## Torres Rojas, Genara

**From:** lilly@cohmlaw.com
**Sent:** Friday, September 26, 2014 4:20 PM
**To:** Duffy, Daniel; American, Heavyn-Leigh
**Cc:** Torres Rojas, Genara; Van Duyne, Sheree
**Subject:** Freedom of Information Online Request Form

Information:

First Name: Lilly
Last Name: Piazzaq
Company: Colleran OHara and Mills LLP
Mailing Address 1: 100 Crossways Park Drive West
Mailing Address 2: Suite 200
City: Woodbury
State: NY
Zip Code: 11797
Email Address: lilly@cohmlaw.com
Phone: 516 248 5757
Required copies of the records: Yes

List of specific record(s):
Copy of payment bond for jobsite project Broadway Marketplace at George Washington Bridge Bus Station. The general contractor is Tutor Perini Building Corp.

**THE PORT AUTHORITY** OF NY & NJ

FOI Administrator

November 7, 2014

Ms. Lilly Piazza
Colleran Ohara and Mills LLP
100 Crossways Park Drive West, Suite 200
Woodbury, NY 11797

Re: Freedom of Information Reference No. 15354

Dear Ms. Piazza:

This is in response to your September 26, 2014 request, which has been processed under the Port Authority's Freedom of Information Code (the "Code", copy enclosed) for a copy of the "payment bond for jobsite project Broadway Marketplace at George Washington Bridge Bus Station. The general contractor is Tutor Perini Building Corp."

Material responsive to your request and available under the Code can be found on the Port Authority's website at http://www.panynj.gov/corporate-information/foi/15354-C.pdf. Paper copies of the available records are available upon request.

Certain portions of the material responsive to your request are exempt from disclosure pursuant to exemption (1) of the Code.

Please refer to the above FOI reference number in any future correspondence relating to your request.

Very truly yours,

Daniel D. Duffy
FOI Administrator

Enclosure

225 Park Avenue South, 17th FL
New York, NY 10003
T: 212 435 3642 F: 212 435 7555

# EXHIBIT H

## PERFORMANCE AND PAYMENT BOND

## FOR

## TCA / TAA NO. GWBS-0901

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned[1] contractor and surety company (or companies), as principal and surety (or sureties) (hereafter collectively "Surety"), respectively,

| Contractor | Surety(ies) |
|---|---|
| Tutor Perini Building Corp. a corporation organized under the laws of the State of Arizona | Travelers Casualty and Surety Company of America<br>Fidelity and Deposit Company of Maryland<br>Zurich American Insurance Company<br>Liberty Mutual Insurance Company<br>Federal Insurance Company |

are hereby held and firmly bound unto George Washington Bridge Bus Station Development Venture (herein called the "Developer") and The Port Authority of New York and New Jersey (herein called the "Authority") in the penal sum of One Hundred Million Four Hundred Fifty-Four Thousand and 00/100 Dollars and _____ Cents ($ 100,454,000.00 .), for the payment of which, well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, representatives, executors, administrators, successors and assigns. Each Surety, however, if there is more than one, shall be jointly and severally liable for said penal sum.

Signed this 27th day of June 2013

The condition of the above obligation is that

WHEREAS, the above named principal ("Principal") has entered into a construction contract in writing with the Developer (the "Contract"), a copy of which is attached and hereby made a part of this bond ("Bond"); and

WHEREAS, the Authority has required this Bond for the faithful performance by the Principal of all obligations imposed on the Principal by the Contract ("Performance Bond Claims") and also for the payment by the Principal of all lawful claims of subcontractors, materialmen and workmen arising out of the performance of the Contract ("Payment Bond Claims"), and has required that the Authority be named as a co-obligee on this Bond;

NOW, if the Principal shall well and faithfully do and perform the things agreed by it to be done

---

1 Insert names of the Contractor and surety company (or companies) in the appropriate columns. If space is sufficient add rider.

If the Contractor is a corporation, give the state of incorporation, using also the phrase "a corporation organized under the laws of _____".

