

<b>Form 5500-SF</b>  Department of the Treasury Internal Revenue Service  Department of Labor Employee Benefits Security Administration  Pension Benefit Guaranty Corporation	<b>Short Form Annual Return/Report of Small Employee Benefit Plan</b>  This form is required to be filed under sections 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA), and sections 6057(b) and 6058(a) of the Internal Revenue Code (the Code).  ▶ <b>Complete all entries in accordance with the instructions to the Form 5500-SF.</b>	OMB Nos. 1210-0110 1210-0089  <b>2022</b>  <b>This Form is Open to Public Inspection</b>
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<b>Part I</b>	<b>Annual Report Identification Information</b>
For calendar plan year 2022 or fiscal plan year beginning 01/01/2022 and ending 12/31/2022	
<b>A</b> This return/report is for:	<input checked="" type="checkbox"/> a single-employer plan <input type="checkbox"/> a multiple-employer plan (not multiemployer) (Filers checking this box must attach a list of participating employer information in accordance with the form instructions.)
<b>B</b> This return/report is	<input type="checkbox"/> the first return/report <input type="checkbox"/> the final return/report <input type="checkbox"/> an amended return/report <input type="checkbox"/> a short plan year return/report (less than 12 months)
<b>C</b> Check box if filing under:	<input checked="" type="checkbox"/> Form 5558 <input type="checkbox"/> automatic extension <input type="checkbox"/> DFVC program <input type="checkbox"/> special extension (enter description)
<b>D</b> If this is a retroactively adopted plan permitted by SECURE Act section 201, check here. . . . . ▶	<input type="checkbox"/>

<b>Part II</b>	<b>Basic Plan Information</b> —enter all requested information
<b>1a</b> Name of plan NY FRESH MEX INC DEFINED BENEFIT PENSION PLAN	<b>1b</b> Three-digit plan number (PN) ▶ 002
	<b>1c</b> Effective date of plan 01/01/2016
<b>2a</b> Plan sponsor's name (employer, if for a single-employer plan) Mailing address (include room, apt., suite no. and street, or P.O. Box) City or town, state or province, country, and ZIP or foreign postal code (if foreign, see instructions) NY FRESH MEX INC  2182 NESCONSET HWY STONY BROOK, NY 11790	<b>2b</b> Employer Identification Number (EIN) 27-3970354
	<b>2c</b> Sponsor's telephone number 631-751-2226
	<b>2d</b> Business code (see instructions) 722515
<b>3a</b> Plan administrator's name and address <input checked="" type="checkbox"/> Same as Plan Sponsor.	<b>3b</b> Administrator's EIN
	<b>3c</b> Administrator's telephone number
<b>4</b> If the name and/or EIN of the plan sponsor or the plan name has changed since the last return/report filed for this plan, enter the plan sponsor's name, EIN, the plan name and the plan number from the last return/report. <b>a</b> Sponsor's name <b>c</b> Plan Name	<b>4b</b> EIN
	<b>4d</b> PN
<b>5a</b> Total number of participants at the beginning of the plan year.....	<b>5a</b> 24
<b>b</b> Total number of participants at the end of the plan year .....	<b>5b</b> 18
<b>c</b> Number of participants with account balances as of the end of the plan year (only defined contribution plans complete this item) .....	<b>5c</b>
<b>d(1)</b> Total number of active participants at the beginning of the plan year .....	<b>5d(1)</b> 13
<b>d(2)</b> Total number of active participants at the end of the plan year.....	<b>5d(2)</b> 16
<b>e</b> Number of participants who terminated employment during the plan year with accrued benefits that were less than 100% vested.....	<b>5e</b> 1

**Caution: A penalty for the late or incomplete filing of this return/report will be assessed unless reasonable cause is established.**

Under penalties of perjury and other penalties set forth in the instructions, I declare that I have examined this return/report, including, if applicable, a Schedule SB or Schedule MB completed and signed by an enrolled actuary, as well as the electronic version of this return/report, and to the best of my knowledge and belief, it is true, correct, and complete.

<b>SIGN HERE</b>	Filed with authorized/valid electronic signature.	09/27/2023	JAMES DIVILIO
	Signature of plan administrator	Date	Enter name of individual signing as plan administrator
<b>SIGN HERE</b>	Filed with authorized/valid electronic signature.	09/27/2023	JAMES DIVILIO
	Signature of employer/plan sponsor	Date	Enter name of individual signing as employer or plan sponsor

- 6a** Were all of the plan's assets during the plan year invested in eligible assets? (See instructions.) ..... ☒ Yes ☐ No
- b** Are you claiming a waiver of the annual examination and report of an independent qualified public accountant (IQPA) under 29 CFR 2520.104-46? (See instructions on waiver eligibility and conditions.) ..... ☒ Yes ☐ No
- If you answered "No" to either line 6a or line 6b, the plan cannot use Form 5500-SF and must instead use Form 5500.**
- c** If the plan is a defined benefit plan, is it covered under the PBGC insurance program (see ERISA section 4021)? ..... ☒ Yes ☐ No ☐ Not determined
- If "Yes" is checked, enter the My PAA confirmation number from the PBGC premium filing for this plan year 490174. (See instructions.)

**Part III Financial Information**

<b>7 Plan Assets and Liabilities</b>		<b>(a) Beginning of Year</b>	<b>(b) End of Year</b>
<b>a</b> Total plan assets.....	<b>7a</b>	954727	1078797
<b>b</b> Total plan liabilities.....	<b>7b</b>		
<b>c</b> Net plan assets (subtract line 7b from line 7a).....	<b>7c</b>	954727	1078797
<b>8 Income, Expenses, and Transfers for this Plan Year</b>		<b>(a) Amount</b>	<b>(b) Total</b>
<b>a</b> Contributions received or receivable from:			
<b>(1)</b> Employers.....	<b>8a(1)</b>	371857	
<b>(2)</b> Participants.....	<b>8a(2)</b>	0	
<b>(3)</b> Others (including rollovers).....	<b>8a(3)</b>		
<b>b</b> Other income (loss).....	<b>8b</b>	-217603	
<b>c</b> Total income (add lines 8a(1), 8a(2), 8a(3), and 8b).....	<b>8c</b>		154254
<b>d</b> Benefits paid (including direct rollovers and insurance premiums to provide benefits).....	<b>8d</b>	22177	
<b>e</b> Certain deemed and/or corrective distributions (see instructions).....	<b>8e</b>		
<b>f</b> Administrative service providers (salaries, fees, commissions).....	<b>8f</b>	8007	
<b>g</b> Other expenses.....	<b>8g</b>	0	
<b>h</b> Total expenses (add lines 8d, 8e, 8f, and 8g).....	<b>8h</b>		30184
<b>i</b> Net income (loss) (subtract line 8h from line 8c).....	<b>8i</b>		124070
<b>j</b> Transfers to (from) the plan (see instructions).....	<b>8j</b>		

**Part IV Plan Characteristics**

- 9a** If the plan provides pension benefits, enter the applicable pension feature codes from the List of Plan Characteristic Codes in the instructions:  
1A 3D 3H
- b** If the plan provides welfare benefits, enter the applicable welfare feature codes from the List of Plan Characteristic Codes in the instructions:

**Part V Compliance Questions**

<b>10 During the plan year:</b>		<b>Yes</b>	<b>No</b>	<b>Amount</b>
<b>a</b> Was there a failure to transmit to the plan any participant contributions within the time period described in 29 CFR 2510.3-102? (See instructions and DOL's Voluntary Fiduciary Correction Program).....	<b>10a</b>		X	
<b>b</b> Were there any nonexempt transactions with any party-in-interest? (Do not include transactions reported on line 10a.).....	<b>10b</b>		X	
<b>c</b> Was the plan covered by a fidelity bond?.....	<b>10c</b>	X		170000
<b>d</b> Did the plan have a loss, whether or not reimbursed by the plan's fidelity bond, that was caused by fraud or dishonesty?.....	<b>10d</b>		X	
<b>e</b> Were any fees or commissions paid to any brokers, agents, or other persons by an insurance carrier, insurance service, or other organization that provides some or all of the benefits under the plan? (See instructions.).....	<b>10e</b>		X	
<b>f</b> Has the plan failed to provide any benefit when due under the plan?.....	<b>10f</b>		X	
<b>g</b> Did the plan have any participant loans? (If "Yes," enter amount as of year-end.).....	<b>10g</b>		X	
<b>h</b> If this is an individual account plan, was there a blackout period? (See instructions and 29 CFR 2520.101-3.).....	<b>10h</b>			
<b>i</b> If 10h was answered "Yes," check the box if you either provided the required notice or one of the exceptions to providing the notice applied under 29 CFR 2520.101-3.....	<b>10i</b>			

**Part VI Pension Funding Compliance**

**11** Is this a defined benefit plan subject to minimum funding requirements? (If "Yes," see instructions and complete Schedule SB (Form 5500) and lines 11a and b below.) If this is a defined contribution pension plan, leave line 11 blank and complete line 12 below: ☒ Yes ☐ No

**a** Enter the unpaid minimum required contributions for all years from Schedule SB (Form 5500) line 40: **11a** 0

**b PBGC missed contribution reporting requirements.** If the plan is covered by PBGC and the amount reported on line 11a is greater than \$0, has PBGC been notified as required by ERISA sections 4043(c)(5) and/or 303(k)(4)? Check the applicable box:

- ☐ Yes.
- ☐ No. Reporting was waived under 29 CFR 4043.25(c)(2) because contributions equal to or exceeding the unpaid minimum required contribution were made by the 30th day after the due date.
- ☐ No. The 30-day period referenced in 29 CFR 4043.25(c)(2) has not yet ended, and the sponsor intends to make a contribution equal to or exceeding the unpaid minimum required contribution by the 30th day after the due date.
- ☐ No. Other. Provide explanation \_\_\_\_\_

**12** Is this a defined contribution plan subject to the minimum funding requirements of section 412 of the Code or section 302 of ERISA? (If "Yes," complete line 12a or lines 12b, 12c, 12d, and 12e below, as applicable.) If this is a defined benefit pension plan, leave line 12 blank and complete line 11 above. ☐ Yes ☒ No

**a** If a waiver of the minimum funding standard for a prior year is being amortized in this plan year, see instructions, and enter the date of the letter ruling granting the waiver: \_\_\_\_\_ Month \_\_\_\_\_ Day \_\_\_\_\_ Year

**If you completed line 12a, complete lines 3, 9, and 10 of Schedule MB (Form 5500), and skip to line 13.**

**b** Enter the minimum required contribution for this plan year: **12b**

**c** Enter the amount contributed by the employer to the plan for this plan year: **12c**

**d** Subtract the amount in line 12c from the amount in line 12b. Enter the result (enter a minus sign to the left of a negative amount): **12d**

**e** Will the minimum funding amount reported on line 12d be met by the funding deadline? ☐ Yes ☐ No ☐ N/A

**Part VII Plan Terminations and Transfers of Assets**

**13a** Has a resolution to terminate the plan been adopted in any plan year? ☐ Yes ☒ No

If "Yes," enter the amount of any plan assets that reverted to the employer this year: **13a**

**b** Were all the plan assets distributed to participants or beneficiaries, transferred to another plan, or brought under the control of the PBGC? ☐ Yes ☒ No

**c** If, during this plan year, any assets or liabilities were transferred from this plan to another plan(s), identify the plan(s) to which assets or liabilities were transferred. (See instructions.)

13c(1) Name of plan(s):	13c(2) EIN(s)	13c(3) PN(s)

<b>SCHEDULE SB</b> <b>(Form 5500)</b>  Department of the Treasury Internal Revenue Service  Department of Labor Employee Benefits Security Administration  Pension Benefit Guaranty Corporation	<b>Single-Employer Defined Benefit Plan</b> <b>Actuarial Information</b>  This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA) and section 6059 of the Internal Revenue Code (the Code).  ▶ <b>File as an attachment to Form 5500 or 5500-SF.</b>	OMB No. 1210-0110  <b>2022</b>  <b>This Form is Open to Public Inspection</b>
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For calendar plan year 2022 or fiscal plan year beginning 01/01/2022 and ending 12/31/2022

▶ **Round off amounts to nearest dollar.**

▶ **Caution:** A penalty of \$1,000 will be assessed for late filing of this report unless reasonable cause is established.

<b>A</b> Name of plan <u>NY FRESH MEX INC DEFINED BENEFIT PENSION PLAN</u>	<b>B</b> Three-digit plan number (PN) ▶ <u>002</u>
<b>C</b> Plan sponsor's name as shown on line 2a of Form 5500 or 5500-SF <u>NY FRESH MEX INC</u>	<b>D</b> Employer Identification Number (EIN) <u>27-3970354</u>
<b>E</b> Type of plan: <input checked="" type="checkbox"/> Single <input type="checkbox"/> Multiple-A <input type="checkbox"/> Multiple-B	<b>F</b> Prior year plan size: <input checked="" type="checkbox"/> 100 or fewer <input type="checkbox"/> 101-500 <input type="checkbox"/> More than 500

<b>Part I</b>	<b>Basic Information</b>
<b>1</b> Enter the valuation date: Month <u>01</u> Day <u>01</u> Year <u>2022</u>	
<b>2</b> Assets:	
<b>a</b> Market value.....	<b>2a</b> <u>951760</u>
<b>b</b> Actuarial value .....	<b>2b</b> <u>951760</u>
<b>3</b> Funding target/participant count breakdown	(1) Number of participants (2) Vested Funding Target (3) Total Funding Target
<b>a</b> For retired participants and beneficiaries receiving payment .....	<u>0</u> <u>0</u> <u>0</u>
<b>b</b> For terminated vested participants.....	<u>11</u> <u>7118</u> <u>7118</u>
<b>c</b> For active participants.....	<u>13</u> <u>876088</u> <u>880672</u>
<b>d</b> Total .....	<u>24</u> <u>883206</u> <u>887790</u>
<b>4</b> If the plan is in at-risk status, check the box and complete lines (a) and (b)..... <input type="checkbox"/>	
<b>a</b> Funding target disregarding prescribed at-risk assumptions.....	<b>4a</b>
<b>b</b> Funding target reflecting at-risk assumptions, but disregarding transition rule for plans that have been in at-risk status for fewer than five consecutive years and disregarding loading factor .....	<b>4b</b>
<b>5</b> Effective interest rate.....	<b>5</b> <u>5.53</u> %
<b>6</b> Target normal cost .....	
<b>a</b> Present value of current plan year accruals.....	<b>6a</b> <u>135429</u>
<b>b</b> Expected plan-related expenses .....	<b>6b</b> <u>0</u>
<b>c</b> Total (line 6a + line 6b) .....	<b>6c</b> <u>135429</u>

**Statement by Enrolled Actuary**

To the best of my knowledge, the information supplied in this schedule and accompanying schedules, statements and attachments, if any, is complete and accurate. Each prescribed assumption was applied in accordance with applicable law and regulations. In my opinion, each other assumption is reasonable (taking into account the experience of the plan and reasonable expectations) and such other assumptions, in combination, offer my best estimate of anticipated experience under the plan.

<b>SIGN HERE</b>		<u>09/19/2023</u>
	Signature of actuary	Date
<u>MICHAEL FRANK</u>	Type or print name of actuary	<u>23-02440</u>
		Most recent enrollment number
<u>EZ PENSION SERVICES, LLC</u>	Firm name	<u>718-888-1988</u>
		Telephone number (including area code)
<u>30-50 WHITESTONE EXPRESSWAY</u> <u>SUITE 200</u> <u>FLUSHING, NY 11354</u>	Address of the firm	

If the actuary has not fully reflected any regulation or ruling promulgated under the statute in completing this schedule, check the box and see instructions ☐

Part II Beginning of Year Carryover and Prefunding Balances		
	(a) Carryover balance	(b) Prefunding balance
<b>7</b> Balance at beginning of prior year after applicable adjustments (line 13 from prior year).....	0	0
<b>8</b> Portion elected for use to offset prior year's funding requirement (line 35 from prior year) .....	0	0
<b>9</b> Amount remaining (line 7 minus line 8) .....	0	0
<b>10</b> Interest on line 9 using prior year's actual return of <u>11.01</u> % .....	0	0
<b>11</b> Prior year's excess contributions to be added to prefunding balance:		
<b>a</b> Present value of excess contributions (line 38a from prior year).....		57708
<b>b(1)</b> Interest on the excess, if any, of line 38a over line 38b from prior year Schedule SB, using prior year's effective interest rate of <u>5.73</u> %.....		3307
<b>b(2)</b> Interest on line 38b from prior year Schedule SB, using prior year's actual return .....		0
<b>c</b> Total available at beginning of current plan year to add to prefunding balance.....		61015
<b>d</b> Portion of (c) to be added to prefunding balance.....		0
<b>12</b> Other reductions in balances due to elections or deemed elections .....	0	0
<b>13</b> Balance at beginning of current year (line 9 + line 10 + line 11d – line 12).....	0	0

Part III Funding Percentages		
<b>14</b> Funding target attainment percentage .....	<b>14</b>	107.20 %
<b>15</b> Adjusted funding target attainment percentage .....	<b>15</b>	107.20 %
<b>16</b> Prior year's funding percentage for purposes of determining whether carryover/prefunding balances may be used to reduce current year's funding requirement.....	<b>16</b>	108.87 %
<b>17</b> If the current value of the assets of the plan is less than 70 percent of the funding target, enter such percentage. ....	<b>17</b>	%

Part IV Contributions and Liquidity Shortfalls					
<b>18</b> Contributions made to the plan for the plan year by employer(s) and employees:					
(a) Date (MM-DD-YYYY)	(b) Amount paid by employer(s)	(c) Amount paid by employees	(a) Date (MM-DD-YYYY)	(b) Amount paid by employer(s)	(c) Amount paid by employees
04/12/2023	200000	0			
04/13/2023	75000	0			
04/13/2023	96857	0			
<b>Totals ►</b>			<b>18(b)</b>	371857	<b>18(c)</b> 0

<b>19</b> Discounted employer contributions – see instructions for small plan with a valuation date after the beginning of the year:	
<b>a</b> Contributions allocated toward unpaid minimum required contributions from prior years.....	<b>19a</b> 0
<b>b</b> Contributions made to avoid restrictions adjusted to valuation date. ....	<b>19b</b> 0
<b>c</b> Contributions allocated toward minimum required contribution for current year adjusted to valuation date. ....	<b>19c</b> 347138
<b>20</b> Quarterly contributions and liquidity shortfalls:	
<b>a</b> Did the plan have a "funding shortfall" for the prior year? .....	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>b</b> If line 20a is "Yes," were required quarterly installments for the current year made in a timely manner? .....	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>c</b> If line 20a is "Yes," see instructions and complete the following table as applicable:	

Liquidity shortfall as of end of quarter of this plan year			
(1) 1st	(2) 2nd	(3) 3rd	(4) 4th

**Part V Assumptions Used to Determine Funding Target and Target Normal Cost**

<b>21</b> Discount rate:				
<b>a</b> Segment rates:	1st segment: 4.75 %	2nd segment: 5.18 %	3rd segment: 5.92 %	<input type="checkbox"/> N/A, full yield curve used
<b>b</b> Applicable month (enter code).....				<b>21b</b> 3
<b>22</b> Weighted average retirement age .....				<b>22</b> 62
<b>23</b> Mortality table(s) (see instructions)	<input checked="" type="checkbox"/> Prescribed - combined <input type="checkbox"/> Prescribed - separate <input type="checkbox"/> Substitute			

**Part VI Miscellaneous Items**

<b>24</b> Has a change been made in the non-prescribed actuarial assumptions for the current plan year? If "Yes," see instructions regarding required attachment. ....	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>25</b> Has a method change been made for the current plan year? If "Yes," see instructions regarding required attachment. ....	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>26</b> Demographic and benefit information		
<b>a</b> Is the plan required to provide a Schedule of Active Participants? If "Yes," see instructions regarding required attachment. ....	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>b</b> Is the plan required to provide a projection of expected benefit payments? If "Yes," see instructions regarding required attachment ...	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>27</b> If the plan is subject to alternative funding rules, enter applicable code and see instructions regarding attachment .....	<b>27</b>	

**Part VII Reconciliation of Unpaid Minimum Required Contributions For Prior Years**

<b>28</b> Unpaid minimum required contributions for all prior years.....	<b>28</b>	0
<b>29</b> Discounted employer contributions allocated toward unpaid minimum required contributions from prior years (line 19a) .....	<b>29</b>	0
<b>30</b> Remaining amount of unpaid minimum required contributions (line 28 minus line 29) .....	<b>30</b>	0

**Part VIII Minimum Required Contribution For Current Year**

<b>31</b> Target normal cost and excess assets (see instructions):			
<b>a</b> Target normal cost (line 6c).....	<b>31a</b>	135429	
<b>b</b> Excess assets, if applicable, but not greater than line 31a .....	<b>31b</b>	63970	
<b>32</b> Amortization installments:	Outstanding Balance	Installment	
<b>a</b> Net shortfall amortization installment .....	0	0	
<b>b</b> Waiver amortization installment .....	0	0	
<b>33</b> If a waiver has been approved for this plan year, enter the date of the ruling letter granting the approval (Month _____ Day _____ Year _____) and the waived amount .....	<b>33</b>		
<b>34</b> Total funding requirement before reflecting carryover/prefunding balances (lines 31a - 31b + 32a + 32b - 33)....	<b>34</b>	71459	
	Carryover balance	Prefunding balance	Total balance
<b>35</b> Balances elected for use to offset funding requirement.....	0	0	0
<b>36</b> Additional cash requirement (line 34 minus line 35) .....	<b>36</b>	71459	
<b>37</b> Contributions allocated toward minimum required contribution for current year adjusted to valuation date (line 19c) .....	<b>37</b>	347138	
<b>38</b> Present value of excess contributions for current year (see instructions)			
<b>a</b> Total (excess, if any, of line 37 over line 36)	<b>38a</b>	275679	
<b>b</b> Portion included in line 38a attributable to use of prefunding and funding standard carryover balances .....	<b>38b</b>	0	
<b>39</b> Unpaid minimum required contribution for current year (excess, if any, of line 36 over line 37) .....	<b>39</b>	0	
<b>40</b> Unpaid minimum required contributions for all years.....	<b>40</b>	0	

**Part IX Pension Funding Relief Under the American Rescue Plan Act of 2021 (See Instructions)**

<b>41</b> If an election was made to use the extended amortization rule for a plan year beginning on or before December 31, 2021, check the box to indicate the first plan year for which the rule applies. <input type="checkbox"/> 2019 <input type="checkbox"/> 2020 <input type="checkbox"/> 2021
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<p style="text-align: center; font-weight: bold; font-size: 1.2em;">Structured Attachment</p> <p style="text-align: center; font-size: 0.8em;">Department of the Treasury Internal Revenue Service</p> <hr/> <p style="text-align: center; font-size: 0.8em;">Department of Labor Employee Benefits Security Administration</p> <hr/> <p style="text-align: center; font-size: 0.8em;">Pension Benefit Guaranty Corporation</p>	<p style="font-weight: bold; font-size: 1.2em;">Schedule SB, line 26a</p> <p style="font-weight: bold; font-size: 1.1em;">Schedule of Active Participant Data</p>	<p style="text-align: center; font-weight: bold; font-size: 1.2em;">2022</p> <hr/> <p style="text-align: center; font-size: 0.8em;">This Form is Open to Public Inspection</p>
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<b>Name of Plan</b>	NY FRESH MEX INC DEFINED BENEFIT PENSION PLAN						
<b>Plan Year Begin Date</b>	01/01/2022	<b>Plan Year End Date</b>	12/31/2022	<b>EIN</b>	27-3970354	<b>PN</b>	002

Attained Age	YEARS OF CREDITED SERVICE					
	Under 1			1 to 4		
	No.	Average		No.	Average	
		Compensation	Cash Balance		Compensation	Cash Balance
Under 25						
25 to 29				5		
30 to 34						
35 to 39				2		
40 to 44				1		
45 to 49						
50 to 54						
55 to 59						
60 to 64						
65 to 69						
70 & Up						

Attained Age	YEARS OF CREDITED SERVICE					
	5 to 9			10 to 14		
	No.	Average		No.	Average	
		Compensation	Cash Balance		Compensation	Cash Balance
Under 25	1					
25 to 29						
30 to 34						
35 to 39	1					
40 to 44						
45 to 49						
50 to 54	1					
55 to 59	2					
60 to 64						
65 to 69						
70 & Up						

<b>Name of Plan</b>	NY FRESH MEX INC DEFINED BENEFIT PENSION PLAN						
<b>Plan Year Begin Date</b>	01/01/2022	<b>Plan Year End Date</b>	12/31/2022	<b>EIN</b>	27-3970354	<b>PN</b>	002

Attained Age	YEARS OF CREDITED SERVICE					
	15 to 19			20 to 24		
	No.	Average		No.	Average	
		Compensation	Cash Balance		Compensation	Cash Balance
Under 25						
25 to 29						
30 to 34						
35 to 39						
40 to 44						
45 to 49						
50 to 54						
55 to 59						
60 to 64						
65 to 69						
70 & Up						

Attained Age	YEARS OF CREDITED SERVICE					
	25 to 29			30 to 34		
	No.	Average		No.	Average	
		Compensation	Cash Balance		Compensation	Cash Balance
Under 25						
25 to 29						
30 to 34						
35 to 39						
40 to 44						
45 to 49						
50 to 54						
55 to 59						
60 to 64						
65 to 69						
70 & Up						



<b>Name of Plan</b>	NY FRESH MEX INC DEFINED BENEFIT PENSION PLAN						
<b>Plan Year Begin Date</b>	01/01/2022	<b>Plan Year End Date</b>	12/31/2022	<b>EIN</b>	27-3970354	<b>PN</b>	002

Attained Age	YEARS OF CREDITED SERVICE					
	35 to 39			40 & Up		
	No.	Average		No.	Average	
		Compensation	Cash Balance		Compensation	Cash Balance
Under 25						
25 to 29						
30 to 34						
35 to 39						
40 to 44						
45 to 49						
50 to 54						
55 to 59						
60 to 64						
65 to 69						
70 & Up						

**Schedule SB, line 19 -**  
**Discounted Employer Contributions**  
**NY Fresh Mex Inc Defined Benefit Pension Plan**  
**27-3970354 / 002**  
**For the plan year 01/01/2022 through 12/31/2022**  
**Valuation Date: 01/01/2022**

	Date	Amount	Adjusted Contribution	Adjusted Prior Year Contribution	Adjusted Quarterly	Effective Rate	Penalty Rate
<b>Deposited Contribution</b>	<b>04/12/2023</b>	<b>\$200,000</b>					
Applied to Additional Contribution	01/01/2022	123,458	115,259	0	0	5.53	0.00
Applied to MRC	01/01/2022	76,542	71,459	0	0	5.53	0.00
<b>Deposited Contribution</b>	<b>04/13/2023</b>	<b>\$96,857</b>					
<b>Deposited Contribution</b>	<b>04/13/2023</b>	<b>\$75,000</b>					
Applied to Additional Contribution	01/01/2022	96,857	90,411	0	0	5.53	0.00
Applied to Additional Contribution	01/01/2022	75,000	70,009	0	0	5.53	0.00
Totals for Deposited Contribution		\$371,857	\$347,138	\$0	\$0		

**SCHEDULE SB  
(Form 5500)**Department of the Treasury  
Internal Revenue ServiceDepartment of Labor  
Employee Benefits Security Administration  
Pension Benefit Guaranty Corporation**Single-Employer Defined Benefit Plan  
Actuarial Information**

This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA) and section 6059 of the Internal Revenue Code (the Code).

▶ **File as an attachment to Form 5500 or 5500-SF.**

OMB No. 1210-0110

**2022****This Form is Open to Public  
Inspection**For calendar plan year 2022 or fiscal plan year beginning 01/01/2022 and ending 12/31/2022▶ **Round off amounts to nearest dollar.**▶ **Caution:** A penalty of \$1,000 will be assessed for late filing of this report unless reasonable cause is established.

<b>A</b> Name of plan <b>NY Fresh Mex Inc Defined Benefit Pension Plan</b>	<b>B</b> Three-digit plan number (PN) ▶ <b>002</b>
<b>C</b> Plan sponsor's name as shown on line 2a of Form 5500 or 5500-SF <b>NY Fresh Mex Inc</b>	<b>D</b> Employer Identification Number (EIN) <b>27-3970354</b>
<b>E</b> Type of plan: <input checked="" type="checkbox"/> Single <input type="checkbox"/> Multiple-A <input type="checkbox"/> Multiple-B	<b>F</b> Prior year plan size: <input checked="" type="checkbox"/> 100 or fewer <input type="checkbox"/> 101-500 <input type="checkbox"/> More than 500

**Part I Basic Information**

<b>1</b> Enter the valuation date: Month <u>01</u> Day <u>01</u> Year <u>2022</u>			
<b>2</b> Assets:			
<b>a</b> Market value .....	<b>2a</b>	<b>951,760</b>	
<b>b</b> Actuarial value .....	<b>2b</b>	<b>951,760</b>	
<b>3</b> Funding target/participant count breakdown:	(1) Number of participants	(2) Vested Funding Target	(3) Total Funding Target
<b>a</b> For retired participants and beneficiaries receiving payment ....	<b>0</b>	<b>0</b>	<b>0</b>
<b>b</b> For terminated vested participants .....	<b>11</b>	<b>7,118</b>	<b>7,118</b>
<b>c</b> For active participants .....	<b>13</b>	<b>876,088</b>	<b>880,672</b>
<b>d</b> Total .....	<b>24</b>	<b>883,206</b>	<b>887,790</b>
<b>4</b> If the plan is in at-risk status, check the box and complete lines (a) and (b) .....	<input type="checkbox"/>		
<b>a</b> Funding target disregarding prescribed at-risk assumptions .....	<b>4a</b>		
<b>b</b> Funding target reflecting at-risk assumptions, but disregarding transition rule for plans that have been in at-risk status for fewer than five consecutive years and disregarding loading factor .....	<b>4b</b>		
<b>5</b> Effective interest rate .....	<b>5</b>	<b>5.53 %</b>	
<b>6</b> Target normal cost .....			
<b>a</b> Present value of current plan year accruals .....	<b>6a</b>	<b>135,429</b>	
<b>b</b> Expected plan-related expenses .....	<b>6b</b>	<b>0</b>	
<b>c</b> Total (line 6a + line 6b) .....	<b>6c</b>	<b>135,429</b>	

**Statement by Enrolled Actuary**

To the best of my knowledge, the information supplied in this schedule and accompanying schedules, statements and attachments, if any, is complete and accurate. Each prescribed assumption was applied in accordance with applicable law and regulations. In my opinion, each other assumption is reasonable (taking into account the experience of the plan and reasonable expectations) and such other assumptions, in combination, offer my best estimate of anticipated experience under the plan.

**SIGN  
HERE***Michael Frank*

Signature of actuary

**Michael Frank**

Type or print name of actuary

**EZ Pension Services, LLC**

Firm name

**30-50 Whitestone Expressway****Suite 200****US Flushing****NY 11354**

Address of the firm

**09/19/2023**

Date

**23-02440**

Most recent enrollment number

**(718) 888-1988**

Telephone number (including area code)

If the actuary has not fully reflected any regulation or ruling promulgated under the statute in completing this schedule, check the box and see instructions ☐

For Paperwork Reduction Act Notice, see the instructions for Form 5500 or 5500-SF.

Schedule SB (Form 5500) 2022  
v. 220413

**Part II Beginning of Year Carryover and Prefunding Balances**

	(a) Carryover balance	(b) Prefunding balance
<b>7</b> Balance at beginning of prior year after applicable adjustments (line 13 from prior year) .....	0	0
<b>8</b> Portion elected for use to offset prior year's funding requirement (line 35 from prior year) .....	0	0
<b>9</b> Amount remaining (line 7 minus line 8) .....	0	0
<b>10</b> Interest on line 9 using prior year's actual return of <u>11.01</u> % .....	0	0
<b>11</b> Prior year's excess contributions to be added to prefunding balance:		
<b>a</b> Present value of excess contributions (line 38a from prior year) .....		57,708
<b>b(1)</b> Interest on the excess, if any, of line 38a over line 38b from prior year Schedule SB, using prior year's effective interest rate of <u>5.73</u> % ...		3,307
<b>b(2)</b> Interest on line 38b from prior year Schedule SB, using prior year's actual return .....		0
<b>c</b> Total available at beginning of current plan year to add to prefunding balance .....		61,015
<b>d</b> Portion of (c) to be added to prefunding balance .....		0
<b>12</b> Other reductions in balances due to elections or deemed elections .....	0	0
<b>13</b> Balance at beginning of current year (line 9 + line 10 + line 11d - line 12) ....	0	0

**Part III Funding Percentages**

<b>14</b> Funding target attainment percentage .....	<b>14</b>	107.20 %
<b>15</b> Adjusted funding target attainment percentage .....	<b>15</b>	107.20 %
<b>16</b> Prior year's funding percentage for purposes of determining whether carryover/prefunding balances may be used to reduce current year's funding requirement .....	<b>16</b>	108.87 %
<b>17</b> If the current value of the assets of the plan is less than 70 percent of the funding target, enter such percentage .....	<b>17</b>	%

**Part IV Contributions and Liquidity Shortfalls**

<b>18</b> Contributions made to the plan for the plan year by employer(s) and employees:					
(a) Date (MM-DD-YYYY)	(b) Amount paid by employer(s)	(c) Amount paid by employees	(a) Date (MM-DD-YYYY)	(b) Amount paid by employer(s)	(c) Amount paid by employees
04/12/2023	200,000		04/13/2023	96,857	
04/13/2023	75,000				
			<b>Totals ▶ 18(b)</b>	371,857	<b>18(c)</b> 0

**19** Discounted employer contributions -- see instructions for small plan with a valuation date after the beginning of the year:

<b>a</b> Contributions allocated toward unpaid minimum required contributions from prior years .....	<b>19a</b>	0
<b>b</b> Contributions made to avoid restrictions adjusted to valuation date .....	<b>19b</b>	0
<b>c</b> Contributions allocated toward minimum required contribution for current year adjusted to valuation date .....	<b>19c</b>	347,138

**20** Quarterly contributions and liquidity shortfalls:

**a** Did the plan have a "funding shortfall" for the prior year? ☐ Yes ☒ No

**b** If line 20a is "Yes," were required quarterly installments for the current year made in a timely manner? ☐ Yes ☐ No

**c** If line 20a is "Yes," see instructions and complete the following table as applicable:

Liquidity shortfall as of end of quarter of this plan year			
(1) 1st	(2) 2nd	(3) 3rd	(4) 4th

**Part V Assumptions Used To Determine Funding Target and Target Normal Cost****21** Discount rate:**a** Segment rates:

1st segment: 4.75 %	2nd segment: 5.18 %	3rd segment: 5.92 %	<input type="checkbox"/> N/A, full yield curve used
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**b** Applicable month (enter code)**21b**

3

**22** Weighted average retirement age**22**

62

**23** Mortality table(s) (see instructions)☒ Prescribed - combined☐ Prescribed - separate☐ Substitute**Part VI Miscellaneous items****24** Has a change been made in the non-prescribed actuarial assumptions for the current plan year? If "Yes," see instructions regarding required attachment☐ Yes ☒ No**25** Has a method change been made for the current plan year? If "Yes," see instructions regarding required attachment☐ Yes ☒ No**26** Demographic and benefit information**a** Is the plan required to provide a Schedule of Active Participants? If "Yes," see instructions regarding required attachment☒ Yes ☐ No**b** Is the plan required to provide a projection of expected benefit payments? If "Yes," see instructions regarding required attachment☐ Yes ☒ No**27** If the plan is subject to alternative funding rules, enter applicable code and see instructions regarding attachment**27****Part VII Reconciliation of Unpaid Minimum Required Contributions For Prior Years****28** Unpaid minimum required contributions for all prior years**28**

0

**29** Discounted employer contributions allocated toward unpaid minimum required contributions from prior years (line 19a)**29**

0

**30** Remaining amount of unpaid minimum required contributions (line 28 minus line 29)**30**

0

**Part VIII Minimum Required Contribution For Current Year****31** Target normal cost and excess assets (see instructions):**a** Target normal cost (line 6c)**31a**

135,429

**b** Excess assets, if applicable, but not greater than line 31a**31b**

63,970

**32** Amortization installments:**a** Net shortfall amortization installment

Outstanding Balance

Installment

0

0

**b** Waiver amortization installment

0

0

**33** If a waiver has been approved for this plan year, enter the date of the ruling letter granting the approval (Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_) and the waived amount**33****34** Total funding requirement before reflecting carryover/prefunding balances (lines 31a - 31b + 32a + 32b - 33)**34**

71,459

	Carryover balance	Prefunding Balance	Total balance
<b>35</b> Balances elected for use to offset funding requirement	0	0	0

**36** Additional cash requirement (line 34 minus line 35)**36**

71,459

**37** Contributions allocated toward minimum required contribution for current year adjusted to valuation date (line 19c)**37**

347,138

**38** Present value of excess contributions for current year (see instructions)**a** Total (excess, if any, of line 37 over line 36)**38a**

275,679

**b** Portion included in line 38a attributable to use of prefunding and funding standard carryover balances**38b**

0

**39** Unpaid minimum required contribution for current year (excess, if any, of line 36 over line 37)**39**

0

**40** Unpaid minimum required contributions for all years**40**

0

**Part IX Pension Funding Relief Under the American Rescue Plan Act of 2021 (See Instructions)****41** If an election was made to use the extended amortization rule for a plan year beginning on or before December 31, 2021, check the box to indicate the first plan year for which the rule applies. ☐ 2019 ☐ 2020 ☐ 2021

**Schedule SB, line 22 -  
Description of Weighted Average Retirement Age**

**NY Fresh Mex Inc Defined Benefit Pension Plan**

**27-3970354 / 002**

**For the plan year 01/01/2022 through 12/31/2022**

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The age reported is the weighted average of the assumed retirement ages for all active participants as of the valuation date based on their funding target or target normal cost should the funding target of the plan be zero rounded to the nearest whole age. For an active late retiree, the assumed retirement age may be later than the Plan's normal retirement age. Each participant's rate of retirement is assumed to be 100% of his/her assumed retirement age.

[illegible]

# Schedule SB, Part V

## Statement of Actuarial Assumptions/Methods

### NY Fresh Mex Inc Defined Benefit Pension Plan

27-3970354 / 002

For the plan year 01/01/2022 through 12/31/2022

**Valuation Date:** 01/01/2022

**Funding Method:** As prescribed in IRC Section 430

Age - Eligibility age at last birthday and other ages at nearest birthday

New participants are not included in current year's valuation

Prospective Compensation - Highest 3 consecutive years of service

Form of Payment - Assumed form of payment for funding is Life Annuity

Interest Rates -

Segment rates for the Third Month Prior to Val Date as permitted under IRC 430(h)(2)(C)

Segment #	Year	Rate %
Segment 1	0 - 5	1.01
Segment 2	6 - 20	2.65
Segment 3	> 20	3.34

Segment rates as of September 30, 2021 As permitted under IRC 430(h)(2)(C)(iv)(II) - ARP

Segment #	Year	Rate %
Segment 1	0 - 5	4.75
Segment 2	6 - 20	5.18
Segment 3	> 20	5.92

Pre-Retirement - Mortality Table - None

Early Retirement Table - None

Turnover Table - None

Disability Table - None

Salary Scale - None

Expense Load - None

Ancillary Ben Load - None

Post-Retirement - Mortality Table - 22C - 2022 Combined

Cost of Living - None

**Asset Valuation Method:** Fair market value of assets adjusted for contributions under IRC 430(g)(4)

**Discrimination Test Assumptions:**

HCE Determination - Based on all employees

Otherwise Excludable - Otherwise Excludable HCEs are included with the Not Otherwise Excludable employees

**410(b)/401(a)(4) Testing:**

Pre-Retirement - Interest - 8.5%

Post-Retirement - Interest - 8.5%

Mortality Table - U84 - 1984 Unisex

Permissively Aggregated Plans - Not tested As Single Plan

Compensation - Use current compensation to calculate the benefit accrual rate (annual method)

Testing Age - Age 62 or attained age, if older

Testing Service - Separate benefitting service for DC and for DB for Accrued-to-Date Method

Normal Form for MVAR - Joint with 100% Survivor Benefits

**401(a)(26) Testing:**

Compensation - Use current compensation to calculate the benefit accrual rate for 401(a)(26)

Testing Age - Normal retirement age or attained age, if older



## Schedule SB, Part V

### Summary of Plan Provisions

#### NY Fresh Mex Inc Defined Benefit Pension Plan

27-3970354 / 002

For the plan year 01/01/2022 through 12/31/2022

**Employer:**

NY Fresh Mex Inc  
 Type of Entity - S Corporation  
 EIN: 27-3970354    TIN: 81-4896162    Plan #: 002    Plan Type: Defined Benefit

**Dates:**

Effective - 01/01/2016    Valuation - 01/01/2022  
 Top Heavy Years - 2017, 2018, 2019, 2020, 2021, 2022

