Hedgeye Hedged Equity Index

Index Rules

6-27-2024

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1. Introduction

The Hedgeye Hedged Equity Index is designed to reflect the performance of an investment in the S&P 500 Index, the purchase and sale of European-style exchange-traded put options on the S&P 500 Index, and the sale of European-style exchange traded call options on the S&P 500 Index. The Hedgeye Hedged Equity Index uses Hedgeye's Risk Range™ signals to determine whether to buy and/or sell such put and call options, and with what strike prices. Hedgeye's Risk Range™ signals are proprietary signals developed by Hedgeye suggesting market entry and exit points for investable assets. The Hedgeye Hedged Equity Index changes its option position as changes occur in the Risk Range™ signals or when the minimum maturity period is reached.

The Index is calculated and published in USD. The **Index Calculation Agent** will determine and publish the Index Level for each Index Calculation Day.

Capitalized and bold terms in this document are defined in Section 3 below.

This Index Guideline and any other policies or methodology documents of Hedgeye Asset Management, LLC, and its affiliates (collectively, "**HAM**") are the property of HAM and subject to the confidentiality and other obligations of the recipient set forth in that certain Index Calculation Agreement by and between HAM and the Index Calculation Agent, dated as of 26th June, 2024 (the "**Index Calculation Agreement**"), and HAM's internal compliance and other policies. This Index Guideline sets forth the underlying methodology, procedures, data inputs and processing, and governance arrangements related to the Hedgeye Hedged Equity Index. Other than as set forth in the Index Calculation Agreement, nether HAM nor the Index Calculation Agent make any representation or warranty as to the results from use of the Index or the level of the Index at any time. Other than as set forth in the Index Calculation Agreement, HAM shall not have, and HAM specifically disclaims to the fullest extent permitted under applicable law, any liability for any errors or omissions in this Index Guideline.

The Hedgeye Hedged Equity Index is a product of HAM, which has contracted with S&P Opco, LLC (a subsidiary of S&P Dow Jones Indices LLC) ("**SPDJI**"), to license the S&P 500 Index in connection with the Hedgeye Hedged Equity Index. The S&P 500 Index is the property of SPDJI and/or its affiliates ("**S&P Dow Jones Indices**") and/or their third-party licensors. S&P®, S&P 500®, the 500 and US 500 are registered trademarks of S&P Global Inc. and/or its affiliates, Dow Jones® is a registered trademark of Dow Jones Trademark Holdings LLC ("**Dow Jones**"); and these trademarks have been licensed to S&P Dow Jones Indices and have been sublicensed for use for certain purposes by HAM. S&P Dow Jones Indices and its third-party licensors shall have no liability for any errors or omissions in the S&P 500 Index and the Hedgeye Hedged Equity Index is not owned, endorsed, or approved by or associated with S&P Dow Jones Indices.

Other than as set forth in the Index Calculation Agreement, neither the S&P 500 Index or the Hedgeye Hedged Equity Index is sponsored, endorsed, promoted, sold or supported by Solactive in any way and Solactive makes no express or implied representation, guarantee or assurance with regard to (a) the advisability in investing in such financial instruments; (b) the quality, accuracy and/or completeness of the Index; and/or (c) the results obtained or to be obtained by any person or entity from the use of the Index. Other than as set forth in the Index Calculation Agreement, Solactive does not guarantee the accuracy and/or the completeness of the Index and shall not have any liability for any errors or omissions with respect thereto.

2. Index Specifications

Index Name	The Hedgeye Hedged Equity Index
Index Bloomberg Ticker	KSPYUI Index
Index ISIN	DE000SL0MK55
Index Asset Class	Equity
Index Currency	USD
Index Reference Exchange	CBOE (Chicago Board of Option Exchange)
Index Base Date	2024-06-24
Equity & Option Portfolio Commencement Date	2024-06-25
Initial Index Level	100

Table A The underlying components relating to the Index:

