

PERFORMANCE – PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS: That we Hennessy Construction Services Corp. (Contractor-Principal), a Corporation (Corporation-Partnership-Sole Proprietor, Etc.), hereinafter called "Principal" and Frankenmuth Mutual Insurance Company (Surety) of One Mutual Ave., Frankenmuth, MI 48787-00011, State of Florida, hereinafter called the "Surety", are held firmly bound unto the City of St. Petersburg, hereinafter called "Owner" in penal sum of Fifty-eight Thousand Two Hundred Twenty-Six Dollars (\$ 58,226.00) in lawful money of the United States for the payment of & 00/100 which sum will and truly be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally firmly by these presents.

THE CONDITIONS OF THIS OBLIGATION is such that Whereas, the Principal entered into a certain contract (work permit/minor easement) with the Owner, dated the 20 Day of January, 2022, a copy of which is attached hereto and made a part hereof for the construction of:

Innovare Apartments located at 850 5th Ave. South, St. Petersburg, FL - Work Within City Right-of-Way

as described in City Engineering Work Permit # 22083 D 1032 (contact City Engineering Department to obtain permit number assigned to this project).

NOW, THEREFORE, if the principal shall, will, truly and faithfully perform its duties, all the undertakings, covenants, terms, conditions and agreements of said contract (work Permit/minor easement) during the original term thereof, and any extensions thereof which may be granted by the Owner, with or without notice to the Surety, and if he shall satisfy all claims and demands incurred under such contract (work permit/minor easement), including appellate proceedings, and shall fully indemnify and save harmless the Owner from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the Owner all outlay and expense which the Owner may incur in making good any default, and shall promptly make payments to all claimants, as defined in Sec. 255.05(1), Florida Statutes supplying Principal with labor, materials or supplies used directly or indirectly by Principal in the prosecution of the work provided for in such contract (work permit/minor easement), and any authorized extension or modification thereof, including all amounts due for materials, lubricants, oil, gasoline, repairs on machinery, equipment and tools, consumed or used in connection with the construction of such work, and for all insurance premiums on said work, and for all labor, performed in such work whether by subcontractor or otherwise then this obligation shall be void; otherwise to remain in full force and effect. This bond is executed pursuant to Section 255.05 Florida Statute, and is subject to the notice and time limitation provisions therein.

PROVIDED, FURTHER, that the said Surety, for the value received hereby stipulates and agrees that no change, extension of time, alterations or additions to the terms of the contract ( work permit/minor easement) or to the work to be performed thereunder or the specifications accompanying the same shall in any way 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 contract (work permit/minor easement) or to work or to the specifications.

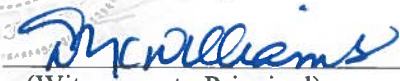
PROVIDED, FURTHER, that no final settlement between the Owner and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

IN WITNESS WHEREOF, the said Principal and Surety have duly executed this instrument under seal in 1 counterparts, each one of which shall be deemed an original, this the 20th day of January, 2022.

ATTEST:

  
\_\_\_\_\_  
(Principal) Secretary

(SEAL)

  
\_\_\_\_\_  
(Witness as to Principal)  
2300 22nd St. North  
\_\_\_\_\_  
(Address)  
St. Petersburg, FL 33713  
\_\_\_\_\_  
(City / State / Zip)

Hennessy Construction Services Corp.  
(Principal)

By   
\_\_\_\_\_  
Mark J. Stalker, President

2300 22nd St. North  
(Address)

St. Petersburg, FL 33713  
(City / State / Zip)

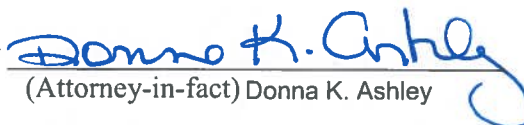
Frankenmuth Mutual Insurance Company  
(Surety)

ATTEST:

  
\_\_\_\_\_  
(Surety) Secretary

(SEAL)

Jennifer C. Hoehn  
(Witness as to Surety)  
6100 Fairview Rd., Suite 800  
(Address)  
Charlotte, NC 28210  
(City / State / Zip)

By   
(Attorney-in-fact) Donna K. Ashley

6100 Fairview Rd., Suite 800  
(Address)

Charlotte, NC 28210  
(City / State / Zip)

*Note: Date of Bond must not be prior to date of Contract*

FRANKENMUTH MUTUAL INSURANCE COMPANY

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that Frankenmuth Mutual Insurance Company (the "Company"), a corporation duly organized and existing under the laws of the State of Michigan, having its principal office at 1 Mutual Avenue, Frankenmuth, Michigan 48787, does hereby nominate, constitute and appoint: Donna K. Ashley

Their true and lawful attorney(s)-in-fact, each in their separate capacity if more than one is named above, to make, execute, seal, acknowledge and deliver any and all bonds, contracts and undertakings of suretyship, with the exception of Financial Guaranty Insurance, provided, however, that the penal sum of any one such instrument shall not exceed the sum of:

Fifty Million and 00/100 Dollars (\$50,000,000)

Bond No: SUR0004535

Principal Name: Hennessy Construction Services Corp.

Obligee Name: City of St. Petersburg, FL

This Power of Attorney is granted pursuant to the following Resolution duly adopted at a meeting of the Board of Directors of Frankenmuth Mutual Insurance Company:

"RESOLVED, that the President, Senior Vice President or Vice President and each of them under their respective designations, hereby is authorized to execute powers of attorney, and such authority can be executed by use of facsimile signature, which may be attested or acknowledged by any officer of the Company, qualifying the attorney(s) named in the given power of attorney, to execute on behalf of, and acknowledge as the act and deed of Frankenmuth Mutual Insurance Company on all bonds, contracts and undertakings of suretyship, and to affix the corporate seal thereto."

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 10th day of September, 2018.



Frankenmuth Mutual Insurance Company

By [Signature] Frederick A. Edmond, Jr., President and Chief Operating Officer

STATE OF MICHIGAN ) COUNTY OF SAGINAW ) ss:

Sworn to before me, a Notary Public in the State of Michigan, by Frederick A. Edmond, Jr., to me personally known to be the individual and officer described in, and who executed the preceding instrument, deposed and said the Corporate Seal and his signature as Officer were affixed and subscribed to said instrument by the authority of the Company.

IN TESTIMONY WHEREOF, I have set my hand, and affixed my Official Seal this 10th day of September, 2018.

[Signature] (Seal) Dianne L. Voss, Notary Public Saginaw County, State of Michigan My Commission Expires July 23, 2024



I, the undersigned, Vice President of Frankenmuth Mutual Insurance Company, do hereby certify that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and is in full force and effect as of this date.

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the Company, this 20th day of January, 2022.

[Signature] Andrew H. Knudsen, Vice President