

# Attachment C

## Existing Securities

# PUBLIC IMPROVEMENTS FAITHFUL PERFORMANCE BOND

(To Be Used With Subdivision Improvement Agreement or Construction/Excavation Permit)

Tract/Case No.:

EROW 19-00042  
APN:3072-211-11/EROW19-00042/PMT17-01682

Bond No.: 0494676

Premium: \$16,297.00

**WHEREAS**, the City Council of the City of Victorville, County of San Bernardino, State of California, and Oro Grande Garden, LLC.

\_\_\_\_\_ (hereinafter "Principal") have entered into a Subdivision Improvement Agreement (hereinafter referred to as "Agreement") doing business under and by virtue of the laws of the State of California and duly licensed to conduct a general surety business in the State of California, as surety, whereby Principal agrees to install and complete certain designated public improvements, which said Agreement, dated \_\_\_\_\_, 20\_\_\_\_\_, and identified as Tract/Case No. APN:3072-211-11 for \_\_\_\_\_<sup>PL</sup> Public Improvements EROW 19-00042, is hereby referred to and made a part hereof; and,

**WHEREAS**, said Principal is required under the terms of said Agreement to furnish a bond for faithful performance of said Agreement.

**NOW THEREFORE**, we, the Principal and International Fidelity Insurance Company \_\_\_\_\_, a corporation of the State of New Jersey \_\_\_\_\_, (hereinafter "Surety"), are held and firmly bound unto the City of Victorville, a municipal corporation (hereinafter "City") in the County of San Bernardino, State of California, and to and for the benefit of any and all persons who may suffer damages by breach of the conditions hereof, in the penal sum of Eight Hundred Ninety Three Thousand Four Hundred Ninety Three & 55/100 dollars, (\$ 893,493.55 \_\_\_\_\_), lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above-bound Principal, his or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions, and provisions in the said Agreement and any alteration thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless City, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Agreement or to the work to be performed thereunder or the specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or to the specifications.

**IN WITNESS WHEREOF**, this instrument has been duly executed by the Principal and Surety above named, on June 4th, 20 19.

Oro Grande Garden, LLC

Name of Principal (Applicant)

By:   
Michelle Yeo Jung Kim

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

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

Mailing Address:

2255 E. Santa Paula Dr.

Address of Principal

Brea, CA 92821

City, State Zip Code

International Fidelity Insurance Company

Name of Surety Company

By:   
Frank Morones, Attorney-in-Fact

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

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

2400 E. Katella Ave., Ste. 250

Address of Surety Company

Anaheim, CA 92806

City, State Zip Code

**ABOVE-SIGNATORIES MUST BE NOTARIZED**

APPROVED AS TO FORM:

\_\_\_\_\_  
Chuck Buquet, Risk Manager

\_\_\_\_\_  
City Attorney

## 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 Orange )

On June 4, 2019 before me, Melissa Ann Vaccaro, Notary Public  
(insert name and title of the officer)

personally appeared Frank Morones,  
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

Melissa Ann Vaccaro

Melissa Ann Vaccaro

(Seal)



**POWER OF ATTORNEY**  
**INTERNATIONAL FIDELITY INSURANCE COMPANY**  
**ALLEGHENY CASUALTY COMPANY**

Bond No. 0494676

One Newark Center, 20<sup>th</sup> Floor, Newark, New Jersey 07102-5207 PHONE: (973) 624-7200

**KNOW ALL MEN BY THESE PRESENTS:** That **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and **ALLEGHENY CASUALTY COMPANY** a corporation organized and existing under the laws of the State of New Jersey, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint

**DWIGHT REILLY, DANIEL HUCKABAY, ARTURO AYALA, FRANK MORONES, SHAUNNA ROZELLE OSTROM**

Orange, CA

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **INTERNATIONAL FIDELITY INSURANCE COMPANY** and **ALLEGHENY CASUALTY COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of **INTERNATIONAL FIDELITY INSURANCE COMPANY** and **ALLEGHENY CASUALTY COMPANY** and is granted under and by authority of the following resolution adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of **ALLEGHENY CASUALTY COMPANY** at a meeting duly held on the 10th day of July, 2015

"**RESOLVED**, that (1) the Chief Executive Officer, President, Executive Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, **INTERNATIONAL FIDELITY INSURANCE COMPANY** and  
**ALLEGHENY CASUALTY COMPANY** have each executed and attested these presents  
on this 31st day of December, 2018



STATE OF NEW JERSEY  
County of Essex

Kenneth Chapman

Executive Vice President, International Fidelity Insurance Company and  
Allegheny Casualty Company



On this 31st day of December, 2018, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of **INTERNATIONAL FIDELITY INSURANCE COMPANY** and of **ALLEGHENY CASUALTY COMPANY**; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark,  
New Jersey the day and year first above written.

