

**EXECUTIVE &
ADMINISTRATIVE OFFICES**

201 Trigg Street
P.O. Box 1158
Abingdon, VA 24212
276-623-5100



www.foodcity.com

KNOXVILLE DIVISION OFFICE

5743 Western Avenue
Knoxville, TN 37921
865-584-7061

APR 27 AM 7:21

April 11, 2009

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

Registration Statement For "Top-Hat" Plans

To whom it may concern:

Pursuant to Department of Labor Regulation section 2520.104-23, K-VA-T Food Stores, Inc. (the Company), 201 Trigg Street, Abingdon, Virginia 24210, Employer Identification Number 55-0421484, hereby declares that as an employer it maintains the following employee benefit plans primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees.

K-VA-T Food Stores, Inc., Deferred Compensation Plan

The Company maintains the Plan, effective January 1, 2009, which currently has twenty six (26) participants.

Copies of the above Plan will be provided to the Secretary of Labor or his delegate on request as required by section 104(a)(6) of the Employee Retirement Income Security Act of 1974, as amended.

Sincerely yours,

Donnie L. Meadows
Vice President of Human Resources

cc: Catherine M. Marriott, Esq.

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