

Notice of Critical Status Painters and Allied Trades Paint Makers Pension Plan

This is to inform you that on March 31, 2009 the plan actuary certified to the Internal Revenue Service, and to your Plan's Board of Trustees, that the Painters and Allied Trades Paint Makers Pension Plan ("plan") is in critical status for the plan year beginning January 1, 2009. Federal law requires that you receive this notice.

Critical Status

The plan is considered to be in critical status because it has funding or liquidity problems, or both. More specifically, the plan's actuary determined that:

1. The plan was in critical status last year and over the next 9 years; the plan is projected to have an accumulated funding deficiency for the plan year beginning January 1, 2010 and for the next nine plan years.

Rehabilitation Plan

Federal law requires pension plans in critical status to adopt a rehabilitation plan aimed at restoring the financial health of the plan. This is the second year the plan has been in critical status.

The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. On January 14, 2009, you were notified that the plan reduced or eliminated adjustable benefits. On April 22, 2008, you were notified that as of April 25, 2008 the plan is not permitted to pay lump sum benefits (or any other payment in excess of the monthly amount paid under a single life annuity) while it is in critical status. If the trustees of the plan determine that further benefit reductions are necessary, you will receive a separate notice in the future identifying and explaining the effect of those reductions. Any reduction of adjustable benefits will not reduce the level of a participant's basic benefit payable at normal retirement. In addition, the reductions may only apply to participants and beneficiaries whose benefit commencement date is on or after April 22, 2008.

Under the Worker, Retiree, and Employer Recovery Act of 2008 ("WRERA"), the plan sponsor of a multiemployer pension plan may elect to maintain the pension plan's funded status for the 2008 plan year in effect for the 2009 plan year. The Trustees of the Painters and Allied Trades Paint Makers Pension Plan have made this election and, therefore, the Plan's funded status for the 2009 plan year is frozen at the status determined for 2008.

Since the Plan was also in Critical Status for 2008, the election to freeze the Plan's funded status in 2009 suspends the requirement to update the Plan's Rehabilitation Plan for 2009.

Adjustable Benefits

The plan offers the following adjustable benefits that may be reduced or eliminated as part of any Rehabilitation Plan the pension plan may adopt:

- Early retirement benefit or retirement-type subsidy; and
- Benefit payment options other than a qualified joint-and survivor annuity (QJSA).

Employer Surcharge

The law requires that all contributing employers pay to the plan a surcharge to help correct the plan's financial situation. The amount of the surcharge is equal to a percentage of the amount an employer is otherwise required to contribute to the plan under the applicable collective bargaining agreement. With some exceptions, a 5% surcharge is applicable in the initial critical year and a 10% surcharge is applicable for each succeeding plan year thereafter in which the plan is in critical status. As soon as the trustees adopt a Rehabilitation plan, however, an employer will *not* be subject to the 5% or 10% surcharge if the employer, through collective bargaining, agrees to make contributions to the plan at a rate that equals or exceeds the contribution rate necessary for the plan to carry out its Rehabilitation plan.

Where to Get More Information

For more information about this Notice, you may contact: The Painters and Allied Trades Paint Makers Pension Plan at (562) 463-5070, 13191 Crossroads Parkway North, Suite 205, City of Industry, CA 91746-3434. You have a right to receive a copy of the Rehabilitation Plan from the plan.

April 30, 2009

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