

# MEMORANDUM



Public Works Department  
Fiscal Services Division  
1022 26<sup>th</sup> Ave. E.  
Bradenton, FL 34285

## MANATEE COUNTY FLORIDA

Phone: 941-708-7450  
Fax: 941-708-7502  
[www.mymanatee.org](http://www.mymanatee.org)

**To:** Vicki Tessmer, Board Records Manager, Clerk of the Circuit Court

**Thru:** Carmen Mosley, Fiscal Operations Division Manager

**From:** Jane Oliver, Bond Coordinator

**Date:** March 13, 2013

**Subject:** POPE ROAD – PHASE 2A & MALACHITE DRIVE, PHASE 2  
PDMU-05-09(G)  
CONDITION B(9)  
ACCEPT REQUIRED IMPROVEMENTS AGREEMENT  
ACCEPT SURETY BOND

Please schedule on your consent calendar for the next available Board of County Commissioner's Agenda, the following "Form of Motion".

- **Acceptance of**, and authorization for Chairman to execute the *Required Improvements Agreement* in the amount of \$3,326,353.42 securing water, sanitary sewer, drainage and paving. This agreement is related to Esplanade, Phase II and stipulated by the Development Order for Northwest Sector DRI;
- **Acceptance of**, and authorization for Chairman to execute the Surety Bond in conjunction with the above Agreement.
  - **Surety Bond No. 175124** issued through Berkley Insurance Company;
  - **Surety Bond Rider** – Changing Surety Bond No. 175125 to 175124
- **Amount of Performance Bond** \$3,326,353.42.

CM/mjo

cc: Records Management  
Sia Mollanazar, P.E., Deputy Director – Engineering Services  
Chad Butzow, P.E., Deputy Director – Field Services Operations  
Mickey Lutz, Maintenance Operations Division Manager  
Andy Fischer, Infrastructure Inspections Division Manager  
Susan Barfield, Sr Development Review Spec., Public Works  
Suzanne Fugate, SMR North70 LLC  
Berkley Insurance Co.

Attachments

**APPROVED IN OPEN SESSION**

**MAR 26 P.M.**

**BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA**

**REQUIRED IMPROVEMENTS AGREEMENT**

(In conjunction with a Surety Bond as security guaranteeing completion of Required Improvements)

**WHEREAS, SMR NORTH 70, LLC a Florida limited liability company** (Developer) has made application to Manatee County, Florida (County), for approval of a proposed subdivision or final site plan identified as **POPE ROAD – PHASE 2A & MALACHITE DRIVE – PHASE 2** (Project); and

**WHEREAS,** the Manatee County Land Development Code (LDC); Ordinance 90-01, requires that a final subdivision plat not be approved for recording, and that a Certificate of Occupancy not be issued in accordance with final site plan approval, until certain improvements required by the Land Development Code or required as a condition of approval of the plat or site plan (Required Improvements) have been duly constructed, completed, and approved, unless the Developer has provided performance security guaranteeing to the satisfaction of the County that such improvements will be duly constructed, completed, and approved; and

**WHEREAS,** in connection with the Project the Developer has submitted construction drawings for the Required Improvements which are on file with and have been approved by the County; and

**WHEREAS,** the Developer desires to obtain approval of the Project prior to installation of the Required Improvements; and

**WHEREAS,** the Developer has submitted a cost estimate certified by the Engineer of Record to be an accurate reflection of the cost to complete the remaining Required Improvements, and the Developer herewith tenders to the County a Surety Bond which is in an amount representing at least 130% of that estimated cost.

**WITNESSETH:**

1. The Developer, in consideration for the mutual covenants and conditions contained herein, hereby agrees to duly construct and complete the Required Improvements and to otherwise comply fully with the LDC, any conditions of the Project approval, and all other applicable regulations, requirements, and agreements.
2. Developer and **BERKLEY INSURANCE COMPANY, a Delaware corporation**, a Surety Company duly authorized to transact business in the State of Florida (Surety) are held and firmly bound unto the County as obligee/owner in the amount of **THREE MILLION THREE HUNDRED TWENTY-SIX THOUSAND THREE HUNDRED FIFTY-THREE & 42/100** Dollars (words) **\$ 3,326,353.42** (numbers), and the Developer herewith tenders to the County a Surety Bond, No 175124, dated MARCH 6, 2013, with **BERKLEY INSURANCE COMPANY, a Delaware corporation**, and **SURETY RIDER** dated MARCH 8, 2013, **CHANGING SURETY BOND NUMBER FROM 175125 to 175124** in the amount of **THREE MILLION THREE HUNDRED TWENTY-SIX THOUSAND THREE HUNDRED FIFTY-THREE & 42/100** Dollars (words) **\$ 3,326,353.42** (numbers). Said Bond shall not expire until the Required Improvements guaranteed by this Bond has been accepted by the County.

