

○ HOTEL
EMPLOYEES
AND
○ RESTAURANT
EMPLOYEES
○ INTERNATIONAL
UNION
WELFARE FUND

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December 3, 2008

VIA CERTIFIED MAIL

Top Hat Plan Exemption
Employee Benefits Security Administration, Room N-1513
U.S. Department of Labor
200 Constitution Avenue NW
Washington, D.C. 20210

RE: Statement Filed under § 2520.104-23 of the Department of Labor Regulations

To Whom It May Concern:

This letter constitutes a statement as described in Section 2520.104-23 of the Department of Labor Regulations. The following information regarding The Hotel Employees and Restaurant Employees International Union Welfare Fund (the "Fund") and its top hat plan is provided in accordance with the above-referenced regulation:

1. Employer Name and Address:

The Hotel Employees and Restaurant Employees International Union Welfare Fund
711 N. Commons Drive
P.O. Box 6020
Aurora, IL 60598-0020

2. Employer Identification Number: 23-7385560

3. The Fund maintains only the Hotel Employees and Restaurant Employees International Union Welfare Fund Deferred Compensation Plan (the "Plan") for the purpose of providing deferred compensation for a select group of management or highly compensated employees. The Fund maintains no other top hat pension plan.

4. Presently, there are seven eligible employees in the Plan.

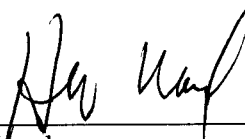
In accordance with ERISA Section 104(a)(6), we will provide plan documents upon request of the Secretary of Labor.

P.O. Box 6557
Aurora, IL 60598-0557
(630) 236-1100
(630) 236-1312 Fax

[signature page follows]

If you require any further information, please contact the undersigned at (630) 236-5100.

THE HOTEL EMPLOYEES AND RESTAURANT
EMPLOYEES INTERNATIONAL UNION
WELFARE FUND

A handwritten signature in black ink, appearing to read "H. W. Ward", written over a horizontal line.

H. W. Ward
Chief Executive Officer

CERTIFIED MAIL

- HOTEL EMPLOYEES AND RESTAURANT EMPLOYEES INTERNATIONAL UNION
- WELFARE FUND

P.O. Box 6020
Aurora, IL 60598-0020



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