



BOND

Bond No. **SB016000409**Premium: **\$4,219 / 2 Years**

THE STATE OF TEXAS
COUNTY OF FORT BEND

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§
§

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, **Terrabrook Cinco Ranch Southwest, L.P.** whose *(street address/phone)* is **10235 West Little York, Suite 300, Houston, TX 77040 (713) 575-9000**, hereinafter called the Principal, and *(Surety)* **Ullico Casualty Company (Principal Surety)**, a Corporation existing under and by virtue of the laws of the State of **Delaware**, and authorized to do an indemnifying business in the State of Texas, and whose principal office is located at *(street address/phone)* **1625 Eye Street N.W., Washington, DC 20006, (202) 682-0900**, and whose officer residing in the State of Texas, authorized to accept service in all suits and actions brought within said State is *(name/office)* **Diane Brown, Ullico Casualty Company c/o Contract Bond Agency**, and **Benchmark Insurance Company**, a Corporation existing under and by virtue of the laws of the State of **Kansas**, and authorized to do an indemnifying business in the State of Texas, and whose principal office is located at *(street address/phone)* **6405 Metcalf Avenue, Suite 400, Overland Park, KS 66202, (952) 974-2200**, and whose officer residing in the State of Texas, authorized to accept service in all suits and actions brought within said State is *(name/office)* **Diane Brown, Benchmark Insurance Company, c/o Contract Bond Agency**, whose *(street address/phone)* is **3817 Alamo Avenue, Fort Worth, TX 76107, (817) 731-2568** hereinafter called the Sureties, and held and firmly bound unto Robert E. Hebert, County Judge of Fort Bend County, Texas or his successors in office, in the full sum of **Two Hundred Eighty-One Thousand Two Hundred Sixty and no/100 Dollars (\$281,260.00)** current, lawful money of the United States of America, to be paid to said Robert E. Hebert, County Judge of Fort Bend County, Texas or his successors in office, to which payment well and truly to be made and done, we, the undersigned, bind ourselves and each of us, our heirs, executors, administrators, successors, assigns, and legal representatives, jointly and severally, by these presents.

WHEREAS, the said Principal is the owner of the following Subdivision(s):

Cinco Ranch Southwest, Section 46

located in Fort Bend County, Texas; and,

WHEREAS, the Commissioners Court of Fort Bend County, Texas, has promulgated certain rules, regulations and requirements relating to Subdivisions in Fort Bend County, Texas, as more specifically set out in "Fort Bend County Regulations of Subdivisions" as amended; same being made a part hereof for all purposes, as though fully set out herein; wherein it is provided, among other

things, that the owner of a Subdivision will construct the roads, streets, bridges and drainage in the right-of-way depicted on the plat thereof, in accordance with the specifications set out therein, and maintain such roads, streets, bridges and drainage in the right-of-way until such time as said roads, streets, bridges and drainage in the right-of-way have been approved by the County Engineer and accepted for maintenance by the Commissioners Court of Fort Bend County, Texas (or in the case of subdivisions, streets or roads designated as private in the plat approved by the County Engineer and accepted by the Homeowners Association).

It is further stipulated and understood that the approval of the map or plat of the above named Subdivision(s) is conditioned upon and subject to the strict compliance by the Principal herein with the aforesaid specifications, and that the terms of said specifications, including all deletions, additions, changes or modifications of any kind or character, constitute a contract between the County of Fort Bend and Principal; and it is understood by the Principal that the approval of said map or plat of the above Subdivision(s) was obtained only by the undertaking of the Principal to so comply with the said regulations and specifications within a reasonable time, as set by the Commissioners Court of Fort Bend County, Texas, and that without such undertaking such approval would have not been granted.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bounded Principal, his, her, their, or its heirs, executors, administrators, successors, assigns, and legal representatives, and each and every one of them to do in all things well and truly observe, perform, fulfill, keep and comply with all and singular the rules, regulations, requirements and specifications above referred to, including any deletions, additions, changes or modifications of any kind or character, in the construction and maintenance of all roads, streets, bridges and drainage in the right-of-way in the above named Subdivision(s) and that upon approval of the construction of said roads, streets, bridges and drainage in the right-of-way by the County Engineer, and upon the approval of such maintenance by the County Engineer, and upon acceptance of such roads, streets, bridges and drainage in the right-of-way by the Commissioners Court of Fort Bend County, Texas, then this obligation to be void and of no force and effect.

