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January 13, 2012

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Secretary of Labor
Top Hat Plan Exemption
Pension & Welfare Benefits Administration
U.S. Department of Labor Room N-5638
200 Constitution Avenue N.W.
Washington, DC 20210

Re: Employer: Bay Colony Development Corp.
Plan: Supplemental Executive Retirement Plan for Select Executives

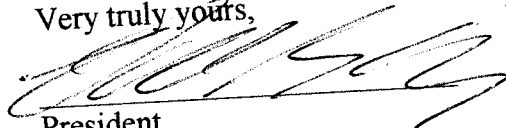
Dear Madam:

Pursuant to 29 C.F.R. § 2520.104-23(b), I declare to the Department, on behalf of Bay Colony Development Corp. (the "Employer"), 1601 Trapelo Road, Suite 222, Waltham, MA 02451 EIN 04 2738974, that:

1. The Employer has established a Supplemental Executive Retirement Plan for Select Executives (the "Plan"), primarily for the purpose of providing deferred compensation for members of a select group of management or highly compensated employees.
2. The effective date of the Plan is December 31, 2011.
3. This are two employees participating (or eligible to participate) in the Plan as of the date hereof. No other employers are or will become eligible to participate in the Plan in the future.

Please contact me at the telephone number or address shown below if you require any additional information with respect to the Employer's top hat plan.

Very truly yours,



President

1601 Trapelo Road, Suite 222 Waltham, MA 02451
Phone: 781-891-3594 • Toll-Free: 888-355-6663 • Fax: 781-647-4950
www.baycolony.org

From: (781) 891-3594 Origin ID: BXCA
David King
BAY COLONY DEVELOPMENT CORP
RESERVOIR PLACE
1601 TRAPELO ROAD SUITE 222
WALTHAM, MA 02451



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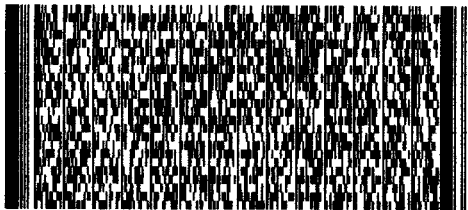


SHIP TO: (508) 397-2978 BILL SENDER
Secretary of Labor
Top Hat Plan Exemption
U.S. Dept of Labor Room N-5638
200 Constitution Avenue N.W.
Washington, DC 20210

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Invoice #
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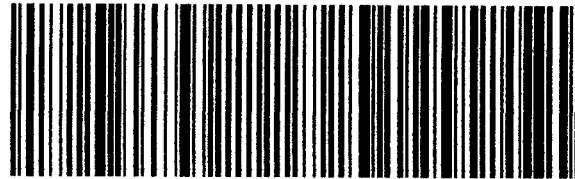
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