

U.S. DEPT. OF LABOR  
PUBLIC

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March 31, 2003

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**VIA CERTIFIED MAIL NO. 7106 4575 1292 2799 7050**

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

Re: Deferred Compensation Agreement for Donald C. North,  
as effective August 1, 2002 (the "Agreement") [31388.2]

Dear Secretary:

I am an attorney representing The Kinkaid School, Inc. (the "School"). Pursuant to Section 2520.104-23 of the DOL Regulations, this letter will serve as notice that, with respect to the above-referenced Agreement, the School intends to use the alternative form of compliance with the reporting and disclosure requirements of Part 1 of Title I of the Employee Retirement Income Security Act of 1974 (ERISA), which alternative form of compliance is provided in the aforesaid Regulations Section.

Pursuant to Section 2520.104-23(b), the following information is provided:

1. Name and Address of Employer: The Kinkaid School, Inc.  
201 Kinkaid School Drive  
Houston, Texas 77024
2. Employer Identification Number : 76-0295523
3. The School hereby declares that it maintains the Agreement primarily for the purpose of providing deferred compensation only to its Headmaster, who is a member of a select group of management or highly compensated employees of the School.

Attorneys

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4. The School maintains the Agreement primarily for the purpose of providing deferred compensation to a member of a select group of management or highly compensated employees. The School employs approximately 255 employees. Only one of its employees is eligible to participate under the Agreement. The School also maintains a nonqualified deferred compensation plan, as described in Section 457(b) of the Internal Revenue Code, which covers only eight employees of the School.

Pursuant to DOL Regulation Section 2520.104-23(b)(2), the School will provide related documents to the Secretary of Labor upon request as required by Section 104(a)(1) of ERISA.

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Very truly yours,

HAYNES AND BOONE, L.L.P.

By: 

Jesse J. Gelsomini, Partner

cc: Ms. Joanne Wilson Margraves

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LINE 1\*