ACCEPTED IN OPEN SESSION

MAR 26 2013

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

3. **CONDITIONS OF THE SECURITY FOR THE BENEFIT OF THE COUNTY:**

- (a) If the Developer should fail or refuse to complete, to the satisfaction of the County, all Required Improvements on or before the 20 day of March ~~2014~~ (LEAVE BLANK –County staff to insert date one year from Board of County Commission approval), in accordance with the construction drawings or any amendments thereto approved by the County, and unless the County elects to proceed in accordance with Paragraph (b) below, the Surety upon thirty (30) days written notice of the default from the County will cause to be completed the Required Improvements and will pay all costs thereof, including and without limitation all engineering, legal, and contingent costs.
- (b) Alternatively, if the Developer should fail or refuse to complete all Required Improvements in the manner described above, the County, at its option, shall have the right to construct and complete or cause to be constructed the Required Improvements. In the event the County should exercise such right, the Developer and the Surety shall be jointly and severally liable hereunder to reimburse the County the total cost thereof from the proceeds of this Bond, and shall indemnify and save harmless the County against or from all claims, costs, expenses, damages, injury, or loss, either direct or consequential, including without limitation all engineering, legal, and contingent costs which the County may sustain on account of the failure of the Developer to fulfill within the time specified its obligations as described herein. Cost expended on the construction of Required Improvements shall be at the sole discretion of the County.
4. The Developer agrees that it is liable to the County for all costs and damages, as described above, that the County may incur in connection with constructing and completing the Required Improvements without regard to the amount of this Bond.
5. Should the Developer fail or refuse to complete the Required Improvements, nothing herein shall be construed as affecting the County's right to resort to any and all legal and equitable remedies against the Developer and the Surety, including specific performance, to which the Developer hereby agrees.
6. This Agreement shall become effective upon the execution hereof by both parties hereto.

(Req'd Impv Agreement)

For: Pope Rd, Ph2A & Malachite Dr-Ph 2

(Name of Project)

Wtr/Sanitary Sewer/Drainage/Paving

**WITNESSES:**

*Suzanne L. Fugate*  
Print Name: Suzanne L. Fugate

*Pamela J. Banks*  
Print Name: Pamela J. BANKS

**DEVELOPER:**

**SMR NORTH 70, LLC**, a Florida limited liability company, By its sole member:

Schroeder-Manatee Ranch, Inc., a Delaware corporation

By: *[Signature]*  
Anthony J. Chiofalo, Vice President

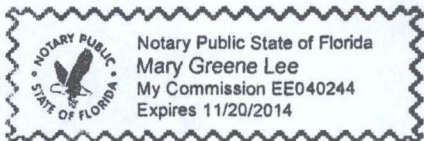
**ADDRESS:**

14400 Covenant Way  
Lakewood Ranch, FL 34202

**NOTARY ACKNOWLEDGMENT**

STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of March, 2013, by Anthony J. Chiofalo, Vice President of Schroeder-Manatee Ranch, Inc., a Delaware corporation licensed to transact business in the State of Florida, the sole member of SMR North 70, LLC, a Florida limited liability company, on behalf of the corporation and the company and who is personally known to me or has produced n.a. as identification.



*Mary Greene Lee*  
NOTARY PUBLIC Signature

*Mary Greene Lee*  
Printed Name

Approved and accepted for and on behalf of Manatee County, Florida, this 20<sup>th</sup> day of March, 2013.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: *Larry Bustle*  
Chairman

ATTEST: *R. B. Shore* Deputy Clerk  
R. B. Shore, Clerk of the Circuit Court



**SURETY BOND**  
**FOR PERFORMANCE OF REQUIRED IMPROVEMENTS**  
**(Attachment "A")** **BOND NO. 0175125**

**KNOW ALL MEN BY THESE PRESENT:**

That the Developer, SMR North 70, LLC, a Florida limited liability company as Principal, and Berkley Insurance Company, a Delaware corporation, a Surety Company, duly authorized to transact business in the State of Florida, are held and firmly bound unto the County of Manatee, State of Florida, as Obligee, in the sum of \$ 3,326,353.42 (Numbers) Three Million Three Hundred Twenty Six Thousand Three Hundred Fifty Three and 42/100s Dollars (Words) for the payment of which we jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns, for the specific benefit of the County in accordance with the conditions set forth herein and in the "Required Improvements Agreement" which is hereby incorporated herein by reference.