If the Contractor is an individual using a trade name, give individual name, using also the phrase, "an individual doing business under the trade name of _____".

and performed according to the terms and true intent and meaning of the Contract and if all lawful claims of subcontractors, materialmen and workmen arising out of the performance of the Contract are paid, then this obligation shall be void, but otherwise the same shall remain in full force and effect, it being expressly understood and agreed that, provided the Surety shall comply with the provisions hereof, the aggregate liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as hereinbefore stated.

1. This undertaking is for the benefit of the Developer and the Authority and all subcontractors, materialmen and workmen having lawful claims arising out of the performance of the Contract, and all such subcontractors, materialmen and workmen (as well as the Developer and the Authority themselves) shall have a direct right of action upon this Bond; but the rights and equities of such subcontractors, materialmen and workmen shall be subject and subordinate to those of the Developer and the Authority.

2. The said Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and this Bond shall be in no way impaired or affected by any extensions of time, modification, omission, addition or change in or to the Contract or the construction to be performed thereunder, or by any supervision or inspection or omission to supervise or inspect the construction, or by any payment thereunder before the time required therein, or by any waiver of any provision or condition thereof (whether precedent or subsequent), or by any assignment, subletting or other transfer thereof or of any part thereof or of any construction to be performed or any moneys due or to become due thereunder; and said Surety does hereby waive notice of any and all of such extensions, modifications, omissions, additions, changes, payments, waivers, assignments, subcontracts and transfers, and hereby expressly stipulates and agrees that any and all things done and omitted to be done by and in relation to assignees, subcontractors and other transferees shall have the same effect as to said Surety as though done by or in relation to the Principal.

3. The Surety shall not be liable to Developer, the Authority, or any of them, unless the Developer, the Authority, and each of them, have performed all of their respective material payment obligations for work satisfactorily performed under said Contract in the manner required therein. The rights of the Authority hereunder are subject to the same defenses Principal and/or Surety have against the Developer. If the Authority has terminated the Developer's Lease, then the Surety may make any payments under this Bond directly to the Authority.

4. With respect to lawful Payment Bond Claims, the Surety shall give the General Counsel of the Authority and the Developer the following notices:

A. Written notice of intent to pay any claim of any subcontractor, materialman or workman hereunder; and

B. Written notice within five (5) days of the institution of any action against the Surety by any subcontractor, materialman or workman hereunder.

The Surety shall not pay a Payment Bond Claim hereunder until the expiration of thirty (30) days after receipt by the Developer and said General Counsel of notice under either subparagraph A or B above, describing the claim to be paid.

5. With respect to Performance Bond Claims, the Surety, upon written notice of the Principal's default from the Developer or the Port Authority, as applicable, shall within thirty (30) days, and at the Surety's expense, take one of the following actions:

A. Arrange for the Principal, with consent of the Developer or the Port Authority, as applicable, to perform and complete the Contract; or

B. Undertake to perform and complete the Contract itself, through its agents or through independent contractors; or

C. Obtain bids or negotiated proposals from qualified contractors acceptable to the Developer and /or the Port Authority, as applicable, for a contract for performance and completion of the Contract, arrange for a contract to be prepared for execution by the Developer or the Port Authority, as applicable, and the contractor selected with the Developer's and/ or the Port Authority's, as applicable, concurrence, to be secured with performance and payment bonds executed by a qualified surety equivalent to the bonds issued on the Contract, and pay to the Developer or the Port Authority, as applicable, the amount of damages as described in Section 6 in excess of the balance of the Contract Price incurred by the Developer or the Port Authority, as applicable, resulting from the Principal's default; or

D. Waive its right to perform and complete, arrange for completion, or obtain a new contractor and with reasonable promptness under the circumstances:

(i) After investigation, determine the amount for which it may be liable to the Developer or the Port Authority, as applicable, and, as soon as practicable after the amount is determined, tender payment therefor to the Developer or the Port Authority, as applicable; or

(ii) Deny liability in whole or in part and notify the Developer or the Port Authority, as applicable, citing reasons therefor.

