

WHATABURGER

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October 7, 2016

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Via Federal Express Mail - #7774 1640 3180

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

**Re: *Statement Filed under Section 2520.104-23 of the
Department of Labor Regulations***

Dear Sir or Madam:

This letter constitutes a statement as described in Section 2520.104-23 of the Department of Labor Regulations. The following information regarding Whatabrands LLC (the "Company") and its top-hat plans is provided in accordance with the above referenced regulation:

1. Plan Sponsor Name and Address:

Whatabrands LLC
300 Concord Plaza Dr.
San Antonio, TX 78216

2. Employer Identification Number: 74-1693771

3. The Company maintains three top-hat plans, the Whataburger, Inc. Supplemental Executive Retirement Plan (SERP), the Whataburger Post-2004 Supplemental Executive Retirement Plan (SERP Post-2004), and the Whataburger Supplemental Officer Retirement Plan (SORP), (collectively, the "Plans"), primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees.

Presently, there are 16 current employees in SERP, 110 in the SERP Post-2004, and 17 in the SORP. Total number of employees combined in all three Plans is 143.

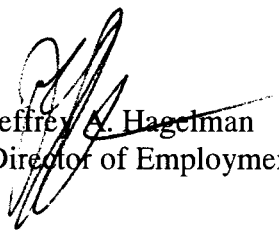
U.S. Department of Labor
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If you require any further information, please contact me at (210) 476-6275.

Very truly yours,

Whataburger Restaurants LLC


Jeffrey A. Hagelman
Director of Employment and Benefits Law

ORIGIN ID: SATA (210) 476-6281
LORRAINE DAVILA
WHATABURGER
300 CONCORD PLAZA DR
SAN ANTONIO, TX 78216
UNITED STATES US

SHIP DATE: 07OCT16
ACTWGT: 0.25 LB
CAD: 1947748/NET3790

BILL SENDER

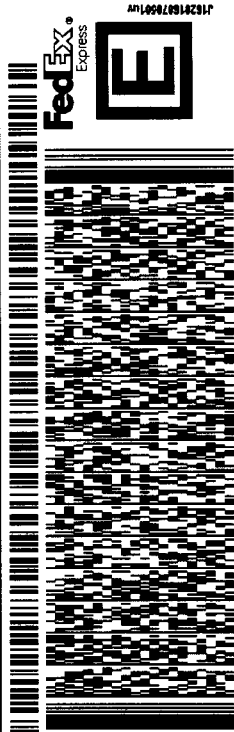
TO ATTENTION: TOP HAT PLAN EXEMPTION

**U.S. DEPARTMENT OF LABOR
200 CONSTITUTION AVENUE, NW,
ROOM N-1513**

WASHINGTON DC DC 20210
(210) 476-6281
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