

**IMPORTANT NOTICE TO ALL TRIBE BENEFICIARIES OF THE  
TRIBAL ABATEMENT FUND TRUST X (“TAFT X”) RELATING TO THE  
ENDO TRIBAL OPIOID SETTLEMENT**

THE DIRECTORS ARE SEEKING A COURT ORDER APPROVING FINAL ACCOUNTING  
AND DISSOLUTION OF THE TRIBAL ABATEMENT FUND TRUST X

PLEASE TAKE NOTICE THAT the Directors have filed a Motion seeking an Order from the Southern District New York Bankruptcy Court (i) approving the final accounting for TAFT X, consisting of the audited financial statements for the period from April 23, 2024 (inception) through December 31, 2024 along with additional financial reports covering the year ended December 31, 2025 attached to the Motion as Exhibit B, and (ii) approving the dissolution of TAFT X as set forth in Section 6.2(b) of the TAFT X Trust Agreement.

A copy of the Directors’ Motion and accompanying proposed Order is attached to this Notice.

Please contact us if you have any questions at [Directors@tribalopioidsettlements.com](mailto:Directors@tribalopioidsettlements.com).

Kathy Hannan (Ho-Chunk) Mary Smith (Cherokee) Kevin Washburn (Chickasaw)

Tribal Settlement Trust Directors

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Joseph E. Lehnert (*admitted pro hac vice*)

*Counsel for Directors Mary Smith, Kathy Hannan and Kevin Washburn,  
in their capacities as trustees of the Tribal Abatement Fund Trust X*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<i>In re</i>	)	
	)	<b>Chapter 11</b>
<b>BRANDED OPERATIONS HOLDINGS, INC. ET AL.,</b>	)	<b>Case No. 22-22608 (DSJ)</b>
	)	<b>(Jointly Administered)</b>
<b>Debtors</b>	)	

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**MOTION OF THE DIRECTORS OF THE TRIBAL ABATEMENT  
FUND TRUST X FOR AN ORDER APPROVING FINAL ACCOUNTING AND  
DISSOLUTION OF THE TRIBAL ABATEMENT FUND TRUST X**

The Directors Mary Smith, Kathy Hannan and Kevin Washburn (collectively, the “Directors”), in their capacities as trustees of the Tribal Abatement Fund Trust X (“TAFT X” or the “Trust”), which was created pursuant to the Fourth Amended Joint Chapter 11 Plan Of Reorganization of Endo International plc and its Affiliated Debtors [Dkt. No. 3849] (as modified, amended, or supplemented from time to time, the “Endo Plan”) (as confirmed by order of this Court entered on March 22, 2024 [Dkt. No. 3960]), by and through counsel, hereby respectfully request that the Court enter an Order substantially in the form attached hereto as **Exhibit A** (i) approving the final accounting for TAFT X, consisting of the audited financial statements for the period from April 23, 2024 (inception) through December 31, 2024 along with additional financial reports covering the year ended December 31, 2025 attached hereto as **Exhibit B** (collectively, the

“Final Accounting”), and (ii) approving the dissolution of TAFT X as set forth in Section 6.2(b) of the Tribal Abatement Fund Trust X Trust Agreement, dated as of April 23, 2024 (the “TAFT X Trust Agreement”), and in support of their motion, the Directors state as follows:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157(a) and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

2. Section 6.2(b) of the TAFT X Trust Agreement provides that the Trust shall dissolve as soon as practicable but no later than ninety (90) days after the date on which this Court approves the dissolution upon the satisfaction of the purposes of the Trust, wherein: (i) all reasonably expected assets have been collected by TAFT X, (ii) all distributions of Abatement Funds<sup>1</sup> have been made to the extent set forth in the Section 4.2(b) of the TAFT X Trust Agreement, (iii) necessary arrangements and reserves have been made to discharge all anticipated remaining TAFT X obligations and Trust Operating Expenses in a manner consistent with the TAFT X Trust Agreement, and (iv) a final accounting has been filed and approved by this Court. The Directors hereby submit that the foregoing conditions to dissolution have been satisfied as follows:

- (i) Pursuant to the Endo Plan, the Trust’s entire funding consisted of \$9 million of Tribal Opioid Consideration. This Tribal Opioid Consideration, along with any interest income earned thereon by the Trust, constitute all reasonable expected assets of the Trust and this full amount has been collected by the Trust.
- (ii) As set forth in the Final Accounting, \$5,253,791 in Trust Assets were distributed during the year ended December 31, 2024, and an additional

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<sup>1</sup> Unless otherwise defined herein, all capitalized terms shall have the meaning supplied to them by the TAFT X Trust Agreement and/or Endo Plan.