6. If the Surety does not proceed as provided in Section 5, the Surety shall be deemed to be in default on this Bond fifteen (15) days after receipt of an additional written notice from the Developer or the Port Authority, as applicable, to the Surety demanding that the Surety perform its obligations under this Bond, and the Developer or the Port Authority, as applicable, shall be entitled to enforce any remedy available to the Developer or the Port Authority, as applicable. If the Surety proceeds as provided in Section 5.D, and the Developer or the Port Authority, as applicable, refuses the payment tendered or the Surety has denied liability, in whole or in part, without further notice the Developer or the Port Authority, as applicable, shall be entitled to enforce any remedy available to the Developer or the Port Authority, as applicable.

7. After the Developer or the Port Authority, as applicable, has terminated the Principal's right to complete the Contract, and if the Surety elects to act under Section 5.A, 5.B, or 5.C above, then the responsibilities of the Surety to the Developer or the Port Authority, as applicable, shall not be greater than those of the Principal under the Contract, and the responsibilities of the Developer or the Port Authority, as applicable, to the Surety shall not be greater than those of the Developer under the Contract. To the limit of the amount of this Bond, but subject to commitment by the Developer or the Port Authority, as applicable, of the balance of the Contract Price to mitigation of costs and damages on the Contract, the Surety is obligated without duplication for:

A. The responsibilities of the Principal for correction of defective work and completion of the Contract;

B. Additional reasonable legal, design professional and delay costs resulting from the Principal's default, and resulting from the actions or failure to act of the Surety under Section 5; and

C. Liquidated damages, or if no liquidated damages are specified in the Contract, actual damages caused by delayed performance or non-performance of the Principal.

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**IN WITNESS WHEREOF,** the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, as of the day and year first set forth above.

Tutor Perini Building Corp.

**Principal**

**By**[2]

**Name / Title / Seal** Bradley W.B. Statler, Executive Vice President - Philadelphia Office

Travelers Casualty and Surety Company of America, Fidelity and Deposit Company of Maryland, Zurich American Insurance Company, Liberty Mutual Insurance Company and Federal Insurance Company

**Surety**

**By**[3]

**Name/ Title / Seal** Nicole Roy, Attorney-in-Fact

**APPROVED AS TO ACCEPTABILITY OF SURETY(IES):**

**Credit Manager, The Port Authority of New York and New Jersey**

Nick DeFaraAo

**(Print/ type name)**

July 3 20 13

approved 7/2/13

2 If a bond is signed by an officer or agent, give title; if signed by a corporation, affix corporate seal.
3 Add signature or additional sureties, if any.

## ACKNOWLEDGMENT OF PRINCIPAL, IF A CORPORATION

State of Pennsylvania
_____ SS:
County of Philadelphia

On this 27th, day of June, 2013, before me personally came and appeared Bradley W.B. Statler, to me known, who being by me duly sworn, did depose and say that he resides at Exemption (1) _____; that he is the Executive Vice President - Philadelphia Office of Tutor Perini Building Corp. the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that one of the seals affixed to said instrument is such seal; that it was so affixed by order of the directors of said corporation, and that he signed his name thereto by like order.

(Seal) Heidi M. Weiser

Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
HEIDI M. WEISER, Notary Public
City of Philadelphia, Phila. County
My Commission Expires March 22, 2016

## ACKNOWLEDGMENT OF PRINCIPAL, IF A PARTNERSHIP

State of _____
_____ SS:
County of _____

On this _____, day of _____, 20____, before me personally came and appeared _____, to me known, and known to me to be one of the members of the firm of _____ described in and who executed the foregoing instrument and he acknowledged to me that he executed the same as and for the act and deed of said firm.

