SHEET METAL WORKERS LOCAL NO. 85 PENSION FUND

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April 25, 2011

Notice of Endangered Status as of January 1, 2011
for
Sheet Metal Workers' Local 85 Pension Plan

This is to inform you that on March 31, 2011, the actuary for the Sheet Metal Workers' Local 85 Pension Plan (the "Plan") certified to the U.S. Department of the Treasury, and also to the Trustees, that the Plan remains in endangered status for the plan year beginning January 1, 2011.

Federal law requires that you receive this notice. The certification of Plan status and this notice are requirements under the Pension Protection Act of 2006 (the "PPA") for multiemployer pension plans for plan years beginning in 2008. This notice is intended to meet the disclosure requirements of the PPA and to inform you of the status of the above mentioned Plan.

In general, PPA defines three levels of concern for multiemployer pension plans: #1) Endangered; #2) Seriously Endangered; or #3) Critical. The severity or potential severity of concern for plan participants increases from #1 to #3. Plans that do not meet any of these three levels of concern must still report to the Department of the Treasury, but these plans are not considered to be a significant risk and are therefore not required to provide the notice information contained herein.

Endangered Status

The Plan is considered to be in endangered status because it has funding problems. More specifically, the Plan's actuary determined that the projected funded percentage is approximately 79.89%. In determining this, the Plan's actuary has utilized the current demographic and financial information to project both assets and liabilities, based on the benefits and contributions that are reasonably expected to occur during the period and assuming that the Plan's assets return 7.00% per year.

If a Plan is in seriously endangered status or endangered status, the Trustees are required to develop a "Funding Improvement Plan", which is explained further below.

Funding Improvement Plan

Federal law requires multiemployer pension plans in seriously endangered status or endangered status to adopt a Funding Improvement Plan aimed at restoring the financial health of the Plan. The Trustees adopted a Funding Improvement Plan on September 3, 2009. The Funding Improvement Plan that was adopted increased the contribution rates for journeymen from $3.83 per hour on August 1, 2009 to $4.24 per hour on August 1, 2010 and to $4.68 per hour on August 1, 2011. The contribution rates for apprentices were also increased from $1.50 per hour on August 1, 2009 to $1.66 per hour on August 1, 2010 and to $1.83 per hour on August 1, 2011.

From the time the Plan's actuary certified that the Plan was in seriously endangered status (March 31, 2009), the Plan could not accept a bargaining agreement providing for: (a) a reduction in future contribution rates; (b) a suspension of contributions; (c) exclusion of new hires; or (d) benefit improvements. The Plan may not be amended so as to increase benefits, unless the Plan actuary certifies that the benefit increases are consistent with the Funding Improvement Plan and can be paid for out of contributions not required by the Funding Improvement Plan.
If a contributing employer fails to timely pay contributions to the Plan in accordance with the Funding Improvement Plan, then the employer will be liable for the contributions, along with interest and liquidated damages under Employee Retirement Income Security Act of 1974. In addition, the employer and its control group may be liable for an excise tax equal to the amount of the delinquent contributions.

Where to Get More Information

For more information about this notice, you may contact:

Board of Trustees of the Sheet Metal Workers' Local Union No. 85 Pension Plan
3835 Presidential Parkway, Suite 123
Atlanta, Georgia 30340
800-382-6926

You have the right to receive a copy of the Funding Improvement Plan from the Plan. Additional inquiries may be directed to the Department of Labor, Division of Technical Assistance & Inquiries, Employee Benefits Security Administration, U.S. Dep't. of Labor, Washington, DC 20210.