

- b. The Performance Bond for Excavation Work shall be substantially as follows:

PERFORMANCE BOND FOR EXCAVATION WORK

KNOW ALL PERSONS BY THESE PRESENTS: that

Naples Livingston, LLC  
100 Dunbar Street, Ste: 400  
Spartanburg, SC 29306

(hereinafter referred to as "Owner") and / "Principal"

Fidelity and Deposit Company of Maryland  
1299 Zurich Way  
Schaumburg, IL 60196

(hereinafter referred to as "Surety") are held and firmly bound unto Collier County, Florida, (hereinafter referred to as "County") in the total aggregate sum of \* Twenty Dollars (\$ 25,000.00 ) in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. Owner and Surety are used for singular or plural, as the context requires.

THE CONDITION OF THIS OBLIGATION is such that whereas, the Owner has submitted for approval by the Board a certain excavation permit no. PL20180001488 and that certain excavation permit shall include specific improvements which are required by Collier County Ordinances and Resolutions (hereinafter "Land Development Regulations"). This obligation of the Surety shall commence on the date this Bond is executed and shall continue until the date of completion of the work and approval by the County of the specific improvements described in the Land Development Regulations (hereinafter the "Guaranty Period") or until replaced by a new bond in the event of a change of Ownership.

NOW, THEREFORE, if the Owner shall well, truly and faithfully perform its obligations and duties in accordance with the Land Development Regulations during the guaranty period established by the County, and the Owner shall satisfy all claims and demands incurred and shall fully indemnify and save harmless the County from and against all costs and damages which it may suffer by reason of Owner's failure to do so, and shall reimburse and repay the County all outlay and expense which the County may incur in making good any default, then this obligation shall be void, otherwise to remain in full force and effect.



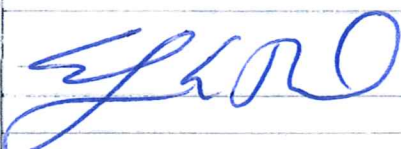
\* Five Thousand

\*\* Briarwood Apartments- Multi Family Development

PROVIDED, FURTHER, that the said Surety, for value received hereby, stipulates and agrees that no change, extension of time, alteration, addition or deletion to the proposed specific improvements shall in any way affect its obligation on this Bond, and it does hereby waive notice of any such change, extension of time, alteration, addition or deletion to the proposed specific improvements.

PROVIDED FURTHER, that it is expressly agreed that the Bond shall be deemed amended automatically and immediately, without formal and separate amendments hereto, so as to bind the Owner and the Surety to the full and faithful performance in accordance with the Land Development Regulations. The term "Amendment," wherever used in this Bond, and whether referring to this Bond, or other documents shall include any alteration, addition or modification of any character whatsoever.

IN WITNESS WHEREOF, the parties hereto have caused this PERFORMANCE BOND to be executed this 12th day of April, 2018.

WITNESSES:	Naples Livingston, LLC - Owner/ Principal
	By: 
	By Johnson Development Associates, Inc.
	Its Authorized Manager
Printed Name <u>WALKER HELVEY</u>	By: William D. Spry, III Its CFO William D. Spry, III
	
Printed Name <u>SOMMER NEAL</u>	

ACKNOWLEDGEMENT

STATE OF South Carolina  
COUNTY OF particular

THE FOREGOING PERFORMANCE BOND WAS ACKNOWLEDGED BEFORE ME THIS  
12 DAY OF April, 20\_\_\_, BY (NAME OF ACKNOWLEDGER) AS (TITLE) OF  
(NAME OF COMPANY) WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED  
\_\_\_\_ AS IDENTIFICATION.

Notary Public - State of South Carolina

(SEAL)

[Signature]  
Printed Name Dawn Turner Kunak



WITNESSES:		Fidelity and Deposit Company of Maryland - Surety	
By: <u>[Signature]</u>		By: <u>David Weise</u>	
Printed Name Lynn Patton		David Weise, Attorney In Fact	
By: <u>[Signature]</u>			
Printed Name Tina Salas			

ACKNOWLEDGMENT - SEE ATTACHED CALIFORNIA  
ACKNOWLEDGMENT

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

THE FOREGOING PERFORMANCE BOND WAS ACKNOWLEDGED BEFORE ME THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_, BY (NAME OF ACKNOWLEDGER) AS (TITLE) OF  
(NAME OF COMPANY) WHO IS PERSONALLY KNOWN TO ME, OR HAS PRODUCED  
\_\_\_\_ AS IDENTIFICATION.

Notary Public - State of \_\_\_\_\_

(SEAL)

\_\_\_\_\_

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Sacramento

On April 12, 2018 before me, Nicki Moon, Notary Public  
(insert name and title of the officer)

personally appeared David Weise,  
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 Nicki Moon (Seal)





**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **MICHAEL BOND, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **David WEISE, Thomas R. HUCIK, Rosalie A. MISZKIEL, Nicki MOON, Tina SALAS and Lynn Ellen PATTON, all of Rancho Cordova, California, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 25th day of August, A.D. 2017.

**ATTEST:**

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



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

*Dawn E. Brown*  
Assistant Secretary  
Dawn E. Brown

*Michael Bond*

Vice President  
Michael Bond

State of Maryland  
County of Baltimore

On this 25th day of August, A.D. 2017, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **MICHAEL BOND, Vice President, and DAWN E. BROWN, Assistant Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

*Constance A. Dunn*

Constance A. Dunn, Notary Public  
My Commission Expires: July 9, 2019





**JOHNSON DEVELOPMENT ASSOCIATES, INC.**

INDUSTRIAL & MULTI-FAMILY REAL ESTATE DEVELOPERS

May 24, 2018

**Via Federal Express**

Tobi D. Charbonneau  
Permitting Coordinator  
HOLE MONTES, INC.  
950 Encore Way  
Naples, Florida 34110

RE: Excavation Performance Agreement for Naples  
Livingston, LLC (Briarwood Apartments Project)

Dear Ms. Charbonneau:

Enclosed, at the request of Chase Williston, please find an original copy of the above-referenced Excavation Performance Agreement, together with copies of the evidence of authority for the individual signing on behalf of Naples Livingston, LLC.

With warmest regards,

Jennifer C. Adamson  
General Counsel  
Johnson Development Associates, Inc.