\$1,026,879 was distributed to Trust Beneficiaries during 2025, for total distributions of \$6,280,671 to Trust Beneficiaries. The Directors submit that these amounts represent all the distributions of Abatement Funds to be made by TAFT X pursuant to Section 4.2(b) of the TAFT X Trust Agreement. Having determined that making a final distribution of Abatement Funds immediately prior to the termination and dissolution of the Trust was not cost-effective with respect to the Trust's remaining assets consisting of a cash balance of \$365,898.36, the Directors, in their discretion, directed such remaining balance to be transferred to the TAFT III operational account to contribute to the amounts available for operating expenses of all TAFT funds for the common good of tribal beneficiaries of such funds. As of December 31, 2025, the Trust held net assets of \$0, and there has been no financial activity in 2026 and there will be no financial activity until dissolution.

- (iii) The Directors submit that all the anticipated remaining Trust obligations and Trust Operating Expenses have been paid from the Trust's remaining assets.
- (iv) The Trust's Final Accounting has herewith been filed for approval by this Court.

3. Accordingly, the Directors hereby respectfully request that the Court enter an Order (i) approving the Final Accounting, and (ii) approving the dissolution of TAFT X, and thereby ordering TAFT X to subsequently be wound down as soon as practicable, but no later than ninety (90) days, in accordance with the terms of the TAFT X Trust Agreement.

4. Notice of this Motion will be posted on the Tribal Opioid Settlement Website, and the Motion will be served upon the Trust Protector and Delaware Trustee in accordance with the TAFT X Trust Agreement, and upon the Debtors, Ad Hoc First Lien Group, Creditors' Committee, Opioids Claimants' Committee, FCR, Endo EC and Plan Administrator in accordance with the Endo Plan.

Respectfully submitted this 24th day of April, 2026.

*/s/ Joseph E. Lehnert*

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Joseph E. Lehnert (*admitted pro hac vice*)  
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*Counsel for Directors Mary Smith, Kathy Hannan  
and Kevin Washburn, in their capacities as trustees  
of the Tribal Abatement Fund Trust X*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 24, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record, and that the following were also served by electronic mail and overnight courier:

Wilmington Trust, National Association  
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Wilmington, DE 19890

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*/s/ Joseph E. Lehnert* \_\_\_\_\_  
Joseph E. Lehnert

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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*In re* )  
 ) **Chapter 11**  
**BRANDED OPERATIONS HOLDINGS, INC. ET AL.,** ) **Case No. 22-22608 (DSJ)**  
 ) **(Jointly Administered)**  
**Debtors** )  
 )

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**ORDER GRANTING MOTION OF THE DIRECTORS OF THE TRIBAL  
ABATEMENT FUND TRUST X FOR AN ORDER APPROVING FINAL ACCOUNTING  
AND DISSOLUTION OF THE TRIBAL ABATEMENT FUND TRUST X**

This matter is before the Court upon the Motion of Directors Mary Smith, Kathy Hannan and Kevin Washburn (collectively, the “Directors”), in their capacities as trustees of the Tribal Abatement Fund Trust X (“TAFT X”), for an Order (i) approving the final accounting for TAFT X, consisting of the audited financial statements for the period from April 23, 2024 (inception) through December 31, 2024 along with the financial reports covering the year ended December 31, 2025, attached to the Motion as Exhibit B (collectively, the “Final Accounting”) and (ii) approving the dissolution of TAFT X as set forth in Section 6.2(b) of the Tribal Abatement Fund Trust X Trust Agreement, dated as of April 23, 2024 (the “TAFT X Trust Agreement”). The Court, having reviewed and considered the Motion, and being fully advised of the premises, finds that good and sufficient notice of the Motion was provided to all interested parties, and further finds good cause for granting the Motion and the relief sought therein. It is therefore **ORDERED**:

1. The Final Accounting of TAFT X attached to the Motion as “Exhibit B” is hereby approved as the final accounting for TAFT X pursuant to Section 6.2(b)(iv) of the TAFT X Trust Agreement.

