

A Notice to Participants of the

Hoss's Steak and Sea House Savings Plan

Changes have been made to your Summary Plan Description (SPD). These changes appear below and became effective on May 1, 2010.

This Summary of Material Modification (SMM) should be kept with your SPD. The changes will be incorporated into any subsequent SPD that is distributed to you.

Changes to DISTRIBUTIONS PRIOR TO TERMINATION AND HARDSHIP DISTRIBUTIONS:

Can I withdraw money from my account while working?

In-service distributions. You may be entitled to receive an in-service distribution. However, this distribution is not in addition to your other benefits and will therefore reduce the value of the benefits you will receive at retirement. This distribution is made at your election and will be made in accordance with the forms of distributions available under the Plan.

Conditions and Limitations. Generally you may receive a distribution from the Plan from certain accounts prior to your termination of employment provided you satisfy any of the following conditions:

- you have attained age 59 1/2

The following limitations apply to in-service distributions from certain accounts:

- In-service distributions can only be made from accounts which are 100% vested.

Also, the law restricts any in-service distributions from certain accounts which are maintained for you under the Plan before you reach age 59 1/2. These accounts are the ones set up to receive your salary deferral contributions and other Employer contributions which are used to satisfy special rules for 401(k) plans. Ask the Administrator if you need more details.