Index	Equity Component	Equity Index Option
The Hedgeye Hedged Equity Index	S&P 500 Total Return Index (Bloomberg Ticker: SPXT Index, Refinitiv Ric: .SPXTR)	S&P 500 Index Monthly and Weekly Options (Refinitiv Ric Chain: 0#SPX*.U, 0#SPXW*.U) Only options with the following expirations should be considered: Friday expiration or any Scheduled Trading Day with an option expiration immediately preceding Friday if the corresponding Friday is not a Scheduled Trading Day

Table B Risk Range™ Signal Category Specification:

Risk Range™ Signal Category	**Within Risk Range™ Signal**	**Above Risk Range™ Signal**	**Below Risk Range™ Signal**
Risk Range™ Signal Category Description	The Hedgeye Hedged Equity Index will: (i) sell an out-of-the-money put for income; (ii) use the income to buy an at-the-money or nearer-to-the-money put to obtain a downside hedge; and (iii) sell a call to obtain	The Hedgeye Hedged Equity Index will: (i) buy a put to obtain a downside hedge; and (ii) sell a call to obtain income to pay for (i) and compensate for the potential loss of upside from (i & ii)	The Hedgeye Hedged Equity Index will: (i) sell an out-of-the-money put for income; (ii) use the income to buy an at-the-money or nearer-to-the-money put to obtain a downside hedge

	income for the potential loss of upside from (ii & iii)		
Definition corresponding to Risk Range™ Signal Category Option Specifications			
Call Position	Short	Short	None
Call Target Strike	Risk Range™ Sell Price. If this strike is not listed, the closest strike above is selected.	S&P 500 Index Price. If this strike is not listed, the closest strike above is selected.	None
Long Put Position	Long	Long	Long
Long Put Target Strike	S&P 500 Index Price. If this strike is not listed, the closest strike below is selected.	S&P 500 Index Price. If this strike is not listed, the closest strike below is selected.	S&P 500 Index Price. If this strike is not listed, the closest strike below is selected.
Short Put Position	Short	None	Short
Short Put Target Strike	Risk Range™ Buy Price. If this strike is not listed, the closest strike above is selected. If difference between Long Put Target Strike and Short Put Target Strike is less than 15, the closest strike to make this difference at least 15 is selected.	None	S&P 500 Index Price less Risk Range™ width. If this strike is not listed, the closest strike above is selected. If difference between Long Put Target Strike and Short Put Target Strike is less than 15, the closest strike to make this difference at least 15 is selected.

Table C Option Selection Parameters

Parameters	The Hedgeye Hedged Equity Index
Option Types	Call & Put
Style	European
Target Maturity Period	21 Calendar Days
Minimum Maturity Period	7 Calendar Days
Eligible Universe Details	
Eligible Listed Options Expiration Dates	Every Friday or any Scheduled Trading Day immediately preceding Friday if the corresponding Friday is not a Scheduled Trading Day

Eligible Listed Options Settlement Time	PM Settled (or AM Settled if there is no PM Settled option with selected maturity, option type and strike available)
Eligible Listed Options Strike Interval	USD 5
Data Inputs	
Underlying Index	S&P 500 Index (Bloomberg Ticker: SPX Index)
Equity and Underlying Index Sponsor	S&P/Dow Jones Indices LLC

3. Definitions

The Index	means The Hedgeye Hedged Equity Index
Scheduled Trading Day	means any day on which each of the Index Reference Exchange is scheduled to be open for trading for their respective regular trading session (including a half-day or a day on which trading on any such Index Reference Exchange is scheduled to close prior to its regular closing time)
Index Calculation Agent	means Solactive
Index Calculation Day	means any day that is a Scheduled Trading Day
Index Sponsor	means Hedgeye Asset Management, LLC.
Equity Adjustment Day	means any Index Calculation Day
Index Rebalancing Day	means Equity & Option Portfolio Commencement Date or any Index Calculation Day when **Risk Range™ Signal Category** changes or Minimum Maturity Period is reached
Calendar Day Count Convention	means 365
Scheduled Trading Day Count Convention	means 252
$t0$	means **Index Base Date** defined in Section 1
Initial Cash Position $Cash_{t0}$	0
Risk Range™ Target Strike Index	means Target Strike Reference Index for option strike selection, provided by Index Sponsor. Target Strike Reference Index is the Underlying Index level at Exchange captured at 11:00:00 Eastern time. In case such value is not available at such timepoint, the latest available level before 11:00:00 Eastern time will be used.
Risk Range™ Sell Price Index	means Sell Price Index for option strike selection, provided by Index Sponsor. In case such value is not available, the latest available level will be used.
Risk Range™ Buy Price Index	means Buy Price Index for option strike selection, provided by Index Sponsor. In case such value is not available, the latest available level will be used.
Snapshot	means the instrument level or price at Exchange captured at 12:00:00 Eastern time. In case such value is not available at such timepoint, the latest available level or price before 12:00:00 Eastern time will be used.
Unwind Date	means unwind date of option contract in Option Portfolio Constituent as defined in Section 5.3f

