

Attachment C

Existing Securities

PUBLIC IMPROVEMENTS FAITHFUL PERFORMANCE BOND

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

Tract Map No.: _____

Bond No.: 72453378

Case No.: EWTR21-00264

Premium: \$1,945.00

WHEREAS, the City Council of the City of Victorville, County of San Bernardino, State of California, and Zab, 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 Map No. _____ and Case No. _____ for Main Water Extension, Susnet Road, Project No. EWTR21-00264 _____ Improvement(s), 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 WESTERN SURETY COMPANY _____, a corporation of the State of South Dakota _____, 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 penal sum of Sixty Four Thousand Eight Hundred Thirty Five and 10/100 _____ dollars, (\$ 64,835 . 10 _____), 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 bounded 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.

Public Improvements
Faithful Performance Bond
Tract Map No.: _____
Case No.: _____
Bond No.: 72453378

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 anywise 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 April 6, 2022.

Zab, LLC

Name of Principal (Applicant)

By: [Signature]

By: _____

By: _____

Mailing Address:

16502 Walnut St., #C
Address of Principal

Hesperia, CA 92345
City, State Zip Code



WESTERN SURETY COMPANY

Name of Surety Company

By: [Signature]

By: _____

By: _____

151 N. Franklin, 17th Floor
Address of Surety Company

Chicago, IL 60606
City, State Zip Code

ABOVE-SIGNATORIES MUST BE NOTARIZED

APPROVED AS TO FORM:

[Signature]
Risk Manager

[Signature]
City Attorney

☐ Acknowledgment of Principal

☒ Acknowledgment of Surety (Attorney-in-Fact)

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 SAN BERNARDINO } ss

On 05/11/2022 before me, Erica Bernal, Notary Public,
date here insert name and title of the officer

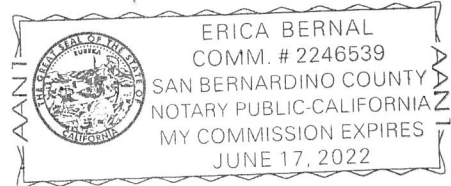
personally appeared JENNIE VALDEZ,
name(s) of signer(s)

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 [Signature] (Seal)



(The balance of this page is intentionally left blank.)



☐ Acknowledgment of Principal

☒ Acknowledgment of Surety (Attorney-in-Fact)

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 SAN BERNARDINO } ss

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date here insert name and title of the officer

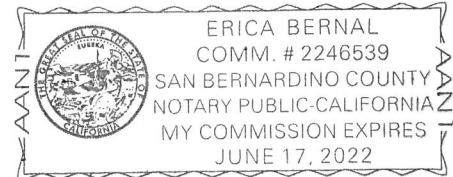
personally appeared Luis Benites,
name(s) of signer(s)

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 [Signature] (Seal)



(The balance of this page is intentionally left blank.)



Western Surety Company

POWER OF ATTORNEY - CERTIFIED COPY

Bond No. 72453378

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint JENNIE VALDEZ

its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, bonds for:

Principal: Zab, LLC

Obligee: City of Victorville

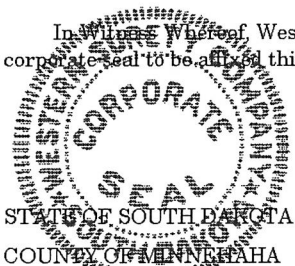
Amount: \$1,000,000.00

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the Vice President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorney(s)-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

"Section 7. All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

If Bond No. 72453378 is not issued on or before midnight of April 6, 2023, all authority conferred in this Power of Attorney shall expire and terminate.

In Witness Whereof, Western Surety Company has caused these presents to be signed by its Vice President, Paul T. Bruflat, and its corporate seal to be affixed this 6th day of April, 2022.

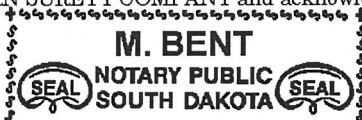


WESTERN SURETY COMPANY

Paul T. Bruflat

Paul T. Bruflat, Vice President

On this 6th day of April, in the year 2022, before me, a notary public, personally appeared Paul T. Bruflat, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



M. Bent

Notary Public - South Dakota

My Commission Expires March 2, 2026

I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

In testimony whereof, I have hereunto set my hand and seal of Western Surety Company this 6th day of April, 2022.

WESTERN SURETY COMPANY

Paul T. Bruflat

Paul T. Bruflat, Vice President

To validate bond authenticity, go to www.cnasurety.com > Owner/Obligee Services > Validate Bond Coverage.

PUBLIC IMPROVEMENTS LABOR AND MATERIALS BOND

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

Tract Map No.: _____

Bond No.: 72453378

Case No.: EWTR21-00264

Premium: \$1,945.00

WHEREAS, the City Council of the City of Victorville, County of San Bernardino, State of California, and Zab, 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 Map No. _____ and Case No.: EWTR21-00264 for Main Water Extension, Susnet Road Improvement(s), 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 3 (commencing with Section 9000) of Part 6 of Division 4, of the Civil Code of the State of California.

