

080-20-2004 J. FORM HUND BUILDERS

PERFORMANCE AND PAYMENT BOND

BOND NO. TF0737

KNOW ALL MEN BY THESE PRESENTS, THAT WE, Road Builders Corporation of Honolulu, Hawaii hereinafter referred to as the Principal, and Seaboard Surety Company a corporation organized and existing under the laws of the State of New York, and authorized to do business in the State of Hawaii, as Surety, are held and firmly bound unto Smith/Foti Development LP, hereinafter referred to as the Obligee, in the sum of \$82,315.00 lawful money of the United States of America, to the payment of which sum well and truly to be made, we bind ourselves, our executors, administrators, successors and assigns, firmly by these presents.

Whereas, the Principal has entered into a certain written contract dated the 29th day of December, 2004, with the Obligee for

EXCAVATION AND INSTALLATION OF FIRE HYDRANT AND WATER METER, AND PAVING WORK AT 91-069 FORT WEAVER ROAD, EWA BEACH, HAWAII 96706

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall faithfully perform said contract according to its terms, covenants and conditions and shall promptly pay all persons supplying labor or material to the Principal for use in the prosecution of the work under said contract, then this obligation shall be void; otherwise, it shall remain in full force and effect.

Subject to the named Obligee's priority, all persons who have supplied labor or material directly to the Principal for use the prosecution of the work under said contract shall have a direct right of action under this bond.

The Surety's aggregate liability hereunder shall in no event exceed the amount set forth above.

No claim, suit or action shall be brought hereunder (by the obligee, subcontractors or suppliers for payment, performance or warranty issues) after the expiration of forty-seven (47) days following the filing of the Affidavit of publication of notice of completion, pursuant to Chapter 507, Hawaii Revised Statutes, as amended. All claims, suits or actions under this bond shall be made in writing via certified mail to the Principal at 2836 Awaawaloa Street, Honolulu, HI 96819, and Surety at 701 Fifth Avenue, Suite 3850, Seattle, WA 98104.

SIGNED, SEALED AND DATED on December 29, 2004.

Road Builders Corporation

By 

PRINCIPAL

Seaboard Surety Company

By 

John N. Bustard,

ATTORNEY-IN-FACT

Seaboard Surety Company
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company

United States Fidelity and Guaranty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.

Power of Attorney No. 24328

Certificate No. 2103358

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, and that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, and that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, and that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Harvey C. King, John N. Bustard, Paul R. Botts, Wesley I. Uemoto, Brad Wagenaar, Kathy Ann McElrath, Dorothy S. Albano, Maria Morales Minkel and Kim K. L. Barraco

of the City of Honolulu State Hawaii, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety to, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and sealed this 11th day of May 2004

Seaboard Surety Company
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company

United States Fidelity and Guaranty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.



Handwritten signature of Peter W. Carman, Vice President.

PETER W. CARMAN, Vice President

Handwritten signature of Thomas E. Huibregtse, Assistant Secretary.

THOMAS E. HUIBREGTSE, Assistant Secretary

State of Maryland
City of Baltimore

On this 11th day of May, 2004, before me, the undersigned officer, personally appeared Peter W. Carman and Thomas E. Huibregtse, who acknowledged themselves to be the Vice President and Assistant Secretary, respectively, of Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, United States Fidelity and Guaranty Company, Fidelity and Guaranty Insurance Company, and Fidelity and Guaranty Insurance Underwriters, Inc., and that the seals affixed to the foregoing instrument are the corporate seals of said Companies; and that they, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the names of the corporations by themselves as duly authorized officers.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the 1st day of July, 2006.



Handwritten signature of Rebecca Easley-Onokala.

REBECCA EASLEY-ONOKALA, Notary Public