

Heroes Earnings and Assistance Relief Tax Act of 2008 (HEART) Summary of Material Modifications

Name of Plan UNIVERSITY OF DAYTON TDA PLAN

Name of Adopting Employer University of Dayton

Plan Sequence Number _____ Plan Year End 2010

The purpose of this document is to update your Summary Plan Description (SPD). This document is very important and should be kept with your SPD. If any provisions in this Summary of Material Modifications (SMM) conflict with your SPD, the terms of this SMM will apply. To the extent addressed below, your SPD is amended to read as follows.

CONTRIBUTIONS AND VESTING

Q1. If I die or become Disabled during military service, will the time I was providing military service be considered for determining whether I will receive employer contributions?

Yes No *Employer contributions*

If "Yes" is selected, your Employer will treat you as if you had been reemployed on the day before your death or disability and terminated on the day of death or disability to determine your Plan contributions. No matter which box is selected above, if you die, your Employer will treat you as if you had been reemployed on the day before your death and terminated on the day of your death to determine all of your benefits under the Plan other than contributions.

If "Yes" is selected above, your military service will be considered for contribution purposes if you die or become Disabled on or after _____.

Q2. If I become Disabled during military service, will the time I was providing military service be considered for determining the vested portion of my Plan balance?

Yes No Not applicable *Vesting credit*

If "Yes" is selected, your Employer will treat you as if you had been reemployed on the day before your disability and terminated on the day of disability to determine the vested portion of your Plan balance. If "Not applicable" is selected, your Employer's Plan currently provides you with 100% vesting if you become Disabled.

If "Yes" is selected above, your military service will be considered for vesting purposes if you become Disabled on or after _____.

DISTRIBUTIONS

Q1. May I take a distribution from the Plan if I am an active-duty member of the armed forces?

Yes No *Distribution for active-duty members of the armed forces*

If "Yes" is selected, and you are on active duty in the uniformed services for a period of more than 30 days, you may elect to take a distribution of your Elective Deferrals from the Plan while you are on active duty without severing from employment with your Employer. However, if you choose to take distributions under this provision, you will not be permitted to make Elective Deferrals or Nondeductible Employee Contributions to the Plan during the six-month period beginning on the date of the distribution.

If "Yes" is selected above, you may take these distributions beginning on or after 01/01/2010

DEFINITIONS

Q1. Is differential military pay received from my Employer considered Compensation?

Yes No *Differential Military Pay*

If "Yes" is selected, and your Employer chooses to provide differential pay to you while you are on active duty with the uniformed services for a period of more than 30 days, the pay will be considered additional Compensation paid to you for purposes of determining Plan contributions. See your Plan Administrator to determine if your Employer provides differential pay.

If "Yes" is selected above, differential military pay you receive will be considered Compensation paid to you for years beginning on or after 01/01/2010