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7600 Parklawn Avenue 6385 Old Shady Oak Road
Edina, MN 55435-5187 Eden Prairie, MN 55344
952-831-6600 952-943-9003
952-831-1828 Fax 952-943-9832 Fax

~~OFFICE OF THE ATTORNEY GENERAL~~

MAR - 8 2009

February 12, 2009

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

Re: Statement Regarding Maintenance of "Top Hat" Plan

Dear Sir/Madam:

Pursuant to 29 C.F.R. § 2520.104-23, Fidelity Bank, 7600 Parklawn Avenue, Edina, MN 55435, EIN 41-0964356, declares that it maintains pension plans primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees. This filing is for the Fidelity Bank Shared Income Deferred Compensation Plan, which was adopted November 19, 2008, which as of November 2008 had four participants. Fidelity Bank maintains a total of two top-hat plans, including the aforementioned plan. The number of employees in the other top-hat plan maintained by Fidelity Bank, the Fidelity Bank Long-Term Incentive Plan, is one.

Very truly yours,

Teresa J. Keegan
Senior Vice President/CFO

Fidelity
BANK

7600 Parklawn Avenue
Edina, MN 55435-5187

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Washington, D.C. 20210

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