

# THE MIDDLEBY CORPORATION

2520053322330

2850 W. Golf Road, Suite 405 • Rolling Meadows, Illinois 60008 • Phone: (847) 758-3880 • Fax: (847) 758-0595

August 25, 1998

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

U.S. DEPT. OF LABOR  
PBA/PUBLIC DISCLOSURE  
98 SEP -9 PM 12:06

Dear Sir or Madam:

RE: 29 C.F.R.  2520.104-23 Filing

This letter is intended as a filing pursuant to 29 C.F.R.  2520.104-23 with respect to the program or arrangement identified below.

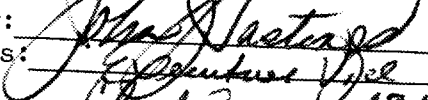
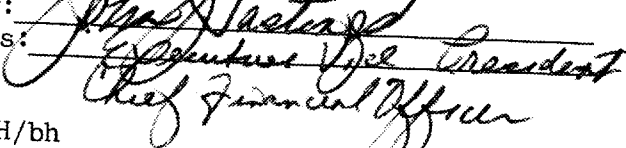
1. Name and Address of Employer: The Middleby Corporation  
2850 W. Golf Road, Suite 405  
Rolling Meadows, IL 60008
2. Employer's EIN: ~~36-3352497~~ 36-3352497
3. Identification of Programs for Arrangement:
  - 1) Executive Savings Plan
  - 2) Supplemental Executive Retirement Plan
4. Declaration: The employer maintains the preceding programs or arrangements primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees.
5. Number of Programs or Arrangements: Two (2)
6. Number of Employees in Program or Arrangement: Eleven (11)

2/11

As required by regulation, the employer will provide you, upon your request, documentation relating to the program or arrangement.

Sincerely,

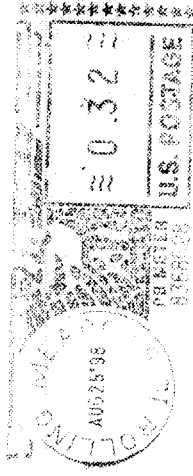
THE MIDDLEBY CORPORATION, Administrator

By:   
Its:   
John Hasting, President  
Chief Financial Officer

JJH/bh

**THE MIDDLEBY CORPORATION**

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