(Seal)

_____
Notary Public

## ACKNOWLEDGMENT OF PRINCIPAL, IF AN INDIVIDUAL

State of _____
_____ SS:
County of _____

On this _____ day of _____, 20___, before me personally came and appeared _____, to me known and known to me to be the person described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

(Seal)

_____
Notary Public

## ACKNOWLEDGMENT OF SURETY COMPANY

STATE OF Massachusetts
COUNTY OF Suffolk } SS

On this 27th day of June, 2013, before me personally came Nicole Roy to me known, who, being by me duly sworn, did depose and say; that he/she resides in Boston State of Massachusetts, that he/she is the Attorney-in-Fact of the Travelers Casualty and Surety Company of America, Fidelity and Deposit Company of Maryland, Zurich American Insurance Company, Liberty Mutual Insurance Company and Federal Insurance Company the corporation described in which executed the above instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that is was so affixed by the Board of Directors of said corporation; and that he/she signed his/her name thereto by like order; and the affiant did further depose and say that the Superintendent of Insurance of the State of New York, has, pursuant to Section 1111 of the Insurance Law of the State of New York, issued to Travelers Casualty and Surety Company of America, Fidelity and Deposit Company of Maryland, Zurich American Insurance Company, Liberty Mutual Insurance Company and Federal Insurance Company (Surety) his/her certificate of qualification evidencing the qualification of said Company and its sufficiency under any law of the State of New York as surety and guarantor, and the propriety of accepting and approving it as such; and that such certificate has not been revoked.

Jean M. Feeney
Jean M. Feeney Notary Public

NY acknowledgement

JEAN M. FEENEY
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
May 26, 2017

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

HARTFORD, CONNECTICUT 06183

FINANCIAL STATEMENT AS OF DECEMBER 31, 2012

AS FILED IN THE STATE OF NEW YORK

CAPITAL STOCK $ 6,460,000

| ASSETS | | LIABILITIES & SURPLUS | |
|---|---|---|---|
| CASH AND INVESTED CASH | $ 16,936,791 | UNEARNED PREMIUMS | $ 783,409,692 |
| BONDS | 3,713,171,015 | LOSSES | 901,058,710 |
| INVESTMENT INCOME DUE AND ACCRUED | 50,798,732 | REINSURANCE PAYABLE ON PAID LOSSES & LOSS ADJ. EXPENSES | 1,446,021 |
| OTHER INVESTED ASSETS | 280,730,697 | LOSS ADJUSTMENT EXPENSES | 534,370,660 |
| PREMIUM BALANCES | 184,842,608 | COMMISSIONS | 29,281,779 |
| NET DEFERRED TAX ASSET | 63,274,378 | TAXES, LICENSES AND FEES | 66,762,894 |
| REINSURANCE RECOVERABLE | 12,410,624 | OTHER EXPENSES | 35,588,967 |
| SECURITIES LENDING REINVESTED COLLATERAL ASSETS | 7,769,155 | FUNDS HELD UNDER REINSURANCE TREATIES | 94,449,544 |
| RECEIVABLES FROM PARENT, SUBSIDIARIES AND AFFILIATES | 11,090,470 | CURRENT FEDERAL AND FOREIGN INCOME TAXES | 60,675,673 |
| UNDISTRIBUTED PAYMENTS | (1,439,585) | REMITTANCES AND ITEMS NOT ALLOCATED | 19,270,931 |
| OTHER ASSETS | 884,093 | AMOUNTS WITHHELD / RETAINED BY COMPANY FOR OTHERS | 79,084,806 |
| | | RETROACTIVE REINSURANCE RESERVE ASSUMED | 3,163,184 |
| | | POLICYHOLDER DIVIDENDS | 6,730,121 |
| | | PROVISION FOR REINSURANCE | 5,314,325 |
| | | ADVANCE PREMIUM | 726,898 |
| | | PAYABLE FOR SECURITIES LENDING | 7,769,155 |
| | | CEDED REINSURANCE NET PREMIUMS PAYABLE | (70,803,744) |
| | | ESCHEAT LIABILITY | 526,399 |
| | | OTHER ACCRUED EXPENSES AND LIABILITIES | 282,062 |
| | | TOTAL LIABILITIES | $ 2,559,106,057 |
| | | CAPITAL STOCK | $ 6,460,000 |
| | | PAID IN SURPLUS | 433,803,760 |
| | | OTHER SURPLUS | 1,340,168,061 |
| | | TOTAL SURPLUS TO POLICYHOLDERS | $ 1,780,451,021 |
| TOTAL ASSETS | $ 4,339,558,778 | TOTAL LIABILITIES & SURPLUS | $ 4,339,558,778 |

STATE OF CONNECTICUT )

COUNTY OF HARTFORD ) SS.

