

**Summary of Material Modifications ("SMM")
for the**

Albin Engineering Services, Inc 401(k) Plan

Employer: **Albin Engineering Services, Inc.**

Plan Number: **70704**

Plan Administrator: **Albin Engineering Services, Inc.**

This SMM supplements the Plan's Summary Plan Description ("SPD"). You should retain this document with your copy of the SPD.

- Roth 401(k)

Roth Deferral Contributions

Effective 01/01/2007, you will be eligible to designate whether your Deferral Contribution will be a pre-tax, traditional 401(k) Deferral Contribution, or an after-tax, Roth 401(k) Deferral Contribution at the time you make your deferral election. Once made, this election will be irrevocable (that is, Roth Deferral Contributions cannot later be re-characterized as pre-tax Deferral Contributions). If you elect to make Roth Deferral Contributions, the amount of your contribution will be included in your income for tax purposes, and the income tax withholding amounts will be deducted from the remainder of your pay, not from the Roth Deferral Contribution amount.

For example, if you have annual compensation of \$30,000 and elect to make a Roth Deferral Contribution to the Plan equal to 5% of your compensation, your Roth Deferral Contribution to the Plan will equal \$1,500 (5% of \$30,000). The tax withholding applicable to the amount you have elected to contribute to the Plan as a Roth Deferral Contribution will be applied against the remainder of your compensation.

Except with respect to the application of income taxes to Roth Deferral Contributions (described above) and to the distribution of amounts attributable to Roth Deferral Contributions (described below), Roth Deferral Contributions are subject to the same rules applicable to pre-tax Deferral Contributions. For example, pre-tax and Roth Deferral Contributions are added together to determine whether you have hit the Federal tax law limit on Deferral Contributions (\$15,000 in 2006 for those not eligible to make age 50 and over catch-up contributions, \$15,500 in 2007) or the Plan's deferral limit.

In the event that the Plan Administrator distributes amounts attributable to excess Deferral Contributions to Highly Compensated Employees as a result of the nondiscrimination test applicable to Deferral Contributions, a Highly Compensated Employee who made both pre-tax and Roth Deferral Contributions during the applicable year will first receive a return of amounts attributable to pre-tax Deferral Contributions to the extent the Highly Compensated Employee made pre-tax Deferral Contributions during the applicable Plan Year. The remainder of any such distribution will come from amounts attributable to the Roth Deferral Contributions the Highly Compensated Employee made during the applicable Plan Year.

Also effective 01/01/2007, the Plan will accept direct Rollover Contributions of amounts attributable to Roth deferral contributions that you made to another qualified plan that accepted Roth deferral contributions and properly segregated them from other contributions. The same rules that apply to other direct Rollover Contributions apply to direct Rollover Contributions of amounts attributable to Roth deferral contributions, except for the income tax treatment on distribution (described below).

Distribution of amounts attributable to Roth Deferral Contributions

Subject to certain exceptions (for example, with respect to a distribution of excess Deferral Contributions to Highly Compensated Employees due to nondiscrimination test results), the entire amount of your account under the Plan attributable to Roth Deferral Contributions will be distributed to you free from Federal income tax (including the earnings portion) if the distribution occurs after the five taxable year period beginning with the first taxable year you made a designated Roth Deferral Contribution to the Plan (or to a plan you previously participated in, if earlier, if amounts attributable to those previous Roth deferral contributions were directly rolled over to this Plan), provided the distribution is also made:

- On or after you attain age 59 ½ or
- To your beneficiary (or estate) on or after your death; or
- Pursuant to your being disabled.

For example, if you make your first Roth Deferral Contribution under the Plan in July, 2006, attain age 59-1/2 on January 1, 2011 and are eligible for a distribution on January 3, 2011, the portion of your distribution attributable to Roth Deferral Contributions would not be subject to Federal income tax upon distribution on January 3, 2011.

If you decide to split a distribution into partially a cash distribution and partially a direct rollover distribution, the Plan rule providing that the amount directly rolled over must be at least \$500 is applied by treating any amount distributed that is attributable to Roth Deferral Contributions as a separate distribution from the remainder of the distribution, even if the amounts are distributed at the same time.

- The Plan will not accept a Rollover Contribution of any amounts attributable to Roth deferral contributions to another plan.
- For Plan Years beginning on and after January 1, 2006, the following additional reasons may permit a hardship distribution from the Plan: (a) to make payments for burial or funeral expenses for your deceased parent, spouse, child or dependent; and, (b) to pay expenses for the repair of damage to your principal residence that would qualify for the casualty deduction under Section 165 of the Internal Revenue Code (without regard to whether the loss exceeds 10% of adjusted gross income).

If you have questions regarding these amendments, please contact the Plan Administrator:

Albin Engineering Services, Inc.
3350 Scott Blvd., Suite 27
Santa Clara, CA 95054-3105
408-733-2374