2. The dissolution of TAFT X in accordance with Section 6.2 of the TAFT X Agreement is further hereby approved.

**SO ORDERED.**

Dated: New York, New York  
April \_\_, 2026

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U.S. BANKRUPTCY JUDGE

## **Tribal Abatement Fund Trust X**

**Audited Financial Statements-Modified Cash Basis  
For the period from April 23, 2024 (inception) through December 31, 2024**

## **Tribal Abatement Fund Trust X**

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## Independent Auditor's Report

To the Trustees  
Tribal Abatement Fund Trust X

### **Opinion**

We have audited the modified cash basis financial statements of Tribal Abatement Fund Trust X (the "Trust"), which comprise the statement of net assets - modified cash basis as of December 31, 2024 and the related statements of changes in net assets - modified cash basis and cash flows - modified cash basis for the period from April 23, 2024 (inception) through December 31, 2024, and the related notes to the modified cash basis financial statements.

In our opinion, the accompanying modified cash basis financial statements present fairly, in all material respects, the net assets of the Trust as of December 31, 2024 and the changes in its net assets and its cash flows for the period from April 23, 2024 (inception) through December 31, 2024 in accordance with the modified cash basis of accounting described in Note 2 to the modified cash basis financial statements.

### **Basis for Opinion**

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Modified Cash Basis Financial Statements* section of our report. We are required to be independent of the Trust and to meet our ethical responsibilities in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### **Basis of Accounting**

We draw attention to Note 2 to the modified cash basis financial statements, which describes the basis of accounting. As described in Note 2, the accompanying modified cash basis financial statements were prepared by Tribal Abatement Fund Trust X on the modified cash basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America. As a result, the modified cash basis financial statements may not be suitable for another purpose. Our opinion is not modified with respect to this matter.

### **Responsibilities of Management for the Modified Cash Basis Financial Statements**

Management is responsible for the preparation and fair presentation of the modified cash basis financial statements in accordance with the modified cash basis of accounting described in Note 2 and for determining that the modified cash basis of accounting is an acceptable basis for the preparation of the financial statements in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the modified cash basis financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the modified cash basis financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Trust's ability to continue as a going concern within one year after the date that the modified cash basis financial statements are issued or available to be issued.

To the Trustees  
Tribal Abatement Fund Trust X

***Auditor's Responsibilities for the Audit of the Modified Cash Basis Financial Statements***

Our objectives are to obtain reasonable assurance about whether the modified cash basis financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and, therefore, is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the modified cash basis financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the modified cash basis financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the modified cash basis financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the Trust's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the modified cash basis financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Trust's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

*Plante & Moreau, PLLC*

March 29, 2025

**Tribal Abatement Fund Trust X**  
**Statement of Net Assets – Modified Cash Basis**  
**December 31, 2024**

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**Assets**

Cash and cash equivalents	\$ 2,218,024
Prepaid expenses	<u>11,648</u>
<b>Total assets</b>	<b>2,229,672</b>

**Liabilities**

Accounts payable	<u>9,753</u>
<b>Total liabilities</b>	<b>9,753</b>

<b>Net assets</b>	<b>\$ 2,219,919</b>
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*See accompanying notes to the modified cash basis financial statements.*

**Tribal Abatement Fund Trust X**  
**Statement of Changes in Net Assets – Modified Cash Basis**  
**For the period from April 23, 2024 (inception) through December 31, 2024**

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**Additions**

Funding	\$ 9,000,000
Interest income	177,884
<b>Total additions</b>	<b>9,177,884</b>

**Deductions**

Distributions to Trust Beneficiaries	5,253,791
Distributions to professionals fee fund	900,129
Operating expenses	804,045
<b>Total deductions</b>	<b>6,957,965</b>

**Increase in net assets** **2,219,919**

**Net assets**

Beginning of the period	-
<b>End of the period</b>	<b>\$ 2,219,919</b>

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*See accompanying notes to the modified cash basis financial statements.*

**Tribal Abatement Fund Trust X**  
**Statement of Cash Flows – Modified Cash Basis**  
**For the period from April 23, 2024 (inception) through December 31, 2024**

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**Direct Method**

**Cash received from operating activities:**

Trust funding	\$ 9,000,000
Investment income	177,884
<b>Total cash inflows</b>	<b>9,177,884</b>

**Cash paid for operating activities:**

Distributions to Trust Beneficiaries	(5,253,791)
Distributions to professionals fee fund	(900,129)
Trust operating expenses	(805,940)
<b>Total cash outflows</b>	<b>(6,959,860)</b>

