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LEGAL SPECIALIZATION

October 23, 2002

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

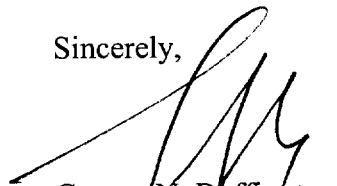
Top Hat Plan Exemption  
Pension & Welfare Benefits Administration  
Room N-5644  
U.S. Department of Labor  
200 Constitution Ave. N.W.  
Washington DC 20210

Re: Deferred Compensation Agreement for Weiss Associates ("Plan")

Dear Sir/Madam:

Enclosed is a Statement of Compliance with 29 CFR 2520.104-23 that is being filed on behalf of the above Plan.

Sincerely,



George N. Buffington

GNB: jk  
Enclosures: 2069.X03  
cc: Richard Weiss (w/enclosure)  
2069.L15.wpd

**STATEMENT OF COMPLIANCE WITH**

**29 CFR 2520.104-23**

Re: AguaTierra Associates, Inc.  
5801 Christie Ave. Suite 600  
Suite 600  
Emeryville, CA 94608-1827  
EIN #: 94-2969049  
Name of Plan: Deferred Compensation Agreement for Weiss Associates

AguaTierra Associates, Inc. ("Employer"), a California close corporation, doing business as Weiss Associates maintains an unfunded deferred compensation plan primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees. The Employer maintains one unfunded deferred compensation plan with four employees as current participants in that plan.

The Employer will provide plan documents to the Secretary of Labor on request as required by Section 104(a)(1) of the Employee Retirement Income Security Act of 1974.

DATED: October 23, 2002

2069.X03



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