4. Calculation of the Index

4.1 Generic Functions

$NearestExpiry(x, X)$: Function returns the nearest expiry that is equal to or less than x within the set X

$NearestBusinessDay(x)$ Function returns the **Index Calculation Day** that is equal to or immediately preceding day x

$NearestStrikeAbove(k, X)$: Function returns the nearest available strike that is equal to or greater than k within the set X

$NearestStrikeBelow(k, X)$: Function returns the nearest available strike that is equal to or less than k within the set X

4.2 Determine the Index Level in respect of an Index Calculation Day

On any **Index Calculation Day** t, the **Index Level** reflects the sum of (i)exposure on **Equity Index Level and Option Portfolio Level** and (ii) the **Cash Value**:

$$IL_{t_0} = 100$$

$$IL_t = EqUnit_t \times EIL_{EOD,t} + OP_t + Cash_t$$

Where

$Cash_t$ means the **Cash Position Level** in respect of **Index Calculation Day** t as determined in section 4.5 Index Cash Position Calculation.

$EqUnit_t$ means the **Equity Unit** to the **Equity Component** in respect of **Index Calculation Day** t

$EIL_{EOD,t}$ means the closing level of **Equity Component** in respect of **Index Calculation Day** t

OP_t means the **Option Portfolio Level** in respect of **Index Calculation Day** t

4.3 Determine Unit of Equity Index in respect of an Index Calculation Day

On any **Index Calculation Day** t, the **Equity Unit** reflects synthetic unit of **Equity Index**:

If **Index Calculation Day** $t = t_0$:

$$EqUnit_{t_0} = \frac{IL_{t_0}}{EIL_{EOD,t_0}}$$

Else if **Index Calculation Day** t is an **Index Rebalancing Day**:

$$EqUnit_t = \frac{IL_{t-1}}{EIL_{Snapshot,t}}$$

Otherwise:

$$EqUnit_t = EqUnit_{t-1}$$

Where

IL_t means the index level in respect of **Index Calculation Day** t, as determined in section 4.2

$EIL_{Snapshot,t}$ means the **Snapshot** of **Equity Component** in respect of **Index Calculation Day** t

$EIL_{EOD,t}$ means the closing level of **Equity Component** in respect of **Index Calculation Day** t

4.4 Determine the Option Portfolio Level in respect of an Index Calculation Day

On any **Index Calculation Day** t, the **Option Portfolio Level** reflects the sum product of (i) the **Option Unit** and (ii) the **Option Price** of all **Option Portfolio Constituents** i:

$$OP_t = \sum_{i \in Port_t} OptUnit_i \times ContractSize \times OptPrice_{i,EOD,t}$$

Where

$Port_t$ means the set of **Option Contract** in respect of **Index Calculation Day** t for which the **Unwind Date** of **Option Contract** falls after **Index Calculation Day** t.

$OptUnit_i$ means the unit of **Option Contract** i as determined on **Index Rebalancing Day** as determined in Section 5.3e Determine Option Unit in respect of the Option Contract on Index Rebalancing Day t.

