

NOTICE UNDER SECTION 204 OF THE WORKER, RETIREE, AND
EMPLOYER RECOVERY ACT OF 2008

PLAN: BRICKLAYER'S LOCAL UNION NO. 5 PENSION PLAN
PLAN SPONSOR EIN: 55-6069713
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PLAN NO.: 001
DATE: October 22, 2009

This Notice is to advise you that the Board of Trustees of the Bricklayer's Local Union No. 5 Pension Plan has elected to treat the Plan as being in neither endangered nor critical status in accordance with Section 204 of the Worker, Retiree, and Employer Recovery Act of 2008 (WRERA) for the plan year beginning on July 1, 2009. The Plan's actuary has certified the Plan as being in Endangered Status for the Plan Year beginning on July 1, 2009; however, in accordance with WRERA, the Trustees have made this election in order to have sufficient time to address funding issues caused by the economic downturn in the stock and fixed income markets in 2008.

This election under WRERA "freezes" the status of the plan from the prior year commencing July 1, 2008 and applies only for the current plan year, beginning on July 1, 2009. If the Plan is certified to be in endangered or critical status for the Plan Year beginning on July 1, 2010, then the Board of Trustees will provide you with notice of the Plan's status for that year and steps will have to be taken to improve the Plan's funded situation, which steps could include increases in contributions or reductions in future benefit accruals. You would receive advance written notice of such changes, if any.

For more information about this notice, you may contact the Board of Trustees of the Bricklayer's Local Union No. 5 Pension Plan at (304) 523-5874, or by writing to the Board of Trustees of the Bricklayer's Local Union No. 5 Pension Plan at 234 Fourth Avenue, Huntington, WV 25701-1222.