The Principal and Surety hereon each agree, bind and obligate themselves to pay Robert E. Hebert, County Judge of Fort Bend County, State of Texas, or his successors in office, for the use and benefit of Fort Bend County, all loss or damages to it occasioned by reason of the failure of the Principal to comply strictly with each and every provision contained in the rules, regulations, requirements and specifications above referred to relating to the construction and maintenance of roads, streets, bridges and drainage in the right-of-way in the above named Subdivision(s), and further agree, bind and obligate themselves to defend, save and keep harmless the County of Fort Bend from any and all damages, expenses, and claims of every kind and character which the County

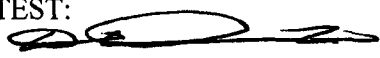
of Fort Bend may suffer, directly or indirectly, as a result of the Principal's failure to comply with the rules, regulations and specifications relating to the construction and maintenance of the roads, streets, bridges and drainage in the right-of-way in the above named Subdivision(s).

The word Principal when used herein means Principal or Principals whether an individual, individuals, partnership, corporation, or other legal entity having the capacity to contract. The words Roads, Streets, Bridges and Drainage in the right-of-way used herein mean each and every road, street, bridge and drainage in the right-of-way in said Subdivision(s). The word Maintenance as used herein means all needful, necessary and proper care and repair from completion of the roads or streets and approval thereof by the County Engineer until acceptance of the roads and streets by the Commissioners Court. The word Surety when used herein means Surety or Sureties, and it is understood by the parties that any and all liabilities of any kind or character assumed or imposed upon the Principal by the terms hereof extends in full force and vigor to each and every Surety jointly and severally.

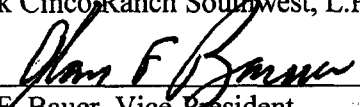
In the event of suit hereunder, such suit shall be brought in Fort Bend County, Texas.

EXECUTED this 14th day of March, 2011.

ATTEST:


Dan Whitton, Project Manager

Terrabrook Cinco Ranch Southwest, L.P.
Principal

By: 
Alan F. Bauer, Vice-President

Ullico Casualty Company (Principal Surety)
Surety

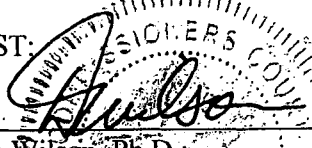
By: 
Michael G. Hall, ATTORNEY IN FACT


Benchmark Insurance Company
Surety

By: 
Michael G. Hall, ATTORNEY IN FACT

APPROVED this 5 day of April, 20 11.

ATTEST:


Dianne Wilson, Ph.D.
County Clerk


Robert E. Hebert
County Judge
Fort Bend County, Texas

TEXAS ORDINARY CERTIFICATE OF ACKNOWLEDGMENT

CIVIL PRACTICE & REMEDIES CODE § 121.007

State of Texas

County of Harris

Before me, Kathleen J. Hawn, Notary Public, on this
Name and Character of Notarizing Officer, e.g., "John Smith, Notary Public"
 day personally appeared Alan F. Bauer,
Name of Signer

☒ known to me

☐ proved to me on the oath of _____

Name of Credible Witness

☐ proved to me through _____

Description of Identity Card or Document

to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this

16 day of March, A.D., 2011.
Day Month Year

Kathleen J. Hawn
Signature of Notarizing Officer

OPTIONAL

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

**RIGHT THUMBPRINT
OF SIGNER**

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AS PER ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

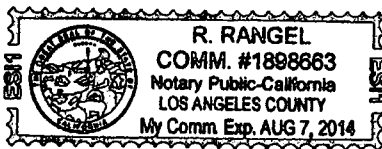
STATE OF CALIFORNIA

County of Los Angeles }

On 3.14.2011 before me, R.Rangel, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Michael G. Hall

Name(s) of Signer(s)



Place Notary Seal Above

who proved 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.