$ContractSize$ means the contract size of **Option Contracts** published by the **Exchange**

$OptPrice_{i,EOD,t}$ means the closing mid price of **Option Contract** i in in respect of **Index Calculation Day** t as determined in section 6.1

4.5 Index Cash Position Calculation

On any **Index Calculation Day** t, the **Cash Position Level** represents exposure to a notional cash account and is determined with following formula:

$$Cash_{t0} = 100$$

$$Cash_t = Cash_{t-1} + Cash_t^{Opt} + Cash_t^{Eq}$$

$$Cash_t^{Opt} = -\sum_{i \in NewOpt_t} OptUnit_i \times OptPrice_{i,Snapshot,t} \times ContractSize + \sum_{j \in UnwindOpt_t} OptUnit_{j-1} \times OptPrice_{j,Snapshot,t} \times ContractSize$$

$$Cash_t^{Eq} = -(EqUnit_t - EqUnit_{t-1}) \times EIL_{Sanpshot,t}$$

Where

$ContractSize$ means the contract size of **Option Contracts** published by the **Exchange**

$OptUnit_i$ means the unit of **Option Contract** i as determined on **Index Rebalancing Day** as determined in Section 5.3e

$OptPrice_{i,Snapshot,t}$ means the **Snapshot** of **Option Contract** i in in respect of **Index Calculation Day** t as determined in Section 6.1

$EqUnit_i$ means the synthetic unit of **Equity Component** in respect of **Index Calculation Day** t.

$EIL_{Snapshot,t}$ means **the Snapshot** of **Equity Component** in respect of **Index Calculation Day** t

5. Adjustment to Option Portfolio

In respect of each **Index Calculation Day** t that is an **Index Rebalancing Day,** the **Option Portfolio** shall acquire exposure to **Option Contract(s)** that will form the **Option Portfolio Constituent(s)** (corresponding to each **Target Option Contract**). Each of the **Selected Option Contract(s)** will form the new **Option Portfolio Constituent** with respect to such **Index Rebalancing Day**. The methodology to determine the **Option Expiry Date**, **Option Type**, **Option Strike**, **Option Unit** of such **Option Contract** is provided below. All **Option Contract(s)** in the **Option Portfolio Constituent** with respect to the **Index Calculation Day** immediately preceding **Index Rebalancing Day** t will be unwound.

5.3a Determine the target maturity in respect of the Option Contract

In respect of the **Option Contract**, the **Target Maturity** will be the first Scheduled Trading Day falling on or immediately preceding **Index Rebalancing Day** t plus the **Target Maturity Period** calendar days (as set out in

Table C Option Selection Parameters above).

5.3b Determine the selected maturity in respect of the Option Contract

In respect of the **Option Contract**, the **Selected Maturity** will be the output of the **Nearest Expiry Function**:

$$SelectedExp_t = NearestExpiry(WeekDay_t + TarExp_t, ListedExp_t)$$

Where

$WeekDay_t$ means the weekday that is **Index Rebalancing Day** t with Monday= 4, Tuesday = 3, Wednesday = 2, Thursday = 1 and Friday = 0.

$TarExp_t$ means the target maturity determined in Section 5.3a Determine the target maturity in respect of the Option Contract in respect of each **Index Rebalancing Day**

$ListExp_t$ means the set of listed expiries of **Option Contracts** published by the **Exchange** in respect of each **Index Rebalancing Day**

5.3c Determine new option set in respect of an Index Rebalancing Day t

In respect of the **Index Rebalancing Day** t, the option set consists of a call option and two put options will be determined:

$$NewOpt_t = \{Opt_C, Opt_{P1}, Opt_{P2}\}$$

$$Opt_C = Option(OptRef, SelectedExp_t, Call, K_C)$$

$$Opt_{P1} = Option(OptRef, SelectedExp_t, Put, K_{P1})$$

$$Opt_{P2} = Option(OptRef, SelectedExp_t, Put, K_{P2})$$

Where

$Option(Underlying, Option\ Expiry, Option\ Type, Option\ Strike)$ means a standard European-style option contract.

$OptRef$ means **Underlying Index** as set out in

Table C Option Selection Parameters.

