island Tribal Council desires to adopt an amendment (No. 2) to the Plan to allow refinancing of Participant loans, subject to Section 17.1(e) (copy of amended Page 32 attached); and

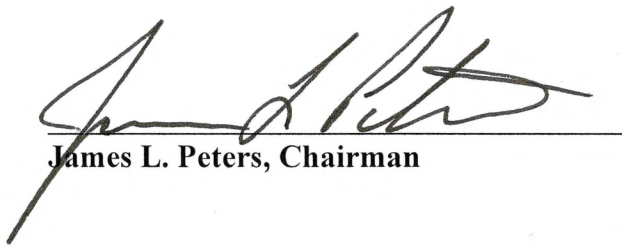
WHEREAS, adoption of this amendment will not reduce the benefits or lessen the rights of any participant with respect to those benefits accrued under the Plan prior to the date of adoption;

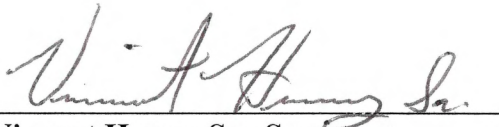
NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby adopts Amendment No. 2, effective October 17, 2005.


BE IT FURTHER RESOLVED, that Plan Trustees Doug Boon and Margaret J. Johnson be authorized and directed to take such steps and to execute such documents for and on behalf of the SIGE as may be necessary or advisable to maintain the Plan and to carry out its purposes and that the signatures of both Trustees shall be required for any transactions related to the Plan which require a signature on behalf of the SIGE.

CERTIFICATION

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 17th day of December 2005, at which time a quorum was present and was passed by a vote of 6 for and 0 against, with 0 abstentions.


James L. Peters, Chairman

Attested by: 
Vincent Henry, Sr., Secretary


Andrew D. Whitener, Vice Chairman

Rec # 05-115

TRANSAMERICA LIFE INSURANCE AND ANNUITY COMPANY PROTOTYPE NUMBER 03 TAX-FAVORED SAVINGS AND DISCRETIONARY CONTRIBUTION PLAN AND TRUST AGREEMENT

NON-STANDARDIZED ADOPTION AGREEMENT NUMBER 001

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26. IN-SERVICE DISTRIBUTIONS/EARLY DISTRIBUTION
- (c) This Section 26(c) may be selected only if the Employer's Plan prior to the execution of this Adoption Agreement was previously maintained under the Discretionary Contribution Plan and Trust Agreement Prototype 01 sponsored by the Prototype Sponsor and provided for early distribution of termination benefits for Employer contributions made under such prior Plan.
 - (d) Early distribution of termination benefits will not be permitted.
 - (e) In-service distributions of Elective Contributions and contributions made to a Participant's Qualified Non-elective Contribution Account under this Plan after a Participant's attainment age 59½, other than hardship distributions described in Section 3.5 and distributions described in Section 3.11 of the Plan, will be permitted.

27. PARTICIPANT LOANS
- (a) Participant loans described in Article 17 of the Plan will be permitted for any reason.
 - (b) Participant loans described in Article 17 of the Plan will be limited to hardship, subject to Section 3.5 of the Plan.
 - (c) Refinancing of Participant loans is permitted, subject to Section 17.1(e) of the Plan.
 - (d) Rollover of Participant loans into this Plan will be permitted.
 - (e) Loans to terminated Participants will be permitted.

(Amended 10/17/2005 by Am. No. 2)

28. MINIMUM DISTRIBUTIONS
- The required beginning date of a Participant with respect to this Plan is (select one):
- (a) The April 1 of the calendar year following the calendar year in which the Participant attains age 70 ½.
 - (b) The later of the April 1 of the calendar year following the calendar year in which the Participant attains age 70 ½ or retires except that benefit distributions to a 5-percent owner must commence by the April 1 of the calendar year following the calendar year in which the Participant attains age 70 ½. (Also select (1), (2), and/or (3), whichever is applicable. (3) must be selected to the extent that there would otherwise be an elimination of a preretirement age 70 ½ distribution option for Employees older than those listed above.)
 - (1) Any Participant attaining age 70 ½ in years after 1995 may elect by April 1 of the calendar year following the year in which the Participant attained age 70 ½, or (by December 31, 1997 in the case of a Participant attaining age 70 ½ in 1996) to defer distributions until the calendar year following the calendar year in which the Participant retires. If no such election is made, the Participant will begin receiving distributions by the April 1 of the calendar year following the year in which the Participant attained age 70 ½ (or by December 31, 1997 in the case of a Participant attaining age 70 ½ in 1996).

(Substituted by Amendment No. 2, effective October 17, 2005)