CITY OF TEMECULA, DEPARTMENT OF PUBLIC WORKS

BOND NO. <u>SPA150329034-M</u>

MAINTENANCE BOND

for

PAVEMENT REHABILITATION PROGRAM – CITYWIDE, PECHANGA PARKWAY AND BUTTERFIELD STAGE ROAD PROJECT NO. PW23-19

KNOW ALL PERSONS BY THESE PRESENT THAT

Onyx Paving Company, Inc. - 2890 East La Cresta Avenue, Anaheim, CA 92806
NAME AND ADDRESS OF CONTRACTOR

a <u>Corporation</u> (hereinafter called "Principal"), and (fill in whether a Corporation, Partnership, or Individual)

SiriusPoint America Insurance Company - 1 World Trade Center 285 Fulton Street, 47th Floor, Suite. 47J, New York, NY 10007
NAME AND ADDRESS OF SURETY

(hereinafter called "Surety"), are held and firmly bound unto CITY OF TEMECULA (hereinafter called "Owner") in the penal sum of Three Hundred Fifty Three Thousand Seven Hundred Eighteen DOLLARS AND Eighty Seven CENTS (\$ 353,718.87) in lawful money of the United States, said sum being not less "than ten percent of the Contract value payable by the said City of Temecula under the terms of the Contract, for the payment of which, we bind ourselves, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION is such that whereas, the Principal entered into a certain Contract with the Owner, dated the 11th day of June, 20.24, a copy of which is hereto attached and made a part hereof for the construction of PAVEMENT REHABILITATION PROGRAM — CITYWIDE, PECHANGA PARKWAY AND BUTTERFIELD STAGE ROAD, PROJECT NO. PW23-19.

WHEREAS, said Contract provides that the Principal will furnish a bond conditioned to guarantee for the period of <u>one</u> year after approval of the final estimate on said job, by the Owner, against all defects in workmanship and materials which may become apparent during said period; and

WHEREAS, the said Contract has been completed, and was the final estimate approved on this the $\frac{2^{n_d}}{2^n}$ day of $\frac{0}{2^n}$ bec $\frac{2^n}{2^n}$.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if within one year from the date of approval of the final estimate on said job pursuant to the Contract, the work done under the terms of said Contract shall disclose poor workmanship in the execution of said work, and the carrying out of the terms of said Contract, or it shall appear that defective materials were furnished thereunder, then this obligation shall remain in full force and virtue, otherwise this instrument shall be void.

As a part of the obligation secured hereby and in addition to the face amount specified, costs and reasonable expenses and fees shall be included, including reasonable attorney's fees incurred by the City of Temecula in successfully enforcing this 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 Contract, or to the work to be performed thereunder, or to the specifications accompanying the same, shall in any way 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 Contract, or to the work, or to the Specifications.

November, 20 _24
PRINCIPAL: Onyx Paving Company, Inc.
Corey Kirschner (Name) President (Title)
Jay Kirschner (Name) Vice President (Title)

<u>NOTE:</u> Signatures of two corporate officers required for corporations. A Notarial Acknowledgement or Jurat must be attached for each of the Surety and Principal Signatures.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California)		
County ofOrange			
OnNovember 12, 2024 before me,	Leslie Rocha, Notary Public		
Date	Here Insert Name and Title of the Officer		
personally appeared Corey R. Kirschner	7		
	Name(s) of Signer(s)		
subscribed to the within instrument and ackr	tory evidence to be the person(s) whose name(s) is/axinowledged to me that he/s xe/they executed the same in by his/har/their signature(s) on the instrument the person(a) 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.		
LESLIE ROCHA Notary Public - California Orange County Commission # 2484949 My Comm. Expires Mar 19, 2028	Signature Signature Signature Of Notary Public		
	OPTIONAL ————————————————————————————————————		
fraudulent reattachment of	this form to an unintended document.		
Description of Attached Document			
	Document Date:		
Number of Pages: Signer(s) Other			
Capacity(ies) Claimed by Signer(s)			
Signer's Name:	Signer's Name:		
□ Corporate Officer — Title(s): □ Partner — □ Limited □ General	☐ Corporate Officer — Title(s):		
☐ Individual ☐ Attorney in Fact	☐ Partner — ☐ Limited ☐ General ☐ Individual ☐ Attorney in Fact		
☐ Trustee ☐ Guardian or Conservator	☐ Individual☐ Attorney in Fact☐ Guardian or Conservator		
Other:			
Signer Is Representing:			

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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 ofOrange)			
On November 12, 2024 before me,	Loslio Pocho, Notary Bublio			
Date	Here Insert Name and Title of the Officer			
personally appeared Jay Kirschner	The second real real real of the emocr			
personally appeared <u>Jay Kirschiler</u>	Name(s) of Signer(s)			
subscribed to the within instrument and acknowledge	ory evidence to be the person(s) whose name(s) is/ase owledged to me that he/sse/they executed the same in y his/her/their signature(s) on the instrument 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.			
LESLIE ROCHA Notary Public - California Orange County Commission # 2484949 My Comm. Expires Mar 19, 2028	Signature Livie Rocha			
Place Notary Seal Above	Signature of Notary Public			
OPTIONAL				
Though this section is optional, completing the fraudulent reattachment of t	nis information can deter alteration of the document or his form to an unintended document.			
Description of Attached Document				
Title or Type of Document: Document Date:				
Number of Pages: Signer(s) Other T	han Named Above:			
Capacity(ies) Claimed by Signer(s)				
Signer's Name:	Signer's Name:			
□ Corporate Officer — Title(s): □ Partner — □ Limited □ General	□ Corporate Officer — Title(s): □ Partner — □ Limited □ General			
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact			
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator			
☐ Other:	□ Other:			
Signer Is Representing:	Signer Is Representing:			
NEGRO SERVICIO SE				

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California County of Orange

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.