5.3d Determine Option Strike, Option Position in respect of the Option Contract with the reference of Risk Range™ Signal Category on Index Rebalancing Day t

In respect of each **Option Contract** in **Option Set** determined in Section 5.3c Determine new option set in respect of an Index Rebalancing Day t, the corresponding **Option Position** and **Option Strike** shall be determined according to different **Risk Range™ Signal Category**:

$If\ RRS_t =$ **Above Risk Range™ Signal**:

$$Position_C, K_C = [-1, NearestStrikeAbove(TSI_t, ListedStrike_t)]$$

$$Position_{P1}, K_{P1} = [1, NearestStrikeBelow(TSI_t, ListedStrike_t)]$$

$$Position_{P2}, K'_{P2} = [0, None]$$

$Else\ if\ RRS_t =$ **Within Risk Range™ Signal**:

$$Position_C, K_C = [-1, NearestStrikeAbove(RRSP_t, ListedStrike_t)]$$

$$Position_{P1}, K_{P1} = [1, NearestStrikeBelow(TSI_t, ListedStrike_t)]$$

$$Position_{P2}, K'_{P2} = [-1, NearestStrikeAbove(RRBP_t, ListedStrike_t)\ ]$$

$Else\ if\ RRS_t =$ **Below Risk Range™ Signal**:

$$Position_C, K_C = [0, None]$$

$$Position_{P1}, K_{P1} = [1, NearestStrikeBelow(TSI_t, ListedStrike_t)]$$

$$Position_{P2}, K'_{P2} = [-1, NearestStrikeAbove(TSI_t - RRW_t, ListedStrike_t)\ ]$$

$If\ K'_{P2}$ is not $None$ and $K_{P1} - K_{P2} < 15$:

$$K_{P2} = NearestStrikeBelow(K_{P1} - 15, ListedStrike_t)$$

$Else$:

$$K_{P2} = K'_{P2}$$

Where

RRS_t means **Risk Range™ Signal Category** in respect of **Index Calculation Day** t

TSI_t means **Risk Range™ Target Strike Index** in respect of **Index Calculation Day** t

$RRSP_t$ means **Risk Range™ Sell Price Index** in respect of **Index Calculation Day** t

$RRBP_t$ means **Risk Range™ Buy Price Index** in respect of **Index Calculation Day** t

RRW_t means **Risk Range™ Sell Price Index** less **Risk Range™ Buy Price Index** in respect of **Index Calculation Day** t

$ListStrike_t$ means the set of strikes of listed **Option Contracts** published in the **Exchange** in respect of each **Index Rebalancing Day**

5.3e Determine Option Unit in respect of the Option Contract on Index Rebalancing Day t

In respect of each **Option Contract** in **New Option Set** determined on **Index Rebalancing Day** t , the corresponding **Option Unit** shall be determined according to different **Risk Range™ Signal Category**:

$$Unit_C = IL_{t-1} \times Position_C \ / \ (TSI_t \times ContractSize)$$

$$Unit_{P1} = IL_{t-1} \times Position_{P1} \ / \ (TSI_t \times ContractSize)$$

$$Unit_{P2} = IL_{t-1} \times Position_{P2} \ / \ (TSI_t \times ContractSize)$$

Where

IL_t means the index level in respect of **Index Calculation Day** t, as determined in section 4.2

TSI_t means **Risk Range™ Target Strike Index** in respect of **Index Calculation Day** t

$ContractSize$ means the contract size of **Option Contracts** published by the **Exchange**

5.3f Determine Option Unwind Date of in respect of the Option Contract on Index Calculation Day t

In respect of each **Option Contract** in **Option Portfolio Constituent** on **Index Calculation Day** t , the unwind date shall be determined as follow:

$$UnwindOpt_t = \{Opt_i \; \forall \; Opt_i \; \in Port_{t-1} \; if \; Unwind_{Opt_i} = t\}$$

If $t \; is \; an \; Index \; Rebalancing \; Day$:

$$Unwind_{Opt_i} = t$$

$Else$:

$$Unwind_{Opt_i} = NearestBusinessDay\left(Exp_{Opt_i} - MinimumMaturityPeriod\right)$$

Where

$MinimumMaturityPeriod$ means the minimum number of calendar days from expiration date as stated in Table C

$Port_{t-1}$ means the **Option Contract** in **Option Portfolio Constituent** on **Index Calculation Day** immediately preceding **Index Rebalancing Day** t

6. Option Pricing Methodology

6.1 Determine Option Price

On any **Index Calculation Day** t, the **Option Price** per Option Contract is determined as follow:

If $OptMid_{Opt,type,t}$ can be determined on **Index Calculation Day** t:

$$OptPrice_{i,type,t} = OptMid_{Opt,type,t}$$

Otherwise,

$$OptPrice_{i,type,t} = OptPrice_{i,EOD,t-1}$$

Where

$OptMid_{i,EOD,t}$means average of closing bid and offer price published by the **Exchange** in respect of **Option Contract** i on **Index Calculation Day** t. If such closing bid value is not available, the closing bid value will be replaced by zero.