**Eligibility:**

All employees excluding non-resident aliens, members of an excluded class, union, and excluding members of  
 Cls - "ALAIMO", Cls - "ANTD", Cls - "APAAR", Cls - "CANDF", Cls - "CARLY", Cls - "CONT", Cls -  
 "DPAL", Cls - "EXC", Cls - "FABIO", Cls - "FLO", Cls - "HILC", Cls - "JDII", Cls - "JFLOR", Cls -  
 "JORD", Cls - "JORGE", Cls - "JOSE", Cls - "JR", Cls - "KMAC", Cls - "LES", Cls - "LUIISG", Cls -  
 "MARIA", Cls - "MGAR", Cls - "MMART", Cls - "NEMCOR", Cls - "NICH", Cls - "OMAR", Cls - "ORTE",  
 Cls - "PAT", Cls - "PED", Cls - "RACH", Cls - "RAMIRO", Cls - "ROEL", Cls - "RYCAV", Cls - "SHEE",  
 Cls - "SHEY", Cls - "SORT", Cls - "VICD" and Cls - "VICTOR"

Minimum age - 21    Months of service - 12

Hours Required for - Eligibility - 1000    Benefit accrual - 1000    Vesting - 1000

Plan Entry - First day of 1st or 7th month of plan year on or next following eligibility satisfaction

**Retirement:**

Normal - Attainment of age 62 and completion of 5 years of participation  
 Early - Attainment of age 62 and completion of 5 years of participation

**Average Compensation:**

Highest 3 consecutive years of service  
 Top Heavy Minimum Benefit - Highest 5 consecutive top heavy years of participation

**Plan Benefits:**

Retirement - Derived from the graded benefit formula below:

Employee Classification	Benefit Formula
JGSR	4.75% of average monthly compensation per year of service limited to 10 year(s)
DIAD	4.75% of average monthly compensation per year of service limited to 10 year(s)
KEVIN	0.5% of average monthly compensation per year of service limited to 10 year(s)
GERM	0.5% of average monthly compensation per year of service limited to 10 year(s)
TUSA	0.5% of average monthly compensation per year of service limited to 10 year(s)
RAFA	0.5% of average monthly compensation per year of service limited to 10 year(s)
ARAC	0.5% of average monthly compensation per year of service limited to 10 year(s)
SHAUN	0.5% of average monthly compensation per year of service limited to 10 year(s)
TYLER	0.5% of average monthly compensation per year of service limited to 10 year(s)
EEE	0.5% of average monthly compensation per year of service limited to 10 year(s)
EXC	per year of service limited to 10 year(s)
CRY	0.5% of average monthly compensation per year of service limited to 10 year(s)
CHBEN	0.5% of average monthly compensation per year of service limited to 10 year(s)
ALDEB	0.5% of average monthly compensation per year of service limited to 10 year(s)
RERUIZ	0.5% of average monthly compensation per year of service limited to 10 year(s)
JOFFLO	0.5% of average monthly compensation per year of service limited to 10 year(s)
HAWS	0.5% of average monthly compensation per year of service limited to 10 year(s)
KISS	0.5% of average monthly compensation per year of service limited to 10 year(s)
MACC	0.5% of average monthly compensation per year of service limited to 10 year(s)
YESE	0.5% of average monthly compensation per year of service limited to 10 year(s)
ANA	0.5% of average monthly compensation per year of service limited to 10 year(s)
EDIL	0.5% of average monthly compensation per year of service limited to 10 year(s)
SAM	0.5% of average monthly compensation per year of service limited to 10 year(s)

## Schedule SB, Part V

### Summary of Plan Provisions

#### NY Fresh Mex Inc Defined Benefit Pension Plan

27-3970354 / 002

For the plan year 01/01/2022 through 12/31/2022

WIL	0.5% of average monthly compensation per year of service limited to 10 year(s)
LCAMP	0.5% of average monthly compensation per year of service limited to 10 year(s)
BAG	0.5% of average monthly compensation per year of service limited to 10 year(s)
GRI	0.5% of average monthly compensation per year of service limited to 10 year(s)
LINA	0.5% of average monthly compensation per year of service limited to 10 year(s)
ALEAH	0.5% of average monthly compensation per year of service limited to 10 year(s)
SAL	0.5% of average monthly compensation per year of service limited to 10 year(s)
KROH	0.5% of average monthly compensation per year of service limited to 10 year(s)
NIMZ	0.5% of average monthly compensation per year of service limited to 10 year(s)

Accrued Benefit - Unit credit based on service. Service prior to 01/01/2014 is excluded

Minimum Benefit - None

Maximum Benefit - None

Maximum allowable distribution is lump sum equivalent of normal form not to exceed 415 maximum allowable distribution, which is the lesser amount computed using a) 5.5% interest and the Applicable Mortality Table or b) the greater of plan actuarial equivalence interest and mortality or 417(e) Minimum

Early Retirement - Accrued Benefit actuarially reduced for early commencement

Death Benefit -

Disability Benefit - None

#### **Top Heavy Minimum:**

Provided in another plan

#### **IRS Limitations:**

415 Limits - Percent: 100 Dollar: \$245,000

Maximum 401(a)(17) compensation - \$305,000

#### **PBGC:**

Plan is covered by Pension Benefit Guaranty Corporation

#### **Normal Form:**

Life Annuity

#### **Optional Forms:**

Lump Sum

Life Annuity Guaranteed for 10 Years

Joint with 50%, 75% or 100% Survivor Benefit

#### **Vesting Schedule:**

Years	Percent
0-1	0%
2	20%
3	40%
4	60%
5	80%
6	100%

Service is calculated using all years of service except years prior to plan effective date and age 18

**Present Value of Accrued Benefit:** Based on the greater of 417(e) or Actuarial Equivalence

#### **417(e):**

Interest Rates -

Fourth Month Prior to Plan Yr Beg		
Segment #	Years	Rate %
Segment 1	0 - 5	0.70
Segment 2	6 - 20	2.55
Segment 3	> 20	3.06

Mortality Table - 22E - 2022 Applicable Mortality Table for 417(e) (unisex)

## Schedule SB, Part V

### Summary of Plan Provisions

#### NY Fresh Mex Inc Defined Benefit Pension Plan

27-3970354 / 002

For the plan year 01/01/2022 through 12/31/2022

#### Actuarial Equivalence:

Pre-Retirement -	Interest -	5%
	Mortality Table -	None
Post-Retirement -	Interest -	5%
	Mortality Table -	22E - 2022 Applicable Mortality Table for 417(e) (unisex)