

**CITY OF MARATHON, FLORIDA
RESOLUTION 2011-04**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING CHANGE ORDER NO. 2 TO THE CONTRACT DATED APRIL 13, 2010 (IN THE ORIGINAL AMOUNT OF \$114,365.53) WITH CEB CONSTRUCTION, INC. FOR CONSTRUCTION OF AVENUE K; INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$114,988.25, AND EXTENDING THE CONTRACT TIME BY 55 DAYS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Resolution 2010-38 on April 13, 2010, the City of Marathon (the "City") awarded a contract for the construction of Avenue K to CEB Construction Inc. ("CEB"); and

WHEREAS, as part of the City-wide wastewater and stormwater projects the City is overlaying new asphalt on City roads and desires to amend the agreement it has with CEB to include the overlay of 41st Street and portions of Louisa Street after obtaining cost quotes from all contractors currently performing work for the City, and determining that CEB provided the lowest cost quote for the work.

WHEREAS, change order No. 2 increases the contract sum not to exceed \$114,988.25, and extends the completion date by 55 days.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are true and correct and incorporated herein.

Section 2. Change Order No. 2 to the contract between the City and CEB for road construction work, a copy of which is attached hereto as "Exhibit A" is hereby approved. The City Manager is authorized to execute the change order on behalf of the City, and expend budgeted funds.

Section 3. This resolution shall take effect immediately upon its adoption

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 25th DAY OF JANUARY, 2011

THE CITY OF MARATHON, FLORIDA



Ginger Snead, Mayor

AYES: Cinque, Ramsay, Worthington, Snead
NOES: None
ABSENT: Keating
ABSTAIN: None

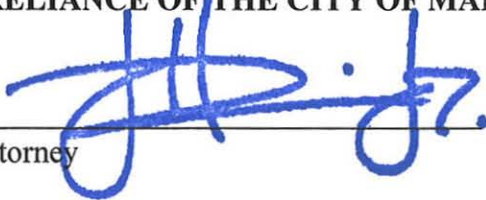
ATTEST:



Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**



City Attorney

EXHIBIT "A"
CHANGE ORDER

CHANGE ORDER NO. 2

TO: City of Marathon

PROJECT: City of Marathon Avenue K Construction Project

ENGINEER: Weiler Engineering Corporation

CONTRACTOR: CEB Construction

DATE: October 22, 2010

This Change Order will authorize the following change to the Agreement:


The Work as set forth in the Agreement is hereby amended to include the items set forth on Exhibit "A" attached hereto and by this reference made a part hereof.


This Change Order constitutes full, final, and complete compensation to the Contractor for all costs, expenses, overhead, and profit, and any damages of every kind that the Contractor may incur in connection with the above referenced changes in the Work, and any other effect on any of the Work under this Agreement. The Contractor acknowledges and agrees that (a) the Contract Price of \$ 114,365.53 under the Agreement will be **changed** by this Change Order, and (b) the schedule for performance of Work will be **changed** by this Change Order. Contractor expressly waives any claims for any additional compensation, damages or time extensions in connection with the above-referenced changes. Except as herein or heretofore expressly modified, all terms of the Agreement shall remain in full force and effect and shall cover the performance of, and payment for, any work authorized hereunder. Any defined terms not defined in this Change Order shall have the meanings set forth in the Agreement.

By signing below the parties indicate acceptance of this Change Order as set forth herein.

THE CITY OF MARATHON
a Florida municipal corporation

CONTRACTOR

By: 
Name: Roger T. Hernstadt
Title: City Manager

By: 
Name: JAVIER BUSTOS
Title: President

END OF SECTION

CHANGE ORDER SUMMARY

Change Order No. 2
Project Title Avenue K Construction Project
Bid No. N/A
Owner: City of Marathon
Contractor: CEB Construction
Agreement Date: June 30, 2010

This Change Order is necessary to cover changes in the work to be performed under this Agreement. The GENERAL CONDITIONS, SUPPLEMENTARY CONDITIONS, and STANDARD SPECIFICATIONS apply to and govern all work under this Change Order.

