

CONSTRUCTION BOND

BOND NUMBER: 30010794

**KW Resort Utilities Corp.
WWTP Filter Replacement
KEY WEST, FLORIDA**

KNOW ALL MEN BY THESE PRESENTS: that

Wharton-Smith, Inc.

(Name of CONTRACTOR)

750 Monroe Road Sanford, FL 32771

(Address of CONTRACTOR)

(407)321-8410

(Phone Number of CONTRACTOR)

a **Corporation**, hereinafter called
(Corporation, Partnership or Individual)

Principal, and **Western Surety Company**
(Name of Surety)

P.O. Box 5077 Sioux Falls, SD 57117

(Address of Surety)

(800)331-6053

(Phone number of Surety)

hereinafter called Surety, are firmly bound unto the KW Resort Utilities Corp., whose address is 6630 Front St., Key West, Florida, 33040 and whose telephone number is 305-522-0052, hereinafter called OWNER, in the full and just Sum of **Nine Hundred Thirty Five Thousand And 00/100** DOLLARS (\$ **935,000.00**) in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, successors, and assigns, jointly and severally, firmly by these presents. The sum shall not be less than one hundred percent (100%) of the Contract Price.

THE CONDITION OF THIS OBLIGATION is such that if the Principal:

1. Performs the contract dated **October 24, 2017**, between Principal and Owner for construction of the **KWRU WWTP Filter Replacement**, the contract being made a part of this bond by reference, at the times and in the manner prescribed in the contract; and
2. Promptly makes payments to all claimants, as defined in Section 255.05(1), Florida Statutes, , supplying Principal with labor, materials, or supplies, used directly or indirectly by Principal in the prosecution of the work provided for in the contract; and

Project located at 6630 Front Street, Stock Island, FL 33040

KWRU 014749

3. Pays Owner all losses, damages, expenses, costs, and attorney's fees, including appellate proceedings, that Owner sustains because of a default by Principal 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 action instituted by a claimant under this bond for payment must be in accordance with the notice and time limitation provisions in Section 255.05(2), Florida Statutes, and Section 255.05(10)

Any changes in or under the contract documents and compliance or noncompliance with an formalities connected with the contract for the changes does not affect Surety's obligation under this bond.

IN WITNESS WHEREOF, this instrument is executed this the 30th day of October, 2017.

ATTEST:

Devon Lewis
Secretary (Principal)

Devon A. Lewis, Corporate Secretary
Typed Name

(CORPORATE SEAL)

Pamela Hall
(Witness to Principal)

Pamela Hall
Typed Name

ATTEST:

N/A
(Surety) Secretary

Typed Name

(CORPORATE SEAL)

Wharton-Smith, Inc.

Principal (Contractor)
Ronald F. Davoli
By (Signature)

Ronald F. Davoli, President/CEO
Typed Name and Title

750 Monroe Road
Address

Sanford, FL 32771
City, State, Zip

(407)321-8410 **(407)829-4453**
Telephone No. Facsimile No.

Western Surety Company
Surety

(800)331-6053 **N/A**
Telephone No. Facsimile No.

Christine Morton
Witness as to Surety

Christine Morton
Typed Name

Angeline Nisa
Witness as to Surety

Angeline Nisa
Typed Name

By: April L. Lively
Attorney-in-Fact & Florida Licensed
Resident Agent

April L. Lively
Typed Name

1904 Boothe Circle
Address

Longwood, FL 32750
City, State, Zip

(407) 834-0022 **N/A**
Telephone No. Facsimile No.

NOTE: Date of the Bond must not be prior to date of Agreement. If CONTRACTOR is a joint venture, all venturers shall execute the Bond. If CONTRACTOR is partnership, all partners shall execute the Bond.

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, unless otherwise specifically approved in writing by OWNER.

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

END OF SECTION

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Bryce R Guignard, M Gary Francis, April L Lively, Paul J Ciambriello, Jennifer L Hindley, Margie L Morris, Deborah Ann DeFoe, Christine A Morton, Individually

of Longwood, FL, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 17th day of October, 2017.



WESTERN SURETY COMPANY

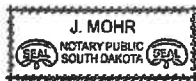
Paul T. Bruflat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 17th day of October, 2017, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2021



J. Mohr, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 30th day of October, 2017.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Form F4280-7-2012

Go to www.cnasurety.com > Owner / Oblige Services > Validate Bond Coverage, if you want to verify bond authenticity.

KWRU 014752