On NOV 1 2 202	, before me,	Zyanya Q. Hernandez , Notary Public,
personally appeared	Christina Rogers	
subscribed to the within instr in his/her/their authorized ca	rument and acknowledged apacity(ies), and that by h	e to be the person(s) whose name(s) is/are to me that he/she/they executed the same his/her/their signature(s) on the instrument rson(s) acted, executed the instrument.
I certify under PENALTY Of paragraph is true and correct.	F PERJURY under the law	ws of State of California that the foregoing
ZYANYA Q. HERNANDEZ Notary Public - California Orange County Commission # 2497409 My Comm. Expires Aug 12, 2028		S my hand and official seal.
PLACE NOTARY SEAL ABOVE	Signatur	E Zyanyatt
Though the information below is and could prevent frame	not required by law, it may proudlent removal and reattachm	ove valuable to persons relying on the document ent of this form to another document.
Description of attached doc	ument	
Title or type of document:		-
Document Date:		Number of Pages:
Signer(s) Other than Named A	Above:	

POWER OF ATTORNEY SIRIUSPOINT AMERICA INSURANCE COMPANY NEW YORK

KNOW ALL. MEN BY THESE PRESENTS: That StriusPoint America Insurance Company, a New York corporation, having its principal office in the City of New York, pursuant to the following Resolution, which was adopted by the Board of Directors of the Company, to wit:

RESOLVED, that the President, Senior Vice President, Chief Financial Officer, Secretary or Assistant Secretary is hereby authorized to execute Powers of Attorney appointing as attomeys-in-fact selected employees of certain surety companies who shall have the power for and on behalf of the Company to execute and affix the seal of the Company to surety contracts as co-surety.

Does hereby nominate, constitute and appoint

Albert Melendez, Christina Rogers, Erik Johansson, Jennifer Anaya, Joaquin Perez, Melissa Lopez, Yu Cheng Chiang, Frederic M. Archerd, Jr., Martha Barreras, Mary Martha Langley, Jonathan Batin, Vanessa Ramirez, Zyanya Hernandez

Its true and lawful attorney-in-fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed; any and all bonds, contracts, agreements of indemnity, and other undertakings in suretyship (NOT INCLUDING bonds without a fixed penalty or financial guarantee bonds) and to bind the Company thereby as fully and to the same extent as if same were signed by the duly authorized officers of the Company, provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed the sum of:

\$50,000,000 single bond limit

All acts of said attorneys-in-fact pursuant to the authorities herein given are hereby ratified and confirmed. The executive officers listed above in the Resolution may from time to time and at any time remove any such appointee and revoke the power given to him or her.

The execution of such bonds or undertakings in pursuance of these presents, within one year of the date of issue of these presents, shall be binding upon said Company, 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 Company at its office in New York, New York, in their own proper persons.

IN WITNESS WHEREOF, StriusPoint America Insurance Company has caused its corporate seal to be hereunto affixed, and these presents to be signed by its Secretary this 17th day of August in the year 2023.

StriusPoint America Insurance Company

By Welissa Ralph

Secretary

State of New Jersey }

ss.

County of Monmouth

On this 17th day of August 2023, before me, a Notary Public of the State of New Jersey in and for the County of Monmouth duly commissioned and qualified, came Melissa J. Ralph, Secretary, of SiriusPoint America Insurance Company, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and acknowledged the execution of the same, and, being by me duly sworn, deposeth and saith, that she is the officer of the Company aforesaid, and that the seal affixed to the preceding instrument as the corporate seal of said Company, and the said corporate seal and her signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Company, referred to in the preceding instrument, is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal.

TNAEJA E LEWIS-SCOTT

NOTARY PUBLIC

STATE OF NEW JERSEY

MY COMMISSION EXPIRES MARCH 31, 2028

COMMISSION: #50208541

Notary Public
My Commission expires
Larce 11, 2025

State of New Jersey County of Monmouth

I, Melissa J, Ralph, Secretary, of SiriusPoint America Insurance Company, a New York corporation, do hereby certify that the above and foregoing is a full, true correct copy of Power of Attorney, is still in force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company this 12th day of November, 2024.





September 6, 2023

Bond Obligees Project Owners General Contractors

RE: Digital Seal Authority and Enforceability Notice

To whom it may concern:

The use of an electronic image of the corporate seal of Siriuspoint America Insurance Company (the "Digital Seal"), and the attachment of the Digital Seal to any surety bond issued by Siriuspoint America Insurance Company is authorized by the company. Siriuspoint America Insurance Company acknowledge and agree that the Digital Seal may be affixed to any authorized Surety bond approved by Applied Surety Underwriters, and relied upon to the same extent as if a raised corporate seal was attached to the bond.

Delivery of a digital copy of this Digital Seal Authority and Enforceability Notice, executed electronically, to an Obligee or Obligee's representative, shall constitute effective execution and delivery of this notice and shall have the same legal effect as a delivery of a tangible original of the notice with my original "wet" signature.

If you require further verification you may email our Home Office Underwriting Center at info@surety.auw.com

In Witness Whereof, this has been executed by the President, Applied Surety Underwriters for Siriuspoint America Insurance Company.

SEAL 1979

Thank you for your continued business.

Sincerely,

Joshua C. Betz

President, Applied Surety Underwriters