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TO: Top Hat Plan Exemption
Pension and Welfare Benefits Administration
Room N-1513 – Public Disclosure Room
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

07 JAN 18 PM 12:10

FROM: DMX, Inc. Employer Identification Number: 202796414 600 Congress Avenue, Suite 1400 Austin, TX 78701

January 11, 2007

This document constitutes the statement required by 29 C. F. R. Sec. 2520 104-23 (a) (1) to be filed with the Secretary of Labor in respect to a Non-Qualified Deferred Compensation Plan maintained by the above employer.

The employer currently maintains 1 Nonqualified Deferred Compensation Plan for employees who are members of a select group of management or who are highly compensated. There are currently 18 participants in the plan. A copy of the plan document will be furnished upon request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kim Shipman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kim Shipman
Chief Financial Officer
DMX, Inc.
(512) 380-8500

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600 Congress Avenue
Suite 1400
Austin, TX 78701

Top Hat Plan Exemption
Pension and Welfare Benefits Admin
Room N-153-Public Disclosure Room
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