

**RICHARD AND SUSAN SMITH
FAMILY FOUNDATION**

SUITE 100
1280 BOYLSTON STREET
CHESTNUT HILL, MASSACHUSETTS 02467
(617) 278-5200
(617) 278-5250 FAX

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December 22, 2005

**BY CERTIFIED MAIL #7003 3110 0006 0625 2875
RETURN RECEIPT REQUESTED**

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

Re: The Richard and Susan Smith Family Foundation Supplemental Executive
Retirement Plan for David Ford

Dear Secretary Cho:

This will serve as notice under the provisions of Labor Regulation Section 2520.104-23, Alternative Method of Compliance for Pension Plans for Certain Selected Employees, that the employer named below has adopted and now maintains a plan primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees.

Employer: The Richard and Susan Smith Family Foundation
Suite 100
1280 Boylston Street
Chestnut Hill, MA 02467

EIN: 23-7090011

Number of such plans: One **Plan Participants:** One
Date Plan was adopted: December 22, 2005

We understand that by filing this statement of alternative compliance with the reporting and disclosure requirements of Part 1 of Title I, Section 110 of the Employee Retirement Income Security Act of 1974 (ERISA), The Richard and Susan Smith Family Foundation is deemed to have satisfied such reporting and disclosure requirements for purposes of these plans.

If you have any questions concerning this filing, please do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard A. Smith".

Name: Richard A. Smith

Title: Co-Chairman

cc: Wayne H. Miller, Esq.

CERTIFIED MAIL™

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firstclass

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