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## Fresenius Medical Care

January 5, 1999

Certified Mail

Top Hat Plan Exemption  
Pension and Welfare Benefits  
Administration  
N-5644  
United States Department of Labor  
200 Constitution Avenue, NW  
Washington D.C. 20210

Re: Fresenius Medical Care North America 1999  
Deferred Compensation Plan (the "Plan")

This statement is filed pursuant to 29 CFR §2520.104-23 to advise you of the establishment of a non-qualified deferred compensation arrangement.

Name and address of employer:

National Medical Care, Inc.  
d/b/a Fresenius Medical Care North America  
95 Hayden Avenue  
Two Ledgemont Center  
Lexington, MA 02420-9192

EIN: 04-2835488

The plan is maintained by the employer as a plan or arrangement primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees. The employer maintains two other such plans for which statements similar to this have been filed with the Department of Labor. The Plan covers approximately 41 such employees and it became effective on January 1, 1999.

Please acknowledge receipt of this letter by date stamping the enclosed copy and returning it to me in the enclosed self-addressed envelope.

Very truly yours,

Ellen D. Stone  
Assistant General Counsel

cc: Julie Zanotta

**Fresenius Medical Care North America**

Corporate Headquarters: Two Ledgemont Center 95 Hayden Avenue Lexington, MA 02420-9192 (781) 402-9000