NOW THEREFORE, said Principal and WESTERN SURETY 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 suppliers, 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 Thirty Two Thousand Four Hundred Eighteen and no/100 dollars, (\$ 32,418 . 00), 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 3 (commencing with Section 9000) of Part 6 of Division 4, 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 become null and void, otherwise, it shall be and remain in full force and effect.

Public Improvements
Labor & Materials Bond

Tract Map No.: _____

Case No.: EWTR21-00264

Bond No.: 72453378

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 April 6, 20 22.

Zab, LLC

Name of Principal (Applicant)

By: [Signature]

By: _____

By: _____

Mailing Address:

16502 Walnut St., #C

Address of Principal

Hesperia, CA 92345

City, State Zip Code

WESTERN SURETY COMPANY

Name of Surety Company

By: [Signature]

By: _____

By: _____



151 North Franklin, 17th Floor

Address of Surety Company

Chicago, IL 60606

City, State Zip Code

ABOVE-SIGNATORIES MUST BE NOTARIZED

APPROVED AS TO FORM:

[Signature]
Risk Manager

[Signature]
City Attorney

Western Surety Company

POWER OF ATTORNEY - CERTIFIED COPY

Bond No. 72453378

Know All Men By These Presents, that WESTERN SURETY COMPANY, a corporation duly organized and existing under the laws of the State of South Dakota, and having its principal office in Sioux Falls, South Dakota (the "Company"), does by these presents make, constitute and appoint Jennie Valdez

its true and lawful attorney(s)-in-fact, with full power and authority hereby conferred, to execute, acknowledge and deliver for and on its behalf as Surety, bonds for:

Principal: Zab, LLC

Obligee: City of Victorville

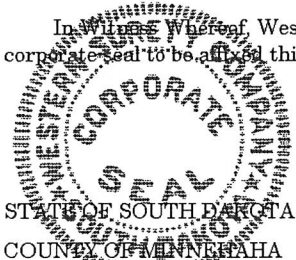
Amount: \$1,000,000.00

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the Vice President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said attorney(s)-in-fact may do within the above stated limitations. Said appointment is made under and by authority of the following bylaw of Western Surety Company which remains in full force and effect.

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If Bond No. 72453378 is not issued on or before midnight of April 6, 2023, all authority conferred in this Power of Attorney shall expire and terminate.

In Witness Whereof, Western Surety Company has caused these presents to be signed by its Vice President, Paul T. Bruflat, and its corporate seal to be affixed this 6th day of April, 2022.

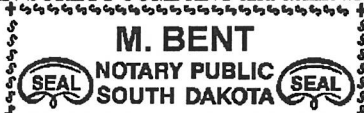


WESTERN SURETY COMPANY

Paul T. Bruflat

Paul T. Bruflat, Vice President

On this 6th day of April, in the year 2022, before me, a notary public, personally appeared Paul T. Bruflat, who being to me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of WESTERN SURETY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



M. Bent

Notary Public - South Dakota

My Commission Expires March 2, 2026

I the undersigned officer of Western Surety Company, a stock corporation of the State of South Dakota, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable, and furthermore, that Section 7 of the bylaws of the Company as set forth in the Power of Attorney is now in force.

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WESTERN SURETY COMPANY

Paul T. Bruflat

Paul T. Bruflat, Vice President

To validate bond authenticity, go to www.cnasurety.com > Owner/Obligee Services > Validate Bond Coverage.

☐ Acknowledgment of Principal

☒ Acknowledgment of Surety (Attorney-in-Fact)

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STATE OF CALIFORNIA

COUNTY OF San Bernardino

} ss

On 05/11/2022
date

before me,

Erica Bernal Notary Public
here insert name and title of the officer

personally appeared

Jennie Valdez
name(s) of signer(s)

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.

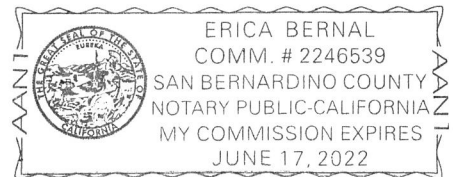
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



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☐ Acknowledgment of Principal

☒ Acknowledgment of Surety (Attorney-in-Fact)

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STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO } ss

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date here insert name and title of the officer

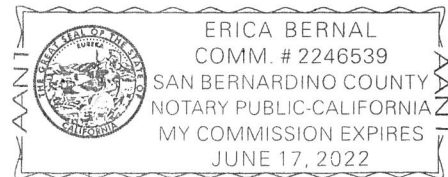
personally appeared Luis Benites
name(s) of signer(s)

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.

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WITNESS my hand and official seal.

Signature [Signature] (Seal)



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