**Net increase in cash and cash equivalents** **2,218,024**

**Cash and cash equivalents at the beginning of the period** **-**

**Cash and cash equivalents at the end of the period** **\$ 2,218,024**

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*See accompanying notes to the modified cash basis financial statements.*

## **Tribal Abatement Fund Trust X-Notes to the Modified Cash Basis Financial Statements**

### 1. Description and Funding of the Trust

Tribal Abatement Fund Trust X (“TAFT X” or the “Trust”) was formed and became effective on April 23, 2024, pursuant to the Fourth Amended Joint Plan of Reorganization (with Technical Modifications) of Endo International plc and its Debtor Affiliates (“Endo International”) under Chapter 11 of the Bankruptcy Code, dated January 9, 2024 (the “Plan”). The Trust is intended to qualify as a “qualified settlement fund” within the meaning of Section 1.468B-1 *et seq.* of the Treasury Regulations promulgated under Section 468B of the IRC, and to the extent permitted by law, for state and local income tax purposes.

Capitalized terms are defined in the Trust Agreement unless otherwise defined herein or noted as defined in the Plan.

The Plan provides, *inter alia*, for the establishment of an Tribal Opioid Trust, as defined, with respect to Tribal Opioid Claims, as defined. As of the Effective Date, defined as April 23, 2024, any and all liability of the Debtors for any and all Tribe Opioid Claims shall automatically be channeled to and assumed by the Trust.

In accordance with the Tribal Abatement Fund Trust X Agreement (the “Trust Agreement”), the Trust shall (i) hold, manage and invest the Tribal Opioid Consideration for the benefit of the beneficiaries of the Trust; (ii) hold and maintain the TAFT X Operating Reserve; (iii) administer, process, and resolve all Tribe Opioid Claims in accordance with the TAFT X Trust Distribution Procedures (“TDP”); and (iv) pay all TAFT X Operating Expenses.

The Trust is funded with the consideration prescribed under the terms of the Plan. Funds will be paid by Endo International to TAFT X.

The initial cash distribution from Endo International was accomplished by two transfers, which were received by the Trust on April 23, 2024. One transfer, for approved abatement uses by Tribes and payment of Trust operating expenses, was in the amount of \$8,100,000; the other transfer, which was directed by the Plan to be immediately distributed by the Trust to the TAFT X Professionals Fee Fund Trust, was in the amount of \$900,000 (the “Fee Fund Transfer Amount”). The Fee Fund Transfer Amount was wired to the TAFT X Professionals Fee Fund, which is administered by Special Master to the Trust on April 24, 2024.

The Trust will make Abatement Distributions, as set forth in the Tribal Abatement Fund Trust X Agreement, and in accordance with the TAFT X TDP, which provides for the Tribe Beneficiaries and Tribal Allocation Percentages. Abatement Distributions of \$5,253,791 were made during the year ended December 31, 2024. In addition, the Trust has unpaid distributions to Trust Beneficiaries of approximately \$114,000 at December 31, 2024, which will be disbursed to

those Trust Beneficiaries upon approval from the Trustees and receipt from the Trust Beneficiaries of information required to complete the distribution payments.

## 2. Significant Accounting Policies

### *Basis of accounting*

The Trust's policy is to prepare its financial statements on a modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America (U.S. GAAP). The modified cash basis methods include the following:

- Assets or additions to net assets are generally recorded when they are received by the Trust, and expenses or deductions to net assets are generally recorded when the invoice is received from the vendor. The Trust records interest income when received. Under GAAP, interest income is recorded when earned.
- Future fixed liabilities under contractual obligations and other agreements entered into by the Trust are recorded as deductions from net assets in the same period that the invoice for such contractual obligations or agreements are received by the Trust. Under GAAP, liabilities and contractual obligations are recorded over the period that is benefited by the underlying contract or agreement.
- The full amounts of Abatement Distributions will be recorded in the period in which the Abatement Distributions are paid. Under GAAP, a liability would be recorded for an estimate of the total Abatement Distributions to be made in accordance with the Trust Agreement and the TDP.
- Income tax expense payments or refunds, when applicable, will be recorded when paid or received. Under GAAP, a provision for income taxes is recorded based upon income reported for financial statement purposes, and federal and state income taxes both currently payable and changes in deferred taxes due to differences between financial reporting and tax bases of assets and liabilities.

