

Hybrid Entity Designation

Because the Plan included both health care and non-health care benefits, it is helpful to create this Hybrid Entity Designation so that the HIPAA privacy and security rules will not apply to the non-health care portions of the Plan. This designation should be maintained with your other HIPAA privacy and security materials, if any.

A portion of the Plan provides medical care (as defined in section 2791(a)(2) of the Public Health Service Act), and a portion provides other benefits (for example, life insurance, disability insurance, or similar non-medical care related benefits that, if standing alone as separate plans would not be considered a "Health Plan" for purposes of the HIPAA Privacy or Security Rules). The Plan hereby makes this hybrid entity designation, under which the non-medical care components of the Plan—the components that, if standing alone, would not be subject to the HIPAA Privacy or Security Rules—are not subject to this Policy nor to the HIPAA Privacy or Security Rules.

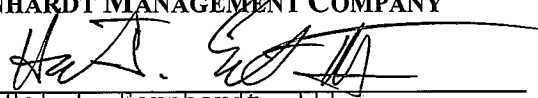
The non-medical care components of the Plan are:

- Earnhardt Management Company Long-Term Disability Benefit Program
- Earnhardt Management Company Short-Term Disability Benefit Program
- Earnhardt Management Company Group Term Life Insurance Benefit Program
- Earnhardt Management Company Dependent Group Term Life Insurance Benefit Program
- Earnhardt Management Company Accidental Death and Dismemberment Insurance Benefit Program

This designation is effective on the later of (i) the date the HIPAA Privacy Rules would apply to this Plan, and (ii) the date on which the Plan provides both medical care and non-medical care related benefits (as further described above): and will remain effective until modified or rescinded.

EARNHARDT MANAGEMENT COMPANY

By


Hal J. Earnhardt, III

Date February 22, 2010