

EXECUTED IN DUPLICATE  
PREMIUM IS BASED ON THE FINAL CONTRACT AMOUNT

County of El Dorado, State of California  
Department of Transportation

PERFORMANCE BOND

Bond No. S800430

Premium: \$2,807.00

KNOW ALL MEN BY THESE PRESENTS, that we KFRD Investors, Inc., the Developer in the Agreement hereto annexed, as Principal, and Financial Pacific Insurance Company as Surety, are held firmly bound unto the County of El Dorado, a Political Subdivision of the State of California, hereinafter called the "Obligee" in the sum of ONE HUNDRED EIGHTY SEVEN THOUSAND, ONE HUNDRED EIGHTEEN DOLLARS, (\$ 187,118.00) lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, jointly and severally, firmly by these present.

Signed, sealed and dated: December 29, 2004

The condition of the above obligation is that if said Principal as Developer in the Agreement hereto annexed shall faithfully perform each and all of the conditions of said Agreement to be performed by him, and shall furnish all tools, equipment, apparatus, facilities, transportation, labor and material, other than material, if any, agreed to be furnished by the Obligee, necessary to perform and complete, and to perform and complete in a good and workmanlike manner, the work of **Barnett Business Park, Unit II, Durock Road** in strict conformity with the terms and conditions set forth in the Agreement hereto annexed, then this obligation shall be null and void; otherwise bond shall remain in full force and effect and the said Surety will complete the work under its own supervision, by Contract or otherwise, and pay all costs thereof for the balance due under terms of the Agreement, and the said Surety, for value received, 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 there under shall in any wise affect its obligation 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.

In the event suit is brought upon this bond by the Obligee and judgment is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.



This guarantee shall insure the Obligee during the work required by any Agreement and for a period of one (1) year from the date of acceptance of the work against faulty or improper materials or workmanship that may be discovered during that time.

No right of action shall accrue under this bond to or for the use of any person other than the Obligee named herein.

Dated: December 29, 2004.

Correspondence or Claims relating to this bond should be sent to the Surety at the following address:

3850 Atherton Road  
Rocklin, CA 95765

KFRD Investments, Inc.  PRINCIPAL  
Financial Pacific Insurance Company  PRINCIPAL  
John J. Daley SURETY  
John J. Daley, ATTORNEY-IN-FACT

NOTE: Signatures of those executing for the surety must be properly acknowledged, and a Power of Attorney attached.

CERTIFICATE OF ACKNOWLEDGMENT

State of California  
County of \_\_\_\_\_

SS \*\*\*\*PLEASE SEE ATTACHED ALL-PURPOSE ACKNOWLEDGMENT\*\*\*\*

On this \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_, before me \_\_\_\_\_, personally appeared \_\_\_\_\_, personally known to be (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument as the attorney in fact of \_\_\_\_\_, and acknowledged to me that he subscribed the name of the said company thereto as surety, and his own name as attorney-in-fact.

(SEAL)

\_\_\_\_\_  
Notary Public

STATE OF California

COUNTY OF Contra Costa


} SS.

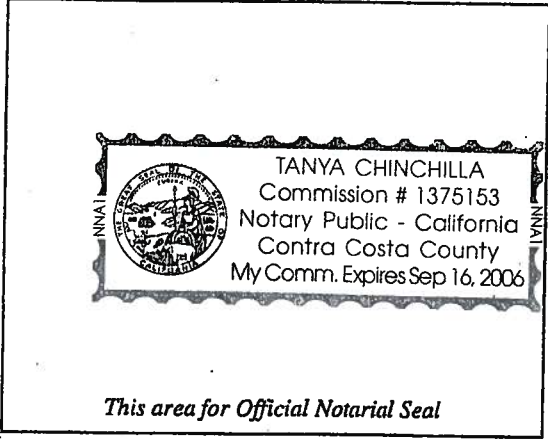
On January 12, 2005, before me, Tanya Chinchilla, Notary Public

PERSONALLY APPEARED John J. Daley

personally known to me (~~appeared 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.

WITNESS my hand and official seal.

Signature 



**OPTIONAL**

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

- CAPACITY CLAIMED BY SIGNER**
- INDIVIDUAL
  - CORPORATE OFFICER
  - \_\_\_\_\_ TITLE(S)
  - PARTNER(S)       LIMITED
  - GENERAL
  - ATTORNEY-IN-FACT
  - TRUSTEE(S)
  - GUARDIAN/CONSERVATOR
  - OTHER: \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_

**DESCRIPTION OF ATTACHED DOCUMENT**

Bond Number S800430

\_\_\_\_\_ TITLE OF TYPE OF DOCUMENT

one (01)

\_\_\_\_\_ NUMBER OF PAGES

December 29, 2004

\_\_\_\_\_ DATE OF DOCUMENT

**SIGNER IS REPRESENTING:**

NAME OF PERSON(S) OR ENTITY(IES)

Financial Pacific Insurance Company

\_\_\_\_\_

\_\_\_\_\_

N/A

\_\_\_\_\_ SIGNER(S) OTHER THAN NAMED ABOVE

EXECUTED IN DUPLICATE

BOND NUMBER: S800430  
PREMIUM INCLUDED IN PERFORMANCE BOND.

LABORER AND MATERIALMENS BOND FORM

Whereas, the Board of Supervisors of the County of El Dorado, the State of California, and KFRD Investments, Inc. (hereinafter designated as "principal") have entered into an agreement whereby principal agrees to install and complete certain designated public improvements, which said agreement, dated \_\_\_\_\_, 20\_\_\_\_, and identified as project Barnett Business Park Unit II Durock Road is hereby referred to and made 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 County of El Dorado to secure the claims to which reference is made in Title 15 (commencing with Section 3082) of part 4 of Division 3 of the Civil Code of the State of California.

Now, therefore, we, the principal and FINANCIAL PACIFIC INSURANCE COMPANY (hereinafter designated "Surety"), are held firmly bound unto the County of El Dorado and all contractors, subcontractors, laborers, materialmen 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 ninety-three thousand, five hundred fifty-nine dollars (\$93,559.00), 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 the County of El Dorado 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.

*Laborers and Materialmen (continued)*


It is hereby expressly stipulated and agreed that this bond shall insure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 15 (commencing with Section 3082) of part 4 of 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 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 said agreement or the specifications accompanying the same shall in any manner effect its obligations on this bond, and it does hereby waive notice of any such change, extension, alteration or addition.

In witness whereof, this instrument has been duly executed by the principal and surety above named, on DECEMBER 29, 20 04.

  
Kenneth G. Wilkinson  
President, KFRD Investments, Inc.

  
Fred W. Wilkinson  
Vice-President, KFRD Investments, Inc.

FINANCIAL PACIFIC INSURANCE COMPANY

by   
SURETY JOHN J. DALEY  
ATTORNEY-IN-FACT