

Surety Bond Number 09349128

WETLAND MITIGATION PERFORMANCE BOND

Know all persons by these presents, that Seaside Kingston LLC
of Bothell, WA, as Principal, and Fidelity and Deposit Company of Maryland, as Surety, incorporated under the laws of the State of Illinois and authorized to conduct a surety business in the State of Washington, are jointly and severally held, bound and obligated unto Kitsap County, a Political Subdivision of the State of Washington, in the full and just sum of Five thousand three hundred and seventy one dollars (**\$5,371.00**) lawful money of the United States of America, for the payment of which we jointly and severally bind ourselves, and each of our heirs, executors, administrators, legal representatives, successors and assigns, firmly by these presents.

The conditions of this bond are such that whereas, on the _____ day of _____, 2020, Kitsap County Department of Community Development issued a Site Development Activity Permit Number **18-02605** for the development known as **SEASIDE AT KINGSTON**, located in Section 26, Township 27 North, Range 2E East/West, Willamette Meridian, Kitsap County Washington. Under the terms of this Site Development Activity Permit, the said Principal, herein, agreed to furnish all materials and do certain work according to the maps, plans and specifications made a part of said permit. A copy of the maps, plans and specifications are on file with the Department of Community Development and are incorporated herein and made a part of this bond as fully for all purposes as if here set forth at length. This bond shall cover all approved change orders as if they were in the original contract.

Whereas, Kitsap County Code Title 19 allows the Principal to furnish a bond to guarantee that the Principal will complete all wetland mitigation not yet completed as described in the Cost Estimate and Schedule for Completion, attached as Exhibit A. This Bond shall run continuously until released by the County and shall not be subject to an expiration or cancellation date.

Whereas, the Principal, their heirs, successors and assigns, but not including the Surety, agrees to hold harmless and indemnify Kitsap County from any and all claims arising from any activity Kitsap County undertakes on the property if it becomes necessary for Kitsap County to conduct construction, maintenance or repairs.

Now, therefore, if the Principal herein shall faithfully and truly observe, comply with, and perform all of the terms, conditions and provisions of the Site Development Activity Permit in all respects and pay all laborers, mechanics, subcontractors, and suppliers, then this obligation will terminate; otherwise this obligation shall remain in full force and effect.

The above-named Surety, Fidelity and Deposit Company of Maryland, agrees that
Page 1 of 3

no change, extension of time, alteration or addition to the work to be performed or to the plans or specifications relating to the same, shall in any way affect our obligation under this bond and said Surety specifically waives notice of any such change, extension of time, alteration or addition.

The above-named Surety, Fidelity and Deposit Company of Maryland, shall honor the County's demand without inquiring whether the County has a right between itself and the Principal to make the demand.

This Bond shall be governed by and construed in accordance with the laws of the State of Washington. Any action with respect to this Bond shall be brought in Kitsap County Superior Court, Port Orchard, Washington.

Dated this 8th day of May, 2020.

PRINCIPAL

Seaside Kingston LLC
Name of Principal
12900 NE 180th St., Suite 200

Bothell, WA 98011
Address of Principal
(425)949-8041
Telephone Number

[Signature]
Principal's Signature

STATE OF
WASHINGTON)
ss)
COUNTY OF KITSAP)

SURETY

Fidelity and Deposit Company of Maryland
Name of Surety
P. O. Box 3018

Bothell, WA 98041-3018
Address of Local Issuing Agency
(425) 489-4500
Telephone Number

[Signature]
Surety's Signature
Theresa A. Lamb
Attorney-in-Fact

On this day personally appeared before me _____, to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein stated.

Given under my hand and official seal this _____ day of _____, _____.

NOTARY PUBLIC in and for the State of Washington, residing at _____

My Commission expires: _____

Corporate Acknowledgment:

STATE OF Washington
COUNTY OF King } ss

On this 18th day of May, 2020, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Joshua Freed to me known to be the Principal of Seaside Kingston the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath, stated that he authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

Notary Public in and for the State of Washington

My Commission Expires: 06/30/22



**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 Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray, 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 **Jim W. DOYLE, Steven M. WAGNER, Michael A. MURPHY, Chad M. EPPLE, S.M. SCOTT, Andy D. PRILL, Julie M. GLOVER, Theresa A. LAMB, Jim S. KUICH and Patti WHITE, all Bothell, Washington, 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 15th day of November, A.D. 2019.



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

By: *Robert D. Murray*
Vice President

By: *Dawn E. Brown*
Secretary

**State of Maryland
County of Baltimore**

On this 15th day of November, A.D. 2019, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, 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, Notary Public
My Commission Expires: July 9, 2023

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Secretary of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 8th day of May, 2020



Brian M. Hodges

By: Brian M. Hodges
Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
www.reportsclaims@zurichna.com
800-626-4577