THE FOLLOWING CHANGES ARE MADE TO THE CONTRACT DOCUMENTS:

(1)	Original Contract Price	<u>\$ 114,365.53</u>
(2)	Current Contract Price (Adjusted by Previous Change Orders)	<u>\$ 123,865.53</u>
(3)	Total Proposed Change in Contract Price	<u>\$ 114,988.25</u>
(4)	New Contract Price (Item 2 + Item 3)	<u>\$ 238,853.78</u>
(5)	Original Contract Time (Substantial)	<u>100 Days</u>
(6)	Original Contract Time (Final)	<u>130 Days</u>
	<u>Adjustments by Previous Change Orders:</u>	
(7)	Substantial Completion	<u>230 Days</u>
(8)	Final Completion	<u>260 Days</u>
(9)	Total Proposed Change in Contract Time	<u>55 Days</u>
(10)	New Substantial Contract Time (Item 7 + Item 9)	<u>285 Days</u>
(11)	New Final Contract Time (Item 8 + Item 9)	<u>315 Days</u>
(12)	Original Contract Substantial Completion Date	<u>Oct 8, 2010</u>
(13)	Original Contract Final Completion Date	<u>Nov 7, 2010</u>
(14)	New Contract Substantial Completion Date	<u>Apr 1, 2011</u>
(15)	New Contract Final Completion Date	<u>May 11, 2011</u>

EXHIBIT "A"

CHANGES ORDERED

ITEM 1 – 41st Street Road Reconstruction

Description of Change: Mill out, rework base, resurface 41st Street

Reason for Change: Due to alligator cracking in the street the road needs to be milled out, reworked and a new layer of asphalt needs to be added. We compared the costs for similar work with two other contractors currently working in town and found that CEB has the lower bid. City staff asked Weiler Engineering to assess the condition of the road and also compare costs with other contractors currently working in Marathon. On a previously approved change order for Globetec on a similar paving project the unit cost was \$50.00 per square yard. CEB's bid for Avenue K was \$45.03. The unit costs of \$44.44 proposed by CEB are lower than previously approved change orders for this similar work in Marathon and Weiler Engineering recommends approval of this change order for the amount of \$ 111,092.00.

Scope of Work:

- Milling and Disposal of existing Asphalt
- Rework existing Limerock, grade existing base, compact existing base.
- Prime and tack Area
- Install 1- 1/4" of S-1 asphalt
- Install 3/4" of S-3 asphalt.

Change in Contract Price: \$ 111,092.00

Change in Contract Time: See Item #3

ITEM 2 – Louisa St. Patch

Description of Change: Mill out, rework base, resurface portion of Louisa Street

Reason for Change: This work is in addition to the work that CEB Construction is doing on Avenue K and 41st street. To take advantage of the competitive pricing from CEB on 41st Street and Avenue K City staff asked Weiler Engineering to solicit a bid from CEB for a 20' x 20' section of pavement on Louisa Street that had shifted and subsided. CEB will mill out the existing asphalt, rework the base, and resurface a

portion of the street. Weiler Engineering has reviewed their proposal and recommends approval this change order.

Scope of Work:

- Milling and Disposal of existing Asphalt
- Rework existing Limerock, grade existing base, compact existing base.
- Prime and tack Area
- Install 1- 1/4" of S-1 asphalt
- Install 3/4" of S-3 asphalt.

Change in Contract Price: \$ 3,896.25

Change in Contract Time: See Item #3

ITEM 3 – Contract Time Extension

Description of Change: Add additional time to the Avenue K Construction Contract.

Reason for Change: This work is in addition to the work that CEB Construction is doing on Avenue K. To complete the work on two additional streets a contract extension is required. Weiler Engineering has reviewed the Contractor's proposal for additional time and recommends approval of a Contract time extension of 55 days to both the Substantial and Final completion dates of the original Avenue K contract date.

Scope of Work: N/A

Change in Contract Price: \$ 0.00

Change in Contract Time: 55 Days

AVENUE K CHANGE ORDER HISTORY			
No.	Description	Change in Contract Price	Change in Contract Time
1	Supply additional Limerock	\$ 9,500.00	100 Days
2	41 st Street Road Work	\$ 111,092.00	45 Days
3	Louisa Street Patch	\$ 3,896.25	10 Days
TOTAL		\$124,488.25	155 Days



INSCO INSURANCE SERVICES, INC.
 Underwriting Manager for:
Developers Surety and Indemnity Company
Indemnity Company of California
 17780 Fitch, Suite 200 • Irvine, California 92614 • (949) 263-3300
 www.InscoDico.com

CONSENT OF SURETY

BOND NO.
535170P

PRINCIPAL:
CEB Construction, Inc.
2451 NW 109th Avenue, Unit 4, Miami, FL 33172

OBLIGEE:
City of Marathon

PROJECT NAME:
Avenue K Construction Project

CONTRACT DATED: April 22, 2010 CONTRACT/PROJECT NO: _____

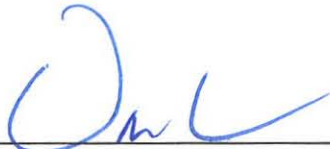
The _____ Developers Surety and Indemnity Company _____, hereby
 (Name of Surety)

consents to:
Change order no. 2 dated October 22, 2010 which increases the contract price and bond amount to \$238,853.78 and increases the final completion time to 315 days.

