

**AMENDMENT NUMBER TEN**  
**TO THE AGREEMENT AND DECLARATION OF TRUST ESTABLISHING THE**  
**AMERICAN FEDERATION OF MUSICIANS AND EMPLOYERS' PENSION FUND**  
**(As Amended and Restated Effective as of April 1, 2005)**

WHEREAS, the Board of Trustees (the "Board") of the American Federation of Musicians and Employers' Pension Fund (the "Fund") adopted the Agreement and Declaration of Trust Establishing the American Federation of Musicians and Employers' Pension Fund, as amended and restated effective as of April 1, 2005 (the "Trust Agreement"); and

WHEREAS, pursuant to Article X, Section 10.1 of the Trust Agreement, the Board reserves the right to amend the Trust Agreement at any time; and

WHEREAS, the Board wishes to amend the Trust Agreement in the manner set forth below, and has delegated to the undersigned the authority to execute this Amendment;

NOW, THEREFORE, the Trust Agreement is hereby amended to read as follows:

1. Section 6.1(c) shall be deleted and replaced with the following:

(c) The Co-Chairs of the Board shall choose one of themselves to preside over each meeting of the Board.

2. Section 9.4(a) shall be amended by adding the following paragraphs (4)

and (5):

(4) to the extent contributions are due with respect to all or a portion of an electronic media guarantee ("EMG") under a Collective Bargaining Agreement between the Union and a symphony orchestra under which musicians receive a periodic wage payment that also counts towards wages payable for electronic media work, the due date for contributions due on account of such EMG shall be the due date for such contributions as set forth in the Collective Bargaining Agreement, but no later than the end of the second month following the month in which the symphony's season ends.

(5) to the extent contributions are due on amounts other than scale wages, paid pursuant to Section 9.1(d) above, the due date for contributions on such amounts shall be the due date in the Collective Bargaining Agreement.

IN WITNESS WHEREOF, the Board executed this Amendment on this 16th day  
of February 2017.

By: /s/ Christopher Brockmeyer  
Christopher J.G. Brockmeyer

By: /s/ Raymond M. Hair, Jr.  
Raymond M. Hair, Co-Chair