**THE CONDITION** of the above obligation is such that, Whereas the Principal has entered into a contract, dated 3/26/13 (LEAVE BLANK Board of County Commission approval date) with the obligation to do and perform certain work relating to Pope Road - Phase 2A & Malachite Drive - Phase 2 (Subdivision).

**NOW THEREFORE**, if the principal shall fully perform all the covenants and terms of said contract, then this obligation shall be null and void; otherwise this obligation shall remain in full force and effect, and Surety shall cause the contract to be fully performed or pay to obligee the cost of performing said contract in an amount not exceeding the said sum specified above. In the event such performance is not completed within the time specified in the attached "Agreement", the obligee shall be entitled to collection of this surety bond. Means of notification of intent to collect shall be by certified mail to the Surety at the address on page 2 {insert page number of surety's address}. Payment will be made to the County within 30 days by certified check drawn on behalf of the Board of County Commissioners at P. O. Box 1000, Bradenton, FL 34206.

The Surety does hereby consent to any and all alterations, extensions of time, or other modifications to the contract secured by this bond.

This Surety Bond shall be construed in accordance to the Laws of Florida, and any action of whatever nature, in connection with this Bond and the Required Improvements Agreement shall be filed in the Twelfth Judicial Circuit in and for Manatee County, Florida.

ACCEPTED IN OPEN SESSION

MAR 26 2013

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA



**INSURANCE COMPANY SIGNATURE FORM**

FOR: Pope Road - Phase 2A & Malachite Drive - Phase 2  
(Name of Project)

BOND NO. 0175125

SIGNED AND SEALED this 6th day of March, 2013.

Berkley Insurance Company

Surety Company Name

By:

Stephen T. Kazmer

Signature - As its Agent

Florida License #A137801

Stephen T. Kazmer, Attorney-in-Fact

Print Name & Title

412 Mt. Kemble Avenue, Ste. 310N,

Address

Morristown NJ 07960

City State Zip

**WITNESSES OR CORPORATE SEAL**

Melissa Schmidt

Signature

Melissa Schmidt

Print Name

Kelly A. Gardner

Signature

Kelly A. Gardner

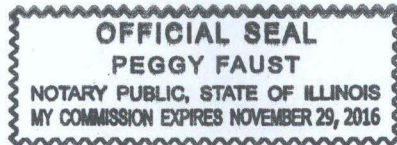
Print Name

**NOTARY ACKNOWLEDGMENT**

STATE OF: Illinois  
COUNTY OF DuPage

The foregoing instrument was acknowledged before me this 6th day of March, 2013, by Stephen T. Kazmer as Attorney-in-Fact (Title), on behalf of the Surety identified herein, and who is personally known to me or who has produced Drivers License (Type of Identification) as identification.

NOTARY SEAL:



Peggy Faust

Notary Public

Peggy Faust

Print Name of Notary

Commission No. 615373 My Commission Expires: 11/29/16

**PRINCIPAL:**

SMR NORTH 70, LLC

a Florida limited liability company

By: Schroeder-Manatee Ranch, Inc.  
a Delaware corporation, its sole Member

By: [Signature]  
Anthony J. Chiofalo, Vice President

**ADDRESS:**  
14400 Covenant Way  
Lakewood Ranch, FL 34202

**WITNESSES OR CORPORATE SEAL**

[Signature]  
Suzanne L. Fugate  
[Signature]  
Print Name Pamela J. Banks

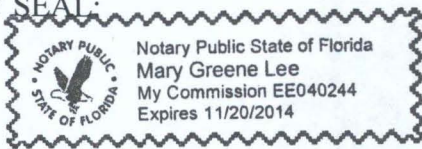
[Signature]  
Signature  
Pamela J. BANKS  
Print Name

**NOTARY ACKNOWLEDGEMENT**

STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 7th day of MARCH, 2013, by Anthony J. Chiofalo, Vice President of Schroeder-Manatee Ranch, Inc., a Delaware corporation, the sole Member of SMR North 70, LLC, a Florida limited liability company, on behalf of the corporation and the company, and who is personally known to me.