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.

Signature

Signature of Notary Public

OPTIONAL

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

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

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ULLICO Casualty Company
1625 Eye Street, N.W. Washington D.C. 20006
Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That ULLICO CASUALTY COMPANY (the Company), a corporation organized and existing under the laws of the State of Delaware, does hereby constitute and appoint: **Michael E. Cundiff, Michael G. Hall and Jasmine Hampton** of Ullico Casualty Company.

Its true and lawful Attorney (s) in fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$5,000,000.00.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of ULLICO Casualty Company at a meeting duly called the 15th day of July, 2009.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company to: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with the respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, ULLICO CASUALTY COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 16TH DAY OF JULY, 2009.


PRESIDENT

Daniel Aronowitz
President ULLICO Casualty Company, a Delaware Corporation.

On this 16th day of July 2009, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the ULLICO CASUALTY COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.


Notary Public

CATHERINE M. OBRIEN
NOTARY PUBLIC STATE OF MARYLAND
MONTGOMERY COUNTY
MY COMMISSION EXPIRES JANUARY 21, 2012
CERTIFICATE

I, Teresa E. Valentine, Senior Vice President, General Counsel and Secretary of ULLICO Casualty Company, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 14TH day of MARCH 20 11 are true and correct and are still in full force and effect. I do further certify that that Daniel Aronowitz, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of ULLICO Casualty Company,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 14TH day of MARCH 20 11.

Teresa E. Valentine
Senior Vice President, General Counsel & Secretary
ULLICO Casualty Company

Benchmark

INSURANCE COMPANY

No 000730

Benchmark Insurance Company
775 Prairie Center Drive, Suite #420, Eden Prairie, MN 55344
Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That **BENCHMARK INSURANCE COMPANY** (the Company), a corporation organized and existing under the laws of the State of Kansas, does hereby constitute and appoint: **EDWARD TITUS, DENNIS FERRETTI, MICHAEL E. CUNDIFF and MICHAEL G. HALL of ULLICO CASUALTY COMPANY**

As its true and lawful Attorney (s) in fact with full authority to execute on its behalf surety bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its surety business and to bind the Company thereby, in an amount not to exceed **\$8,250,000**.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of **Benchmark Insurance Company** at a meeting duly called the 29TH day of March, 2010.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company to:
(1) Appoint Attorney(s) in Fact and authorize the Attorney(s)-in-Fact to execute on behalf of the Company surety bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof related to surety business and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to a Power of Attorney or certificate, relating to the appointment of an Attorney-in-Fact regarding the issuance of surety bonds, by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any surety bond or undertaking to which it is attached.

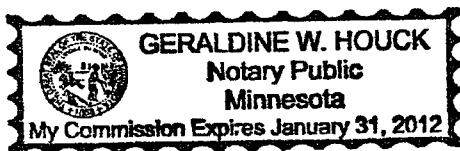
IN TESTIMONY WHEREOF, **BENCHMARK INSURANCE COMPANY** has caused this instrument to be signed and its corporate seal to be affixed by its authorized office this 5th day of October 2010.



Andrew O'Brien

President
Andrew O'Brien
Benchmark Insurance Company

On this 5th day of October, 2010, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the **BENCHMARK INSURANCE COMPANY**; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed.



Geraldine W. Houck

(Notary Name & Signature)

NOTARY PUBLIC STATE OF MINNESOTA, HENNEPIN COUNTY
MY COMMISSION EXPIRES January 31, 2012
CERTIFICATE

I, Jill K. Johnson, Assistant Vice President, Associate Council for Benchmark Insurance Company, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 5th day of October 2010 are true and correct and are still in full force and effect. I do further certify that Andrew O'Brien, who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of Benchmark Insurance Company.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 14th day of MARCH, 2011.

Jill K. Johnson

Jill K. Johnson
Assistant Vice President, Associate Counsel
Benchmark Insurance Company

Ret.
Fort Bend County Clerk
Adm Services Coordinator

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2011 Apr 05 01:57 PM

2011031357

DA \$35.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS