FULBRIGHT & JAWORSKI L.L.P.
A REGISTERED LIMITED LIABILITY PARTNERSHIP
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CERTIFIED MAIL NO. 7160 3901 9848 0496 0092
RETURN RECEIPT REQUESTED

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

Re: CEMEX Deferred Compensation Plan For Certain Employees

Dear Sir or Madam:

In accordance with the Department of Labor Regulation § 2520.104-23, this letter will serve as the alternative method of compliance with the reporting and disclosure requirements of Part I of Title I of the Employee Retirement Income Security Act of 1974, as amended, for a pension plan for a select group of management or highly compensated employees.

1. The name and address of the employer is CEMEX, Inc., 840 Gessner, Suite 1400, Houston, Texas 77024.

2. The employer identification number assigned by the Internal Revenue Service to the employer is 72-0296500.

3. The employer declares that it maintains this Plan primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees.

4. There are eight employees in this Plan.

Very truly yours,

Mark S. Miller

cc: Marla Roberson (*CEMEX, Inc.*)

40167265.1

MARK S. MILLER
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