

05/17/03 10:58

Name of Tax-Exempt Employer: St. Mary's University

2520032540580

Address of Tax-Exempt Employer: One Camino Santa Maria  
San Antonio, TX 78228-8565

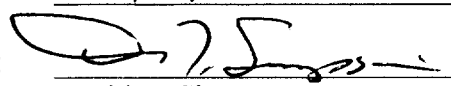
E.I.N.: 74-114-3128

Top-Hat Statement

By Plan Administrator

St. Mary's University (the "Employer"), hereby declares that the purpose of the 457(b) Deferred Compensation Plan of TIAA-CREF 457(b) Plan (the "Plan") is to provide deferred compensation primarily for a select group of management and highly compensated employees. The eligibility provision that is provided for participation by an employee is: (i) employed in a classification of Professor, Department Chair, Vice President, Dean, or Director and (ii) who earned at least \$100,000 or more in the preceding taxable year (including amounts excluded from income as deferrals under the 457(b) plan and the 403(b) plan) or who has a base salary for the current year (prior to deferrals) of at least \$100,000. The number of employees eligible for this plan is 40.

Date: 4/25/03

By:   
David T. Simpson

Title: Vice President of Administration & Finance  
(On Behalf of the Plan Administrator)

The attached sample top-hat statement is to be used solely as a guide for the tax-exempt employer's attorney in connection with its 457(b) plan.

A statement should be filed on a one-time basis within 120 days following adoption of the plan. The statement should be filed with the Department of Labor at the following address:

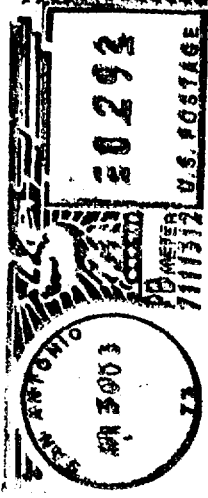
Top Hat Plan Exemption  
Pension and Welfare Benefits Administration  
Room N-1513  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, D.C. 20210

HUMAN RESOURCES  
ONE CAMINO SANTA MARIA  
SAN ANTONIO, TEXAS 78228-8565

ST MARY'S UNIVERSITY



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Top Hat Plan Exemption  
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