$OptMid_{i,Snapshot,t}$means average of bid and offer **Snapshot** price in respect of **Option Contract** i on **Index Calculation Day** t provided by the **Index Sponsor**.

7. Miscellaneous

7.1 Timeline

Index Sponsor provides Calculation Agent a snapshot of the Underlying Index at 11:00:00 Eastern time (in case such value is not available at such timepoint, the latest available level before 11:00:00 Eastern time will be used). This snapshot populates the "Risk Range™ Target Strike Index" provided by the Index Sponsor to the Calculation Agent. Index Sponsor provides "Risk Range™ Target Strike Index", "Risk Range™ Sell Price Index" & "Risk Range™ Buy Price Index" as well as the index components and their respective weights to Calculation Agent shortly after 11:00:00 Eastern time. Calculation Agent distributes these index components and their respective weights by 11:30:00 Eastern time to the Index Provider's licensee, who will license the Index for the purposes of developing, registering, offering, listing and distributing an exchanged-traded fund that will seek to track the Index.

In respect of each Index Calculation Day t that is an Index Rebalancing Day, the Option Price of each Option Contract in Option Portfolio Constituent on Index Calculation Day t-1 and Index Calculation Day t are snapped by Index Sponsor at 12:00:00 Eastern time (in case such value is not available at such timepoint, the latest available level before 12:00:00 Eastern time will be used). The Option Price of each Option Contract in Option Portfolio Constituent is provided by the Index Sponsor to the Calculation Agent shortly after 12:00:00 Eastern time and used to populate the Snapshot prices.

7.2 Discretion

Any discretion which may need to be exercised by the **Index Calculation Agent** in relation to the determination of the **Index** (for example the determination of the **Option Contract** (if applicable) or any other relevant decisions in relation to the **Index**) shall be made in accordance with strict rules regarding the exercise of discretion or expert judgement.

7.2 Methodology Changes

In case a need of a change of the methodology has been identified (e.g. if the underlying market or economic reality has changed since the launch of the **Index**, i.e. if the present methodology is based on obsolete assumptions and factors and no longer reflects the reality as accurately, reliably and appropriately as before), such change will be determined by the **Index Sponsor**. The **Index Calculation Agent** shall notify licensees of the **Index** directly, via a private channel(s), and/or in a manner as agreed between the **Index Sponsor** and the licensee on any change in the methodology, if and to the extend a notification is provided for in the Solactive Methodology Policy. The date of the last amendment of this **Index** is contained in this guideline.

7.3 Changes in Calculation Method

The application by the **Index Calculation Agent** of the method described in this document is final and binding. The **Index Calculation Agent** shall apply the method described above for the composition and calculation of the **Index**. However, it cannot be excluded that the market environment, supervisory, legal and financial or tax reasons may require changes to be made to this method. The **Index Calculation Agent**, subject to prior consultation with the **Index Sponsor**, may also make changes to the terms and conditions of the **Index** and the method applied to calculate the **Index** that it deems to be necessary and desirable in order to prevent obvious or demonstrable error or to remedy, correct or supplement incorrect terms and conditions. Neither the **Index Sponsor** nor the **Index Calculation Agent** is obliged to provide information on any such modifications or changes. Despite the modifications and changes, the **Index Calculation Agent** will take the appropriate steps to ensure a calculation method is applied that is consistent with the method described above.

