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The Ohio Casualty Insurance Company

9450 Seward Road, Fairfield, Ohio 45014

Bond # 5061635

BOND

KNOW ALL MEN BY THESE PRESENTS: That we

UP-Grade Excavating Inc.

4960 E. 216th Street, Noblesville, Indiana 46062

Street Address

City

State

ZIP Code

(Full Name [top line] and Address [bottom line] of Principal)

(hereinafter called the Principal) as Principal, and , The Ohio Casualty Insurance Company with principal offices at Hamilton, Ohio (hereinafter called the Surety) as Surety, are held and firmly bound unto

All Cities and Towns in Lake County, Indiana or The City of Gary

401 Broadway, Gary, Indiana 46402

Street Address

City

State

ZIP Code

(Full Name [top line] and Address [bottom line] of Obligee)

(hereinafter called the Obligee), in the penal sum of

Five Thousand and no/100 (Dollars) \$ 5,000.00

for the payment of which well and truly to made, we do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has made or is about to make application to the Obligee for a License to

General Contractor

for a term beginning on 09-22-09

and ending on* 09-22-10

(*strike out if license or permit is for an indefinite term)

NOW, THEREFORE, if the Principal shall indemnify the Obligee against any loss directly arising by reason of failure of said Principal to comply with the laws or ordinances under which said license or permit is granted, or any lawful rules or regulations pertaining thereto, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER, AND UPON THE FOLLOWING EXPRESS CONDITIONS:

1. This bond shall be and remain in full force during the term of said license or permit unless canceled in accordance with paragraph 2 below; but if said license or permit was issued for a specific term, and is renewed for one or more specific terms, this bond will be extended to cover such additional term(s) upon the execution by the Surety of a Continuation Certificate, provided such certificate is acceptable to the Obligee. In no event, however, shall the liability of the Surety be cumulative from year to year or from period to period, nor exceed the penal sum written in this first paragraph of this bond.
2. The Surety shall have the right to terminate its liability by notifying the Obligee in writing ten (10) days in advance of its intention to do so.

SIGNED, SEALED AND DATED

09-22-09

UP-Grade Excavating Inc.

By: [Signature]

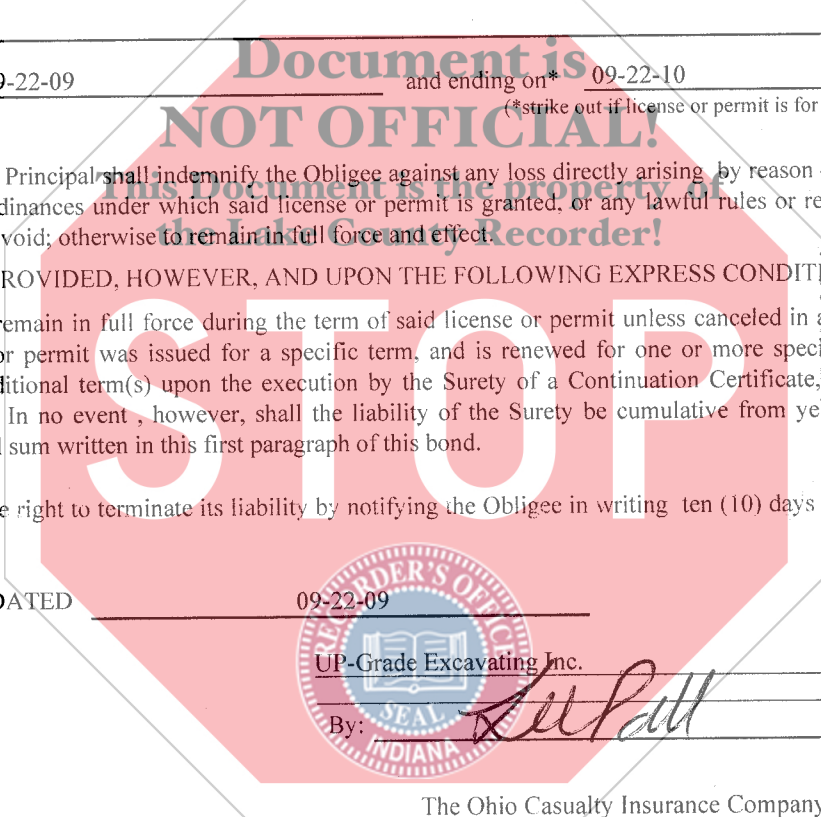
Principal

The Ohio Casualty Insurance Company

By: [Signature]

Jannifer Edmonds

Attorney-in-Fact



2009 056240

STATE OF INDIANA
LAKE COUNTY
CLERK OF SUPERIOR COURT
RECORDED
INDEXED
SEP 23 9:19 AM '09
MCH 21 10:00 AM '09

8574
1400
BB

Principal: UP-Grade Excavating Inc.