Nothing herein contained shall be held to vary, waive, alter or extend any of the terms, conditions, agreements, or warranties of the above mentioned bond or contract.

Signed and dated on April 7, 2011 _____.

 Developers Surety and Indemnity Company
 Surety Company

By: 
 Signature of Authorized Representative

 Warren M. Alter, Attorney-in-Fact
 Name and Title

POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
PO Box 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY, does hereby make, constitute and appoint:

*****Warren M. Alter, David Satine, Dawn Auspitz, jointly or severally*****

as its true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporation, as surety, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporation could do, but reserving to each of said corporation full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolution adopted by the Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY, effective as of January 1st, 2008.

RESOLVED, that a combination of any two of the Chairman of the Board, the President, any Executive Vice-President, Senior Vice-President or Vice-President of the corporation be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporation, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporation be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY has caused these presents to be signed by its officers and attested by its Secretary or Assistant Secretary this January 1st, 2008.

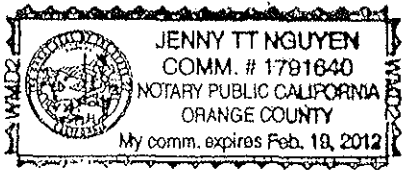
By: *Daniel Young*
Daniel Young, Vice-President
By: *Stephen T. Pate*
Stephen T. Pate, Senior Vice-President



State of California
County of Orange

On August 13th, 2008 before me, Jenny TT Nguyen, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Daniel Young and Stephen T. Pate
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Jenny TT Nguyen*
Jenny TT Nguyen, Notary Public

CERTIFICATE

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolution of the Board of Directors of said corporation set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 7th day of April, 2011

By: *Gregg Okura*
Gregg Okura, Assistant Secretary



INSCO INSURANCE SERVICES, INC.
 Underwriting Manager for:
 Developers Surety and Indemnity Company
 Indemnity Company of California
 17780 Fitch, Suite 200 • Irvine, California 92614 • (949) 263-3300

BOND RIDER

ATTACHED TO AND FORMING A PART OF:

Bond No.: 535078P

Principal: CEB Construction, Inc., 2451 NW 109th Avenue, Unit #4, Miami, FL 33172

Obligee: City of Marathon, City Hall, 9805 Overseas Highway, Marathon, FL 33050

Surety: Developers Surety and Indemnity Company, PO Box 19725, Irvine, CA 92623

Effective April 22, 2010, it is agreed that:
 Bond Number is changed from "535078P" to "535170P".

Nothing herein contained shall be held to vary, waive, alter, or extend any of the terms, conditions, agreements or warranties of the above mentioned bond, other than stated as above. Provided, however, that the liability of the company under the attached bond as changed by this order shall not be cumulative.

Signed this 2nd day of May, 2011.

Principal: CEB Construction, Inc.

Surety: Developers Surety and Indemnity Company


 By: _____


 Warren M. Alter Attorney-in-Fact

PRODUCER: Alter Surety Group, Inc., 5979 NW 151st Street, #104, Miami Lakes, FL 33014

POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
PO Box 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY, does hereby make, constitute and appoint:

*****Warren M. Alter, David Satine, Dawn Auspitz, jointly or severally*****

as its true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporation, as surety, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporation could do, but reserving to each of said corporation full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolution adopted by the Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY, effective as of January 1st, 2008.

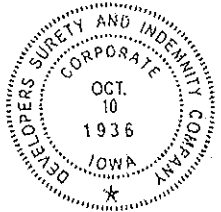
RESOLVED, that a combination of any two of the Chairman of the Board, the President, any Executive Vice-President, Senior Vice-President or Vice-President of the corporation be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporation, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporation be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY has caused these presents to be signed by its officers and attested by its Secretary or Assistant Secretary this January 1st, 2008.

