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EASTMAN & SMITH LTD.

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Established 1844

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January 4, 2013

Via Certified Mail

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

2013 JAN -9 PM 2:28
POST/RECEIVED

Re: **Phoenix Services, Inc.**
Our File No: D591/153404

Dear Sirs:

On behalf of Phoenix Services, Inc., we enclose for filing a Top Hat Plan Exemption letter signed in connection with a Salary and Deferred Compensation Agreement entered into by the company dated December 7, 2012.

Thank you for your assistance.

Very truly yours,

EASTMAN & SMITH LTD.



David C. Krock

DCK/AMM/vmb

Enclosure

cc: Anne D. Schwertfeger

EXHIBIT A

January 4, 201~~2~~ 13

Top Hat Plan Exemption
Employee Benefits Security Administration
Room N-1513
US Department of Labor
200 Constitution Avenue
Washington DC 20210

Gentlemen:

In order to comply with the alternative reporting and disclosure method under ERISA, Part I, Title I, for an unfunded or insured pension plan for a select group of management or highly compensated employees pursuant to 29 CFR §2520.104-23, the following information is provided by the undersigned:

1. The name of the employer is Phoenix Services, Inc.
2. The mailing address of the employer is 5800 Monroe Street, Sylvania, Ohio 43560.
3. The employer's federal identification number (EIN) is 34-1773566.
4. The employer currently maintains one (1) agreement establishing post-retirement salary continuation benefits for a management and highly compensated employee of employer.
5. The employer will provide a copy of the agreement to the Secretary of Labor upon request.

PHOENIX SERVICES, INC.

By: Anne Schutgen

Its: Chief Executive Officer

amm

EASTMAN & SMITH LTD.
ATTORNEYS AT LAW

P.O. Box 10082
Toledo, Ohio 43699-0082

CERTIFIED MAIL



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