### *Use of estimates*

The preparation of financial statements in conformity with the modified cash basis described above requires the Trust to make estimates and assumptions that affect the reported amounts of certain assets and liabilities and the disclosures of contingent assets and liabilities at the date of the modified cash basis financial statements, as well as the reported amounts of additions and deductions to the net assets during the reporting period. Actual results could differ from those estimates.

### *Cash equivalents*

The Trust considers all highly liquid instruments with original maturities of three months or less to be cash equivalents.

### *Prepaid expenses*

Payments for services to be received over an extended period in the future are recorded as a prepaid expense and amortized over the period in which the related benefits are received.

### *Operating expenses*

Operating expenses of the Trust are recorded as reductions of net assets when invoices are received or, in the case of prepaid expenses when the benefit is received.

### *Income taxes*

The Trust is classified as a Qualified Settlement Fund pursuant to the Internal Revenue Code and Regulations thereunder (the "Code"). As a result, the Trust is subject to federal income taxes based on modified gross income, as defined by the Code. In the opinion of the Trustees and the Trust's tax advisors, the Trust is not subject to state income taxes.

The Trust records income tax expense (or benefit) associated with amounts paid (or received) under current federal income taxes and does not record a provision for (or benefit from) deferred taxes. Accordingly, there is no provision for deferred taxes associated with any future benefit from the potential use of net operating loss carryforwards to reduce taxable income in future years.

For the period ended December 31, 2024, the Trust has not paid any income taxes. The Trust generated \$626,160 in net operating losses, from April 23, 2024, through December 31, 2024.

In accordance with authoritative guidance on accounting for uncertainty in income taxes issued by the Financial Accounting Standards Board, management has evaluated the Trust's tax positions and has concluded that the Trust has taken no uncertain tax positions that require disclosure.

### *Risks and uncertainties*

Certain of the Trust's assets are exposed to credit risk. Cash and cash equivalents are maintained at financial institutions and, at times, balances may exceed federally insured limits. The Trust has never experienced any losses related to these balances.

### 3. Trustees' Fees

The Trust Agreement describes the compensation to be paid to the Trustees for their services, including out of pocket costs and expenses. During the period from April 23, 2024 (inception) through December 31, 2024, the Trust paid a total of \$556,200 in Trustee fees.

### 4. Contingent Liabilities

The Trust Agreement subjects the Trust to certain reimbursement and indemnification obligations that may result in future claims against the Trust. The probability of such claims cannot be reasonably determined. The Trust has obtained insurance for purposes of supporting its obligation to indemnify the Trustees. If a contingent liability were identified, it would be disclosed when probable and recognized in the financial statements when paid.

### 5. Subsequent Events

The Trust has evaluated its modified cash basis financial statements as of December 31, 2024, for subsequent events through March 29, 2025, when the modified cash basis financial statements were available to be issued.

In 2025, the Trustees intend to wind down TAFT X during the year. However, no action has yet been taken.

TAFT X <i>Source: annual financial statements</i>	2024	2025	Inception to 2025
Funding	9,000,000.00	-	9,000,000.00
Distributions to Special Master-Attorney Fee	(900,129.04)	-	(900,129.04)
Distributions to Trust Beneficiaries	(5,253,791.81)	(1,026,879.36)	(6,280,671.17)
Total funding, net of distributions	<u>2,846,079.15</u>	<u>(1,026,879.36)</u>	<u>1,819,199.79</u>
Interest income	177,884.69	53,678.58	231,563.27
Operating expenses	(804,044.70)	(880,820.00)	(1,684,864.70)
Income tax expense	-	-	-
Transfers out to TAFT III	-	(365,898.36)	(365,898.36)
Interest and transfers in, net of operating expenses	<u>(626,160.01)</u>	<u>(1,193,039.78)</u>	<u>(1,819,199.79)</u>
Increase in net assets	2,219,919.14	(2,219,919.14)	-
Net assets - beginning of the period	-	2,219,919.14	-
Net assets - end of the period	<u>2,219,919.14</u>	<u>-</u>	<u>-</u>

\* During 2025, TAFT X made final distributions to Tribe beneficiaries in accordance with their respective TAFT Governing Documents (wind-downs of these legal entities are expected to take place in 2026). Following these final distributions, there was a remaining cash balance of \$365,898.36 in TAFT X. For the common good of the Tribe beneficiaries, the TAFT X Remainder was transferred to TAFT III to contribute to the amounts available for operating expenses of TAFT III. The TAFT X Remainder transfers will be reflected as related party funding transfers in the 2025 annual financial statements of TAFT III.