Shirelle A. Outley a Notary Public of New Jersey  
My Commission Expires April 4, 2023

**CERTIFICATION**

I, the undersigned officer of **INTERNATIONAL FIDELITY INSURANCE COMPANY** and **ALLEGHENY CASUALTY COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, June 4th, 2019

Irene Martins, Assistant Secretary



## 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 Orange )

On June 4, 2019 before me, Hison Kim, a Notary Public  
(insert name and title of the officer)

personally appeared Michelle Yeo Jung Kim  
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  (Seal)



# PUBLIC IMPROVEMENTS LABOR AND MATERIALS BOND

(To Be Used With Subdivision Improvement Agreement or Construction/Excavation Permit)

APN:3072-211-11

Tract/Case No.: Erow19-00042/Pmt17-01682

Bond No.: 0494676

Premium: 16,297.00

**WHEREAS**, the City Council of the City of Victorville, County of San Bernardino, State of California, and Oro Grande Garden, LLC.

                     (hereinafter "Principal") have entered into a Subdivision Improvement Agreement (hereinafter referred to as "agreement") whereby Principal agrees to install and complete certain designated public improvements, which said Agreement, dated                     ,

                    , 20                    , and identified as Tract/Case No.: APN:3072-211-11 Erow19-00042  
Erow19-00042/Pmt17-01682 for                      Public Improvement, is hereby referred to and made a part hereof; and,

**WHEREAS**, under the terms of said Agreement, Principal is required, before entering upon the performance of the work, to file a good and sufficient payment bond with the City of Victorville to secure the claims to which reference is made in Title 15 (commencing with Section 3082), Part 4, Division 3, of the Civil Code of the State of California.

**NOW THEREFORE**, said Principal and International Fidelity Insurance Company, doing business under and by virtue of the laws of the State of California and duly licensed to conduct a general surety business in the State of California, as surety, (hereinafter "Surety"), are held and firmly bound unto the City of Victorville, a municipal corporation (hereinafter "City") in the County of San Bernardino, State of California, and all contractors, subcontractors, laborers, material, men and other persons employed in the performance of the aforesaid Agreement and referred to in the aforesaid Code of Civil Procedure in the sum of Eight Hundred Ninety Three Thousand Four Hundred Ninety Three & 55/100 dollars, (\$893,493.55), lawful money of the United States, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor, that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082), Part 4, Division 3, of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall

**Public Improvements  
Labor & Materials Bond**

APN: 3072211-11  
Tract/Case No.: EROW19-00042/PMT17-01682  
Bond No.: 0494676

become null and void, otherwise, it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Agreement or to the work to be performed thereunder or the specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the Agreement or to the work or to the specifications.

**IN WITNESS WHEREOF**, this instrument has been duly executed by the Principal and Surety above named, on June 4th, 2019.

Oro Grande Garden, LLC.

Name of Principal (Applicant)

By:   
Michelle Yeo Jung Kim

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

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

Mailing Address:

2255 E. Santa Paula Dr.

Address of Principal

Brea, CA 92821

City, State Zip Code

International Fidelity Insurance Company

Name of Surety Company

By:   
Frank Morones, Attorney-in-Fact

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

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

2400 E. Katella Ave., Ste. 250

Address of Surety Company

Anaheim, CA 92806

City, State Zip Code

**ABOVE-SIGNATORIES MUST BE NOTARIZED**

APPROVED AS TO FORM:

\_\_\_\_\_  
Chuck Buquet, Risk Manager

\_\_\_\_\_  
City Attorney



## 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 Orange )

On June 4, 2019 before me, Melissa Ann Vaccaro, Notary Public  
(insert name and title of the officer)

personally appeared Frank Morones,  
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

Melissa Ann Vaccaro

Melissa Ann Vaccaro

(Seal)



**POWER OF ATTORNEY**  
**INTERNATIONAL FIDELITY INSURANCE COMPANY**  
**ALLEGHENY CASUALTY COMPANY**

Bond No. 0494676

One Newark Center, 20<sup>th</sup> Floor, Newark, New Jersey 07102-5207 PHONE: (973) 624-7200

**KNOW ALL MEN BY THESE PRESENTS:** That **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and **ALLEGHENY CASUALTY COMPANY** a corporation organized and existing under the laws of the State of New Jersey, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint

**DWIGHT REILLY, DANIEL HUCKABAY, ARTURO AYALA, FRANK MORONES, SHAUNNA ROZELLE OSTROM**

Orange, CA

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of **INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY** and is granted under and by authority of the following resolution adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of **ALLEGHENY CASUALTY COMPANY** at a meeting duly held on the 10th day of July, 2015 :

"**RESOLVED**, that (1) the Chief Executive Officer, President, Executive Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, **INTERNATIONAL FIDELITY INSURANCE COMPANY** and  
**ALLEGHENY CASUALTY COMPANY** have each executed and attested these presents  
on this 31st day of December, 2018



STATE OF NEW JERSEY  
County of Essex

Kenneth Chapman

Executive Vice President, International Fidelity Insurance Company and  
Allegheny Casualty Company



On this 31st day of December, 2018, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of **INTERNATIONAL FIDELITY INSURANCE COMPANY and of ALLEGHENY CASUALTY COMPANY**; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark,  
New Jersey the day and year first above written.

Shirelle A. Outley a Notary Public of New Jersey  
My Commission Expires April 4, 2023

**CERTIFICATION**

I, the undersigned officer of **INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, June 4th, 2019

A00835

Irene Martins, Assistant Secretary

## 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 Orange )

On June 4, 2019 before me, Hison Kim, a Notary Public  
(insert name and title of the officer)

personally appeared Michelle Yeon Jung Kim  
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  (Seal)