POWER OF ATTORNEY

POA Number: 40-945

THE OHIO CASUALTY INSURANCE COMPANY
WEST AMERICAN INSURANCE COMPANY

Obligee: All Cities and Towns in Lake County, Indiana
or The City of Gary

Bond Number: 5061635

Know All Men by These Presents: THE OHIO CASUALTY INSURANCE COMPANY, an Ohio Corporation, and WEST AMERICAN INSURANCE COMPANY, an Indiana Corporation pursuant to the authority granted by Article III, Section 9 of the Code of Regulations and By-Laws of The Ohio Casualty Insurance Company and West American Insurance Company do hereby nominate, constitute and appoint: Kevin L. Surface, Robert Drake, Jannifer Edmonds, Beth Myers or Frank Cash of Indianapolis, Indiana its true and lawful agent (s) and attorney (s)-in-fact, to make, execute, seal and deliver for and on its behalf as surety, and as its act and deed **any and all BONDS, UNDERTAKINGS, and RECOGNIZANCES**, not exceeding in any single instance **TWENTY FIVE MILLION (\$25,000,000.00) DOLLARS**, excluding, however, any bond(s) or undertaking(s) guaranteeing the payment of notes and interest thereon.

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, 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 Companies at their administrative offices in Fairfield, Ohio, in their own proper persons. The authority granted hereunder supersedes any previous authority heretofore granted the above named attorney(s)-in-fact.

In WITNESS WHEREOF, the undersigned officer of the said The Ohio Casualty Insurance Company and West American Insurance Company has hereunto subscribed his name and affixed the Corporate Seal of each Company this 17th day of April, 2008



Sam Lawrence

Sam Lawrence Assistant Secretary

STATE OF OHIO,
COUNTY OF BUTLER

On this 17th day of April, 2008 before the subscriber, a Notary Public of the State of Ohio, in and for the County of Butler, duly commissioned and qualified, came Sam Lawrence, Assistant Secretary of The Ohio Casualty Insurance Company and West American Insurance Company, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn deposes and says that he is the officer of the Companies aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and the said Corporate Seals and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal at the City of Hamilton, State of Ohio, the day and year first above written.



Cheryl S. Gregory

Notary Public in and for County of Butler, State of Ohio
My Commission expires August 5, 2012

This power of attorney is granted under and by authority of Article III, Section 9 of the Code of Regulations and By-Laws of The Ohio Casualty Insurance Company and West American Insurance Company, extracts from which read:

Article III, Section 9. **Appointment of Attorneys-in-Fact** The Chairman of the Board, the President, any Vice-President, the Secretary or any Assistant Secretary of the corporation shall be and is hereby vested with full power and authority to appoint attorneys-in-fact for the purpose of signing the name of the corporation as surety to, and to execute, attach the seal of the corporation to, acknowledge and deliver any and all bonds, recognizances, stipulations, undertakings or other instruments of suretyship and policies of insurance to be given in favor of any individual, firm, corporation, partnership, limited liability company or other entity, or the official representative thereof, or to any county or state, or any official board or boards of any county or state, or the United States of America or any agency thereof, or to any other political subdivision thereof

This instrument is signed and sealed as authorized by the following resolution adopted by the Boards of Directors of the Companies on October 21, 2004:

RESOLVED, That the signature of any officer of the Company authorized under Article III, Section 9 of its Code of Regulations and By-laws and the Company seal may be affixed by facsimile to any power of attorney or copy thereof issued on behalf of the Company to make, execute, seal and deliver for and on its behalf as surety any and all bonds, undertakings or other written obligations in the nature thereof, to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment. Such signatures and seal are hereby adopted by the Company as original signatures and seal and shall, with respect to any bond, undertaking or other written obligations in the nature thereof to which it is attached, be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATE

I, the undersigned Assistant Secretary of The Ohio Casualty Insurance Company, American Fire and Casualty Company and West American Insurance Company, do hereby certify that the foregoing power of attorney, the referenced By-Laws of the Companies and the above resolution of their Boards of Directors are true and correct copies and are in full force and effect on this date.

IN WITNESS WHEREOF, I have hereunto set my hand and the seals of the Companies this 22nd day of September 2009



Mark E. Schmidt

Mark E. Schmidt Assistant Secretary