7.4 Termination

The **Index Calculation Agent** makes the greatest possible efforts to ensure the resilience and continued integrity of the **Index** over time. Where necessary, the **Index Calculation Agent** follows a clearly defined and transparent procedure to adapt Index methodologies to changing underlying markets (see Section 7.2 "Methodology Review") in order to maintain continued reliability and comparability of the indices. Nevertheless, if no other options are available the orderly cessation of the **Index** may be indicated. This is usually the case when the underlying market or economic reality, which an index is set to measure or to reflect, changes substantially and in a way not foreseeable at the time of inception of the index, the index rules, and particularly the selection criteria, can no longer be applied coherently or the index is no longer used as the underlying value for financial instruments, investment funds and financial contracts.

The **Index Calculation Agent** has established and maintains clear guidelines on how to identify situations in which the cessation of an index is unavoidable, how stakeholders are to be informed and consulted and the procedures to be followed for a termination or the transition to an alternative index. Details are specified in the Solactive Termination Policy, which is incorporated by reference and available on the website: https://www.solactive.com/documents/termination-policy/.

The **Index Calculation Agent** shall, subject to prior consultation with the **Index Sponsor**, consult or notify licensees of the **Index** directly, via a private channel(s), and/or in a manner as agreed between the Index Sponsor and the licensee about any cessation of an index, if and to the extend a consultation or notification is provided for in the Solactive Termination Policy.

7.5 Index Committee

An index committee composed of staff from the **Index Calculation Agent** and its subsidiaries (the "**Index Committee**") is responsible for decisions regarding any amendments to the rules of the

Index, however, subject to prior consultation with the **Index Sponsor**. Any such amendment, which may result in an amendment of the guideline, must be submitted to the **Index Committee** for prior approval and will be made in compliance with the Methodology Policy, which is available on the website: https://www.solactive.com/documents/methodology-policy/.

The **Index Calculation Agent** shall consult or notify licensees of the **Index** directly, via a private channel(s), and/or in a manner as agreed between the **Index Sponsor** and the licensee about any amendments to the rules of the **Index**, if and to the extend a notification is provided for in the Solactive Methodology Policy.

7.6 Market Disruption

In periods of market stress **Solactive** calculates its indices following predefined and exhaustive arrangements as described in the **Solactive** Disruption Policy, which is incorporated by reference and available on the **Solactive** website: https://www.solactive.com/documents/disruption-policy/. Such market stress can arise due to a variety of reasons, but generally results in inaccurate or delayed prices for one or more **Index Component**. The determination of the **Index** may be limited or impaired at times of illiquid or fragmented markets and market stress.

In particular at a scheduled **Index Calculation Day** t, where one of following scenarios below is met will be a **Market Disruption** as well:

- **Equity Component Level** cannot be determined on t
- **Underlying Index Level** cannot be determined on t
- **No Option Contract Price** can be determined on t

Such an event will imply the date t to become an extraordinary **Index** holiday, such that no level of the **Index** will be calculated and published. The calculation will resume the next **Index Calculation Day**.

7.7 Further Information; Complaints; Whistleblower Policy

HAM and the Index Calculation Agent are committed to the quality and integrity of the Index. Any questions, clarifications, complaints or concerns regarding the implementation of the guidelines and methodology set forth in this Index Guideline should be submitted to legalnotices@hedgeyeam.com. All such communications shall be kept confidential and subject to HAM's whistleblower protection procedures.

7.8 Disclosures

The Hedgeye® Hedged Equity Index (the "Index") is a product of Hedgeye Asset Management, LLC, ("HAM") which has contracted with S&P Opco, LLC (a subsidiary of S&P Dow Jones Indices LLC) ("SPDJI") to license the S&P 500 Index in connection with the Index. The S&P 500 Index is the property of SPDJI and/or its affiliates ("S&P Dow Jones Indices") and/or their third party

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Solactive AG ("Solactive") is the calculation agent of the Index. The financial instrument that is referencing the Index is not sponsored, endorsed, promoted, sold or supported by Solactive in any way and Solactive makes no express or implied representation, guarantee or assurance with regard to: (a) the advisability in investing in the financial instruments; (b) the quality, accuracy and/or completeness of the Index; and/or (c) the results obtained or to be obtained by any person or entity from the use of the Index. Solactive does not guarantee the accuracy and/or the completeness of the Index and shall not have any liability for any errors or omissions with respect thereto."