NOTARY SEAL:



[Signature]  
Notary Public  
Mary Greene Lee  
Print Name of Notary

Commission No. EE040244

My Commission Expires 11/20/2014



FOR: Pope Road - Phase 2A & Malachite Drive - Phase 2  
(Name of Project)

**BOND NO.** 0175125

Approved and accepted for and on behalf of Manatee County, Florida, this 26  
day of MARCH, 2013.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: Larry Bustle  
Chairman

ATTEST: By: Uebi Jessner Deputy Clerk  
R. B. Shore, Clerk of the Circuit Court





POWER OF ATTORNEY  
BERKLEY REGIONAL INSURANCE COMPANY  
WILMINGTON, DELAWARE

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY REGIONAL INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Urbandale, Iowa, has made, constituted and appointed, and does by these presents make, constitute and appoint: *James I. Moore, Stephen T. Kazmer, Bonnie Kruse, Dawn L. Morgan, Peggy Faust, Kelly A. Gardner, Jennifer J. McComb, Mary Beth Peterson, Elaine Marcus, Melissa Schmidt, Tariese M. Pisciotto or Donna M. Whalen of HUB International Midwest Limited dba HUB International Scheers of Westmont, Illinois* its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed **Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00)**, to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on August 21, 2000:

**"RESOLVED**, that the proper officers of the Company are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances; or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and further

**RESOLVED**, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

**RESOLVED**, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

**RESOLVED**, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued."

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 20 day of September, 2012.

Attest:

Berkley Regional Insurance Company

(Seal)

By

Ira S. Lederman  
Senior Vice President & Secretary

By

Jeffrey M. Hafter  
Senior Vice President

**WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.**

STATE OF CONNECTICUT )

) ss:

COUNTY OF FAIRFIELD )

Sworn to before me, a Notary Public in the State of Connecticut, this 20 day of September, 2012, by Jeffrey M. Hafter and Ira S. Lederman who are sworn to me to be the Senior Vice President, and the Senior Vice President and Secretary, respectively, of Berkley Regional Insurance Company.

**EILEEN KILLEEN**  
NOTARY PUBLIC, STATE OF CONNECTICUT  
MY COMMISSION EXPIRES JUNE 30, 2017

Eileen Killeen  
Notary Public, State of Connecticut

**CERTIFICATE**

I, the undersigned, Assistant Secretary of BERKLEY REGIONAL INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this 6<sup>th</sup> day of March, 2013

(Seal)



Andrew M. Tuma

WARNING - Any unauthorized reproduction or alteration of this document is prohibited. This power of attorney is void unless seals are readable and the certification seal at the bottom is embossed. The background imprint, warning and confirmation (on reverse) must be in blue ink.

## **Instructions for Inquiries and Notices Under the Bond Attached to This Power**

**Berkley Surety Group, LLC is the affiliated underwriting manager for the surety business of: Acadia Insurance Company, Berkley Insurance Company, Berkley Regional Insurance Company, Carolina Casualty Insurance Company, Union Standard Insurance Company, Continental Western Insurance Company, and Union Insurance Company.**

**To verify the authenticity of the bond, please call (866) 768-3534 or email [BSGInquiry@berkleysurety.com](mailto:BSGInquiry@berkleysurety.com)**

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**Any written notices, inquiries, claims or demands to the surety on the bond to which this Rider is attached should be directed to:**

**Berkley Surety Group, LLC  
412 Mount Kemble Avenue  
Suite 310N  
Morristown, NJ 07960  
Attention: Surety Claims Department**

**Or**

**email [BSGClaim@berkleysurety.com](mailto:BSGClaim@berkleysurety.com)**

**Please include with all notices the bond number and the name of the principal on the bond. Where a claim is being asserted, please set forth generally the basis of the claim. In the case of a payment or performance bond, please identify the project to which the bond pertains.**

## Berkley Regional Insurance Company

To be attached to and form a part of **Bond No. 175125**

Effective: 3/6/13

Bond Amount: \$3,326,353.00

Executed by: SMR North 70, LLC, a Florida limited liability company, LLC as Principal

and by Berkley Regional Insurance Company as Surety

in favor of Manatee County, FL as Obligee

in consideration of the mutual agreements herein contained, the Principal and Surety hereby consent to:

### Changing the bond number to 175124

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated.

This rider is effective March 6, 2013

Signed and Sealed: March 8, 2013

SMR North 70, LLC, a Florida limited liability company

Principal

By: \_\_\_\_\_

Berkley Regional Insurance Company

Surety

By: \_\_\_\_\_

Melissa Schmidt, Attorney-in-Fact

ACCEPTED IN OPEN SESSION

MAR 26 2013

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA



POWER OF ATTORNEY
BERKLEY REGIONAL INSURANCE COMPANY
WILMINGTON, DELAWARE

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY REGIONAL INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Urbandale, Iowa, has made, constituted and appointed, and does by these presents make, constitute and appoint: James I. Moore, Stephen T. Kazmer, Bonnie Kruse, Dawn L. Morgan, Peggy Faust, Kelly A. Gardner, Jennifer J. McComb, Mary Beth Peterson, Elaine Marcus, Melissa Schmidt, Tariese M. Pisciotto or Donna M. Whalen of HUB International Midwest Limited dba HUB International Scheers of Westmont, Illinois its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on August 21, 2000:

"RESOLVED, that the proper officers of the Company are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued."

