BOND SAFEGUARD INSURANCE COMPANY
Lombard, IL 60148

MAINTENANCE BOND

Bond No. 5034860

KNOW ALL MEN BY THESE PRESENTS:

That we, **A & K Construction, Inc.,** 640 Morland Drive, Lafayette, IN 47905, hereinafter called Principal, and **Bond Safeguard Insurance Company**, 1919 S. Highland Avenue, Bldg. A, Suite 300, Lombard, IL 60148, a corporation duly licensed to do business in the State of Indiana, as Surety, hereinafter called Surety, are held and firmly bound unto the **West Lafayette Public Board of Works & Safety,** 609 W. Navajo Street, West Lafayette, IN 47906 as Obligee, hereinafter called Obligee, in the amount of ****Twenty-Nine Thousand Seven Hundred Twenty-Two and 30/100 ($29,722.30)**,** for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has agreed to maintain improvements made, as set forth by the **West Lafayette Public Board of Works & Safety** in accordance with the project known as **Arbor Chase By The Lakes, Section 3, Phase VI, PT 1 – Concrete Streets, Curbs & Gutters, Sanitary Sewer & Erosion Control for a period of Three (3) years from date of acceptance**.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall remedy, without any cost to the Obligee, any defects which may develop during a period of (3) years from the date of completion and acceptance of the work performed under the contract, caused by defective or inferior materials or workmanship, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

No right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named herein of the heirs, executors, administrator or successors of the Obligee.

Signed and sealed this 30th day of June, 2009.

A & K Construction, Inc.

By: J. P. Kaufman, Pres

Bond Safeguard Insurance Company

By: Deborah M. Roth
Deborah M. Roth, Attorney-in-Fact

American Contracting Services, Inc.
340 E. Thompson Road
Indianapolis, IN 46227

AO 63017

POWER OF ATTORNEY

Bond Safeguard INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS, that **BOND SAFEGUARD INSURANCE COMPANY**, an Illinois Corporation with its principal office in Lombard, Illinois, does hereby constitute and appoint: Anthony G. Balzano, Deborah M. Roth, ********** Jacqueline Demeter, Cheryl L. Beaird **********
its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **BOND SAFEGUARD INSURANCE COMPANY** on the 7th day of November, 2001 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed $1,000,000.00, One Million Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Vice President, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **BOND SAFEGUARD INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate seal to be affixed this 7th day of November, 2001.

BOND SAFEGUARD INSURANCE COMPANY
AN ILLINOIS INSURANCE COMPANY

BOND SAFEGUARD INSURANCE COMPANY

BY _____
David E. Campbell
President

ACKNOWLEDGEMENT

On this 7th day of November, 2001, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of **BOND SAFEGUARD INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

"OFFICIAL SEAL"
MAUREEN K. AYE
Notary Public, State of Illinois
My Commission Expires 09/21/09

_____
Maureen K. Aye
Notary Public

CERTIFICATE

I, the undersigned, Secretary of **BOND SAFEGUARD INSURANCE COMPANY**, An Illinois Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Lombard, Illinois this 30th Day of June, 2009

BOND SAFEGUARD INSURANCE COMPANY
AN ILLINOIS INSURANCE COMPANY

_____
Donald D. Buchanan
Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."

BS1

Arbor Chase by the Lakes, Section 3, Phase VI, Pt 1; Streets, Curbs and Gutters, Sanitary Sewer and Erosion Control.

APPROVED:

DATE: _____

CITY OF WEST LAFAYETTE
BOARD OF PUBLIC WORKS AND SAFETY

_____
John R. Dennis, Mayor

_____
Sana G. Booker, Member

_____
Bradley W. Marley, Member

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Attest:

_____
Clerk-Treasurer Judith C. Rhodes