

2520032905148

December 23<sup>rd</sup>, 1998

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Top Hat Exemption  
Pension and Welfare Benefits Administration  
Room N-5644  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

Dear Sir or Madam:

Buth-Na-Bodhaige, Inc. d/b/a The Body Shop (the "Body Shop") has entered into a Deferred Compensation Agreement with David W. Edward (the "Agreement"). The Agreement, to the extent it constitutes an "employee benefit plan" within the meaning of § 3(3) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), is a "pension plan" within the meaning of § 3(2) of ERISA. To the extent the Agreement is a pension plan, it is subject to the exemption under DOL Regulation § 2520.104-23, and under § 110 of ERISA. The Agreement is unfunded and provides deferred compensation benefits for a member of a select group of management or highly compensated employees.

Pursuant to Department of Labor Regulations, 29 CFR § 2520.104-23, the Body Shop provides the following information with respect to the Agreement, in accordance with the alternative method of reporting and disclosure for unfunded plans of deferred compensation maintained for a select group of management or highly compensated employees:

- |     |                                    |   |
|-----|------------------------------------|---|
| (1) | Name and address of Plan Sponsor:  | Buth-Na-Bodhaige, Inc. d/b/a The Body Shop<br>P. O. Box 1409<br>Wake Forest, North Carolina 27588 |
| (2) | Employer I.D. No.:                 | 22-2883487  |
| (3) | Number of Agreements:              | One   |
| (4) | Number of Employees Participating: | One   |
| (5) | Agreement Executed:                | December <u>23<sup>rd</sup></u> , 1998  |

Yours very truly,

BUTH-NA-BODHAIGE D/B/A/ THE BODY SHOP

By: *Rein Saunders*

Its: PRESIDENT + CHIEF OPERATING OFFICER

cc: Hugh W. Davis II, Esq.

Hugh W. Davis II  
Partner

Direct Dial: 919/783-2908  
hdavis@poynerspruill.com

POYNER & SPRUILL, L.L.P.  
ATTORNEYS AT LAW

3600 Glenwood Avenue  
Raleigh, North Carolina 27612  
*Mailing Address:*  
Post Office Box 10096  
Raleigh, North Carolina 27605-0096  
919/783-6400  
Fax: 919/783-1075  
*Offices:*  
Raleigh/Rocky Mount/Charlotte

January 20, 1999

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Top Hat Exemption  
Pension and Welfare Benefits Administration  
Room N-5644  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210


RE: Buth-Na-Bodhaige, Inc. d/b/a The Body Shop  
EIN: 22-2883487 ✓

Dear Sir or Madam:

On behalf of Buth-Na-Bodhaige, Inc. d/b/a The Body Shop, we are enclosing a top hat exemption notification in connection with the execution of a nonqualified deferred compensation agreement for the benefit of a select group of management or highly compensated employees. We are filing this report within 120 days after the execution of the agreement. Please contact the undersigned if any further information is required.

Very truly yours,

POYNER & SPRUILL, L.L.P.



Hugh W. Davis II

cc: Mr. David W. Edward  
Enclosure