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 20 day of September, 2012.

Attest:
By Ira S. Lederman
Senior Vice President & Secretary

Berkley Regional Insurance Company
By Jeffrey M. Hafter
Senior Vice President

WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE "BERKLEY" SECURITY PAPER.

STATE OF CONNECTICUT )
) ss:
COUNTY OF FAIRFIELD )

Sworn to before me, a Notary Public in the State of Connecticut, this 20 day of September, 2012, by Jeffrey M. Hafter and Ira S. Lederman who are sworn to me to be the Senior Vice President, and the Senior Vice President and Secretary, respectively, of Berkley Regional Insurance Company.

EILEEN KILLEEN
NOTARY PUBLIC, STATE OF CONNECTICUT
MY COMMISSION EXPIRES JUNE 30, 2017

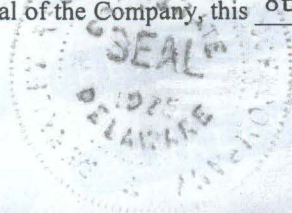
Eileen Killeen
Notary Public, State of Connecticut

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY REGIONAL INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this 8th day of March, 2013.

(Seal)



Andrew M. Tuma

WARNING - Any unauthorized reproduction or alteration of this document is prohibited. This power of attorney is void unless seals are readable and the certification seal at the bottom is embossed. The background imprint, warning and confirmation (on reverse) must be in blue ink.



## **Instructions for Inquiries and Notices Under the Bond Attached to This Power**

**Berkley Surety Group, LLC is the affiliated underwriting manager for the surety business of: Acadia Insurance Company, Berkley Insurance Company, Berkley Regional Insurance Company, Carolina Casualty Insurance Company, Union Standard Insurance Company, Continental Western Insurance Company, and Union Insurance Company.**

**To verify the authenticity of the bond, please call (866) 768-3534 or email [BSGInquiry@berkleysurety.com](mailto:BSGInquiry@berkleysurety.com)**

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**Any written notices, inquiries, claims or demands to the surety on the bond to which this Rider is attached should be directed to:**

**Berkley Surety Group, LLC  
412 Mount Kemble Avenue  
Suite 310N  
Morristown, NJ 07960  
Attention: Surety Claims Department**

**Or**

**email [BSGClaim@berkleysurety.com](mailto:BSGClaim@berkleysurety.com)**

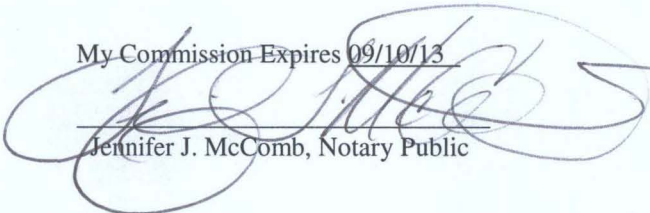
**Please include with all notices the bond number and the name of the principal on the bond. Where a claim is being asserted, please set forth generally the basis of the claim. In the case of a payment or performance bond, please identify the project to which the bond pertains.**

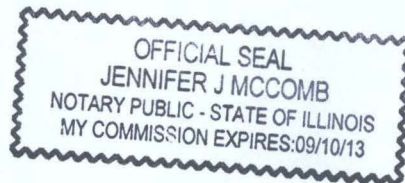
State of Illinois }  
                                  } ss.  
County of DuPage }

On March 8, 2013, before me, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Melissa Schmidt known to me to be Attorney-in-Fact of Berkley Regional Insurance Company the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and he duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires 09/10/13

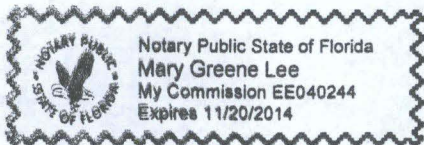
  
Jennifer J. McComb, Notary Public



STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of MARCH, 2013, by Anthony J. Chiofalo, Vice President of Schroeder-Manatee Ranch, Inc., a Delaware corporation, the sole Member of SMR North 70, LLC, a Florida limited liability company, on behalf of the corporation and the company, and who is personally known to me.

NOTARY SEAL:



Mary Greene Lee  
Notary Public  
MARY GREENE LEE  
Print Name of Notary

Commission No. EE 040244

My Commission Expires 11/20/2014