

**NOTICE TO INTERESTED PERSONS REGARDING  
TRANSACTION INVOLVING THE  
SHIRLEY C. YAWITZ PENSION &  
PROFIT SHARING PLAN & TRUST**

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**TO SHIRLEY C. YAWITZ PENSION & PROFIT SHARING PLAN & TRUST  
PARTICIPANT:**

1. You are hereby notified that a written submission has been filed on behalf of Shirley C. Yawitz with the United States Department of Labor (“the Department”) seeking authorization, pursuant to Prohibited Class Exemption 96-62 (“PTCE 96-62”), 67 FR 44622, July 3, 2002 that the application of the prohibited transaction sanctions under Section 4975 of the Internal Revenue Code of 1986, as amended (“the Code”) shall not apply to the proposed transaction, as described below.
2. The submission has met the requirements for tentative authorization under PTCE 96-62. If final authorization is granted by the Department pursuant to PTCE 96-62, the sanctions resulting from the application of Section 4975 of the Code, by reason of Sections 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale (“the Sale”) by the Shirley C. Yawitz Pension & Profit Sharing Plan & Trust (“the Plan”) to Shirley C. Yawitz of a parcel of real property (“the Property”) which the Plan owns located at 4301 Woodstock Avenue, Golden Valley (Minneapolis), Minnesota.
3. The authorization is subject to the following conditions:
  - The Sale is a one-time transaction for cash.
  - The terms and conditions of the Sale are at least as favorable to the Plan as those obtainable in an arm’s length transaction with an unrelated party.
  - The Plan does not pay any fees, commissions or other expenses in connection with the Sale.
  - The Plan receives the fair market value of the Property as determined by a qualified, independent appraiser (“the Appraiser”) on the date of the Sale transaction.
  - The Appraiser updates the valuation of the Property on the date the Sale is consummated.
4. Shirley C. Yawitz, as the Plan fiduciary, will review and approve the methodology used by the qualified, independent appraiser, ensure that such methodology is properly applied in determining the Property's fair market value on the date of the sale, and will also determine whether it is prudent to go forward with the proposed transaction.

5. The Plan has been sponsored by Shirely C. Yawitz, a sole proprietor since January 1, 1992. The Plan is a defined contribution plan. Shirley C. Yawitz is the sole participant in the Plan, and the sole owner of the plan sponsor.
6. Shirley C. Yawitz is a “disqualified persons” under Code Section 4975(e)(2) with respect to the sale by the Plan of the property located at 4301 Woodstock Avenue, Golden Valley (Minneapolis), Minnesota.
7. It is requested that an exemption be granted for the sale of the Property by the Plan Sponsor on behalf of the Plan to Shirley C. Yawitz. The purchase price for the Property will be paid in full in cash and will be in an amount equal to the fair market value of the Property as determined by an independent qualified appraiser at the time of the Sale. The Plan will not be required to pay any commissions, costs or other expenses in connection with the sale. Finally, the terms and conditions of the Sale will be at least as favorable to the Plan as those obtainable in an arms length transaction with an unrelated party. The Sale will occur within ninety (90) days of the date of approval of the request for authorization from the Department of Labor.
8. The Real Property was acquired by the Plan in 1999 from unrelated third parties for a purchase price of \$210,000. The property has been continuously leased by the Plan to unrelated third parties from the date of acquisition to the present time, with the exception of those periods during which the property was unoccupied while the Plan were searching for new tenants. No person with any relationship to the Plan of any kind (other than landlord and tenant) has ever leased, used or occupied the Real Estate. The Real Estate is currently leased to an unrelated party under a one-year lease (which commenced on or about September 15, 2008) at a lease rate of \$1,650 per month. Since the acquisition date, the Plan has received total rental income of \$53,124. At the current appraised value, the real estate would generate \$90,000 in capital gains combined with the rental income of \$53,124, for a total of \$143,124 from which holding expenses of \$111,700 will be subtracted. Taking into account all expenses incurred and the capital gains and income, the Plan will have a projected profit of \$31,424.
9. The Property was purchased for the Plan solely for investment purposes. The Plan has incurred \$111,700 in holding expenses, including taxes, maintenance and insurance.
10. Shirley C. Yawitz does not own any property directly or indirectly (e.g., through the ownership of another entity) that is adjacent to the subject Property
11. The sale of the Property herein could be deemed a violation of the categories of prohibited transactions enumerated in Code Sections 4975(c)(1)(A) through (E) as a sale of property between the Plan and a disqualified person, an act of self-dealing by a fiduciary or the providing of a benefit from the Plan to a disqualified person. This authorization is requested with respect to all of the above possible violations of the prohibited transaction rules.
12. Authorization by the DOL was requested under a procedure, Prohibited Transaction

Exemption 96-62, which requires that the transaction be substantially similar to transactions which have received two individual Prohibited Transaction Exemptions, or an individual Prohibited Transaction Exemption and an “authorized transaction” within specified time periods. The applicant has identified as substantially similar to the proposed Sale transaction the following:

Prohibited Transaction Exemption 99-35 for H.H. Borland, Inc. Profit Sharing Plan, 64 FR 46422 Aug 25, 1999. This exemption permits the sale by a plan to a disqualified person of such plan of a parcel of improved real property.

Final Authorization Number 2007-03E for Richard R. Kracum IRA, 03/05/07 E00541. This exemption permitted the sale of unimproved real property to the IRA owner.

13. As a person who may be affected by the Sale, you have the right to comment on the Sale. Written comments should be addressed to:

Office of Exemption Determination  
Employee Benefits Security Administration  
U.S. Department of Labor  
200 Constitution Avenue, N.W., Room N-5700  
Washington, D.C. 20210  
Attention: Karin Weng -- Re: E-00625

Be sure to refer to the submission number, which is E-00625. Comments must be received by the DOL no later than March 30, 2009.

Comments may also be submitted by facsimile to 202-219-0204, or by e-mail to [weng.karin@dol.gov](mailto:weng.karin@dol.gov).

14. Final Authorization of the Sale will be April 4, 2009, unless the Department notifies the Employer otherwise.

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Plan Administrator  
Shirley C. Yawitz Pension & Profit  
Sharing Plan & Trust

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