

**FIFTH AMENDMENT TO THE ASARCO LLC ASBESTOS  
PERSONAL INJURY SETTLEMENT TRUST DISTRIBUTION PROCEDURES**

THE ASARCO LLC ASBESTOS PERSONAL INJURY SETTLEMENT TRUST DISTRIBUTION PROCEDURES (the "TDP") is hereby amended by the Trustees of the ASARCO Asbestos Personal Injury Settlement Trust (the "Asbestos Trust") as set forth herein by this Fifth Amendment to the TDP, effective February 22, 2018.

Capitalized terms used but not defined herein shall have the respective meanings assigned such terms in the TDP.

**RECITALS:**

1. The TDP became effective on December 9, 2009, pursuant to the ASARCO Incorporated and Americas Mining Corporation's Seventh Amended Plan of Reorganization for the Debtors under Chapter 11 of the United States Bankruptcy Code as Modified on August 20, 2009, August 23, 2009, and August 27, 2009.

2. The TDP was subsequently amended as provided in the Order Approving Stipulation entered on September 2, 2009, by the U.S. Bankruptcy Court for the Southern District of Texas [Case No. 05-21207, Docket No. 12775]. Additionally, the Trustees, with the consent of the TAC and the FCR, adopted the Second Amendment to the TDP, which became effective March 24, 2014, the Third Amendment to the TDP, which became effective July 2, 2014, and the Fourth Amendment to the TDP, which became effective December 9, 2009.

3. Pursuant to Section 8.1 of the TDP, the Trustees of the Asbestos Trust may amend, modify, delete, or add to any provisions of the TDP provided the Trustees first obtain the consent of the TAC and the FCR. The TAC or the FCR may propose to the Trustees, in writing, amendments to the TDP.

4. By email from its counsel dated January 25, 2018, the TAC proposed an amendment to Section 6.3 of the TDP to extend the time period to one (1) year before a claim shall be deemed to have been withdrawn if the claimant neither accepts, rejects, nor initiates ADR Procedures after the Asbestos Trust's written offer of payment or rejection of the claim.

5. As evidenced by the signatures below, pursuant to Section 8.1 of the TDP, the Trustees, with the consent of the FCR and the TAC, amend Section 6.3 of the TDP as set forth herein.

**ADOPTION OF AMENDMENT:**

NOW, THEREFORE, the TDP is hereby amended as follows:

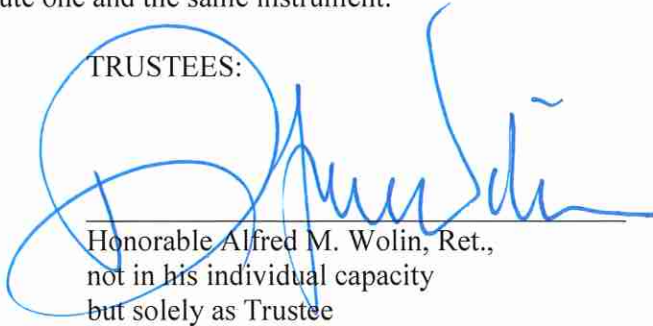
The penultimate sentence of Section 6.3, "Withdrawal or Deferral of Claims," is hereby deleted and replaced with the following sentence:

Except for Asbestos Personal Injury Claims held by representatives of deceased or incompetent claimants for which court or probate approval of the Asbestos Trust's offer is required, or an Asbestos Personal Injury Claim for which deferral status has been granted, a claim shall be deemed to have been withdrawn if the claimant neither accepts, rejects, nor initiates ADR Procedures within one (1) year of the Asbestos Trust's written offer of payment or rejection of the claim.

IN WITNESS WHEREOF, the Trustees, with the consent of the TAC and the FCR as provided in the Asbestos Trust Agreement, have executed this Fifth Amendment

to the TDP effective as of the date first above written. This Fifth Amendment to the TDP may be executed in any number of counterparts, each of which shall constitute an original and all of which together shall constitute one and the same instrument.

TRUSTEES:

  
\_\_\_\_\_  
Honorable Alfred M. Wolin, Ret.,  
not in his individual capacity  
but solely as Trustee

\_\_\_\_\_  
David F. Levi,  
not in his individual capacity  
but solely as Trustee

\_\_\_\_\_  
Charles A. Koppelman,  
not in his individual capacity  
but solely as Trustee

TRUST ADVISORY COMMITTEE:

By its counsel: \_\_\_\_\_  
Ann C. McMillan,  
Caplin & Drysdale

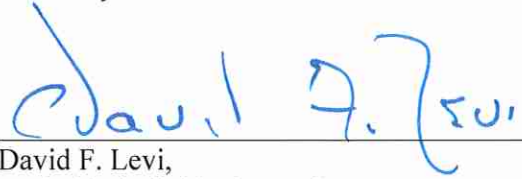
FUTURE CLAIMS REPRESENTATIVE:

By his counsel: \_\_\_\_\_  
John H. Tate, II,  
Strasburger Price

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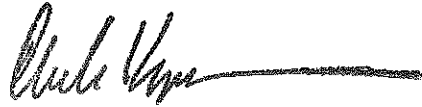
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