By: *Daniel Young*
Daniel Young, Vice-President

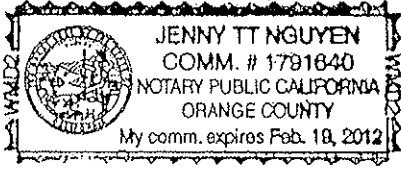
By: *Stephen T. Pate*
Stephen T. Pate, Senior Vice-President



State of California
County of Orange

On August 13th, 2008 before me, Jenny TT Nguyen, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Daniel Young and Stephen T. Pate
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature *Jenny TT Nguyen*
Jenny TT Nguyen, Notary Public

CERTIFICATE

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolution of the Board of Directors of said corporation set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 2nd day of May, 2011

By: *Gregg Okurz*
Gregg Okurz, Assistant Secretary

CG COPY

This is the *front page* of the performance/payment bond issued in compliance with Florida Statute Chapter 255.05

Surety Name: DEVELOPERS SURETY AND INDEMNITY COMPANY
150 S. PINE ISLAND ROAD, STE. 510
PLANTATION, FL 33324
954-693-0270

Bond Number: 535078P

Contractor Name: CEB CONSTRUCTION, INC.
2451 NW 109 AVENUE, UNIT#4
MIAMI, FL, 33172
786-357-8168

Owner Name: CITY OF MARATHON
CITY HALL, 9805 OVERSEAS HIGHWAY
MARATHON, FL 33050
305-743-0033

Project Number: N/A

Project Description: AVENUE K CONSTRUCTION PROJECT
(INSTALLING STORMWATER IMPROVEMENTS AND ROAD OVERLAY)

Project Address: CITY OF MARATHON, MONROE COUNTY, FLORIDA

Legal Description of Property: AVENUE K CONSTRUCTION PROJECT
(INSTALLING STORMWATER IMPROVEMENTS AND ROAD OVERLAY)

This is the *front page* of the bond. All other pages are subsequent regardless of the pre-printed numbers.

:

SECTION 00610
PERFORMANCE BOND

Bond No. 535078P

BY THIS BOND (the "Bond"), We as CEB Construction, Inc.,
called CONTRACTOR, and Developers Surety and Indemnity Company,
hereinafter called SURETY, are bound to the CITY OF MARATHON, a Florida municipal
corporation, hereinafter called CITY, in the amount of One Hundred Fourteen Thousand Three
Hundred Sixty Five and 53/100***** Dollars (\$114,365.53)

for payment of which CONTRACTOR and SURETY bind themselves, their heirs, personal
representatives, executors, administrators, successors and assigns, jointly and severally, with reference
to a written CONTRACT entered into by CONTRACTOR and CITY, for the following:

Contract Title: City of Marathon La Palma Access Road and Utilities Construction Project.

THE CONDITION OF THIS BOND is that if the CONTRACTOR:

1. Performs said contract in accordance with its terms and conditions; and
2. Pays CITY all losses, damages (direct and consequential including delay and liquidated damages), expenses, costs, and attorney's fees, including appellate proceedings, that CITY sustains because of a default by CONTRACTOR under the CONTRACT; and
3. Pays CITY and all other amounts due CITY by CONTRACTOR because of a default by CONTRACTOR under the CONTRACT; and
4. Performs the guarantee of all work and materials furnished under the CONTRACT for the time specified in the CONTRACT;

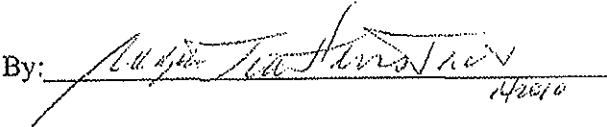
THEN THIS BOND IS VOID, OTHERWISE, IT REMAINS IN FULL FORCE.

Any changes in or under the Contract Documents and compliance or noncompliance with formalities, connected with the Contract or with the changes, do not affect the Surety's obligation under this bond.

Surety hereby waives notice of any alteration or extension of time made by the City. Any suit under this bond must be initiated before the expiration of the limitation period applicable to common law bonds under Florida Statutes.


:
:
CITY

CITY OF MARATHON, FLORIDA

:
By: 
April

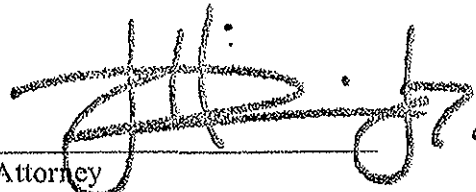
:
The 28 day of April, 2010.

AUTHENTICATION:


City Clerk

(SEAL) :

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF THE
CITY OF MARATHON ONLY:


City Attorney

WHEN THE PRINCIPAL IS AN **INDIVIDUAL**: N/A

Signed, sealed and delivered in the presence of:

(Witness)

By: _____
(Individual Principal)

(Witness)

Business Address

WHEN THE PRINCIPAL OPERATES UNDER A **TRADE NAME**: N/A

Signed, sealed and delivered in the presence of:

(Witness)

Business Name and Address

(Witness)

By: _____
Signature of Individual

WHEN A **PARTNERSHIP**: N/A

Signed, sealed and delivered in the presence of:

(Witness)

Name and Address of Partnership

(Witness)

(Partner)

WHEN THE PRINCIPAL IS A CORPORATION:

ATTEST:

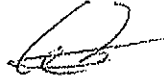
(Corporate Seal)

CEB Construction, Inc.

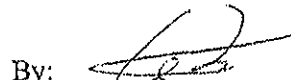
(Type Corporate Principal Name)

2451 NW 109 Avenue, Unit #4
Miami, FL 33172

Business Address



(Secretary)



By: _____
President

IN WITNESS WHEREOF, this instrument is executed this the 22nd day of
April, 2010.

WHEN THE PRINCIPAL IS AN **INDIVIDUAL**: N/A

Signed, sealed and delivered in the presence of:

(Witness) By: _____
(Individual Principal)

(Witness) Business Address

WHEN THE PRINCIPAL OPERATES UNDER A **TRADE NAME**: N/A

Signed, sealed and delivered in the presence of:

(Witness) Business Name and Address
By: _____
(Witness) Signature of Individual

WHEN A **PARTNERSHIP**: N/A

Signed, sealed and delivered in the presence of:

(Witness) Name and Address of Partnership
By: _____
(Witness) (Partner)

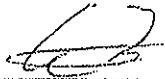
WHEN THE PRINCIPAL IS A CORPORATION:

ATTEST:

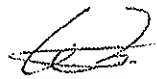
(Corporate Seal)

CEB Construction, Inc.
(Corporate PRINCIPAL Name)
2451 NW 109th Ave., Unit #4
Miami, FL 33172

Business Address



Secretary

By: 

President

ATTEST:

(Surety Seal)

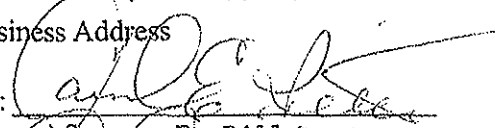
Developers Surety and Indemnity Company
(Corporate SURETY)

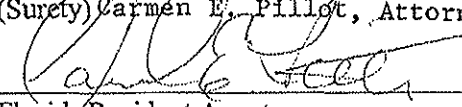
150 S. Pine Island Road, Ste. 510
Plantation, FL 33324

Business Address

See Power of Attorney Attached

(Secretary)

By: 
(Surety) Carmen E. Pillot, Attorney-In-Fact


Florida Resident Agent
Carmen E. Pillot

ATTORNEY-IN-FACT

By: 

Name Carmen E. Pillot
(Type)

NOTE 1: Surety shall provide evidence of signature authority, i.e., a certified copy of Power of Attorney.

NOTE 2: If both the Principal and Surety are Corporations, the respective Corporate Seals shall be affixed and attached

IMPORTANT: Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of Florida.

ATTACH a certified copy of Power-of-Attorney appointing individual Attorney-in-Fact for execution of Performance Bond on behalf of Surety.

The Performance Bond and the Statutory Payment Bond and the covered amounts of each are separate and distinct from each other.

FLORIDA DEPARTMENT OF INSURANCE

CARMEN E PILLOT

License Number A317836

IS LICENSED TO TRANSACT THE
FOLLOWING CLASSES OF INSURANCE:
General Lines (Prop & Cas)



This licensee must have an active appointment with the insurer or employer for which products or services are being marketed. See reverse for additional requirements.

POWER OF ATTORNEY FOR
DEVELOPERS SURETY AND INDEMNITY COMPANY
PO Box 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY, does hereby make, constitute and appoint:
*** Antonio Arias, Michael A. Holmes, Carmen E. Pillot, jointly or severally ***

as its true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporation, as surety, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporation could do, but reserving to each of said corporation full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolution adopted by the Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY, effective as of January 1st, 2008.

RESOLVED, that a combination of any two of the Chairman of the Board, the President, any Executive Vice-President, Senior Vice-President or Vice-President of the corporation be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporation, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporation be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

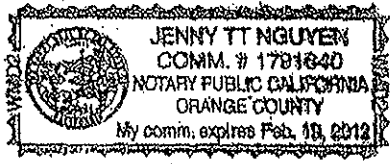
IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY has caused these presents to be signed by its officers and attested by its Secretary or Assistant Secretary this January 1st, 2008.

By: *Daniel Young*
Daniel Young, Vice-President
By: *SV Pate*
Stephen T. Pate, Senior Vice-President



State of California
County of Orange

On August 13th, 2008 before me, Jenny TT Nguyen, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Daniel Young and Stephen T. Pate
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Jenny TT Nguyen*
Jenny TT Nguyen, Notary Public

CERTIFICATE

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolution of the Board of Directors of said corporation set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 22nd day of April, 2010
By: *Gregg Okura*
Gregg Okura, Assistant Secretary