CITY OF HARTFORD )

MICHAEL J. DOODY, BEING DULY SWORN, SAYS THAT HE IS SECOND VICE PRESIDENT, OF TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, AND THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF, THE FOREGOING IS A TRUE AND CORRECT STATEMENT OF THE FINANCIAL CONDITION OF SAID COMPANY AS OF THE 31ST DAY OF DECEMBER, 2012.

SECOND VICE PRESIDENT

NOTARY PUBLIC

SUBSCRIBED AND SWORN TO BEFORE ME THIS
20TH DAY OF MARCH, 2013

SUSAN M. WEISSLEDER
*Notary Public*
*My Commission Expires November 30, 2017*

SUSAN M. WEISSLEDER NOTARY PUBLIC CONNECTICUT

CERTIFICATE OF SOLVENCY UNDER SECTION 1111 OF THE NEW YORK INSURANCE LAW

STATE OF NEW YORK

DEPARTMENT OF FINANCIAL SERVICES

It is hereby certified that

Travelers Casualty and Surety Company of America
Of Hartford, Connecticut

a corporation organized under the laws of the State of Connecticut and duly authorized to transact the business of insurance in this State, is qualified to become surety or guarantor on all bonds, undertakings, recognizances, guaranties and other obligations required or permitted by law; and that the said corporation is possessed of a capital and surplus including gross paid-in and contributed surplus and unassigned funds (surplus) aggregating the sum of $488,992,332 (Capital $6,000,000) as is shown by its sworn financial statement for the end of the year December 31, 2011 on file in this Department, prior to audit.

The said corporation cannot lawfully expose itself to loss on any one risk or hazard to an amount exceeding 10% of its surplus to policyholders, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.

In Witness Whereof, I have

unto set my hand and affixed

official seal of this Department
in the City of Albany, this 8th
day of May, 2012.

**Benjamin M. Lawsky**
**Superintendent of Insurance**

By Jacqueline Catalfamo

**Jacqueline Catalfamo**
**Special Deputy Superintendent**

TO BE ATTACHED TO AND FORM A PART OF BOND NO. 105931133

STATE OF Massachusetts

COUNTY OF Suffolk

The undersigned, Nicole Roy, duly sworn, deposes and says: That she is the Attorney-in-Fact of Travelers Casualty and Surety Company of America, Surety on the attached bond, and that a Certificate of the Solvency of the Surety, as provided for in Section 327 and Section 1111 of the Insurance Law of the State of New York was issued by the Superintendent of Insurance of the State of New York and has not been revoked.

Subscribed to and sworn before me this 27th day of June, 2013

Travelers Casualty and Surety Company of America
(Surety)

BY: Nicole Roy ATTORNEY-IN-FACT

Jean M. Feeney
(NOTARY) Jean M. Feeney

JEAN M. FEENEY
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
May 26, 2017

# FIDELITY AND DEPOSIT COMPANY

OF MARYLAND

600 Red Brook Blvd., Suite 600, Owings Mills, MD 21117

**Statement of Financial Condition**

As Of December 31, 2012

**ASSETS**

| | |
|---|---|
| Bonds | $ 157,177,826 |
| Stocks | 23,000,311 |
| Cash and Short Term Investments | 119,155 |
| Reinsurance Recoverable | 17,923,564 |
| Other Accounts Receivable | 35,473,256 |
| TOTAL ADMITTED ASSETS | $ 233,694,113 |

**LIABILITIES, SURPLUS AND OTHER FUNDS**

| | | |
|---|---|---|
| Reserve for Taxes and Expenses | | $ 74,782 |
| Ceded Reinsurance Premiums Payable | | 48,323,524 |
| Securities Lending Collateral Liability | | 1,716,240 |
| TOTAL LIABILITIES | | $ 50,114,546 |
| Capital Stock, Paid Up | $ 5,000,000 | |
| Surplus | 178,579,567 | |
| Surplus as regards Policyholders | | 183,579,567 |
| TOTAL | | $ 233,694,113 |

Securities carried at $59,468,002 in the above statement are deposited as required by law.

Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2012 market quotations for all bonds and stocks owned, the Company's total admitted assets would be $243,518,971 and surplus as regards policyholders $193,404,425.

I, DENNIS F. KERRIGAN, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2012.

*Corporate Secretary*

State of Illinois
City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 15th day of March, 2013.

*Notary Public*

OFFICIAL SEAL
DARRYL JOINER
Notary Public - State of Illinois
My Commission Expires May 3, 2014

# CERTIFICATE OF SOLVENCY UNDER SECTION 1111 OF THE NEW YORK INSURANCE LAW

STATE OF NEW YORK

DEPARTMENT OF FINANCIAL SERVICES

It is hereby certified that

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

Of, Owings Mills, Maryland

a corporation organized under the laws of the State of Maryland and duly authorized to transact the business of Insurance in this State, is qualified to become surety or guarantor on all bonds, undertakings, recognizances, guarantlies and other obligations required or permitted by law; and that the said corporation is possessed of a capital and surplus including gross paid-in and contributed surplus and unassigned funds (surplus) aggregating the sum of $197,217,528 (Capital $5,000,000) as is shown by its sworn financial statement for the First Quarter if March, 31, 2012, on file in this Department, prior to audit.

The said corporation cannot lawfully expose itself to loss on any one risk or hazard to an amount exceeding 10% of its surplus to policyholders, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.

In Witness Whereof, I have hereunto set my hand and affixed the official seal of this Department at the City of Albany, this 12th day of July, 2012

**Benjamin M. Lawsky**
**Superintendent**

By Jacqueline Catalfamo

**Jacqueline Catalfamo**
**Special Deputy Superintendent**

www.dfs.ny.gov

**ZURICH AMERICAN INSURANCE COMPANY**
**COMPARATIVE BALANCE SHEET**
**ONE LIBERTY PLAZA, 165 BROADWAY, 32nd FLOOR, NEW YORK, NY 10006**
**As of December 31, 2012 and December 31, 2011**

| | 12/31/2012 | 12/31/2011 |
|---|---|---|
| **Assets** | | |
| Bonds | $ 18,907,466,866 | $ 18,985,096,131 |
| Preferred Stock | - | 259,036 |
| Common Stock | 2,123,025,432 | 2,068,881,919 |
| Other Invested Assets | 2,035,077,824 | 2,065,634,039 |
| Short-term Investments | 126,053,209 | 107,298,374 |
| Receivable for securities | 134,410,839 | 18,523,294 |
| Cash and cash equivalents | 728,298,115 | (128,716,627) |
| Securities lending reinvested collateral assets | 225,335,750 | 120,821,061 |
| Employee Trust for Deferred Compensation Plan | 130,493,778 | 124,809,033 |
| Total Cash and Invested Assets | $ 24,410,161,814 | $ 23,362,606,260 |
| Premiums Receivable | $ 3,649,247,239 | $ 3,611,868,304 |
| Funds Held with Reinsurers | 3,681,443 | 28,073,922 |
| Reinsurance Recoverable | 215,451,507 | 233,357,918 |
| Accrued Investment Income | 121,729,727 | 149,372,442 |
| Federal Income Tax Recoverable | 930,267,731 | 788,664,462 |
| Due from Affiliates | 187,274,289 | 95,583,016 |
| Other Assets | 493,265,075 | 459,639,011 |
| Total Assets | $ 30,011,078,824 | $ 28,729,165,335 |
| **Liabilities and Policyholders' Surplus** | | |
| Liabilities: | | |
| Loss and LAE Reserves | $ 14,244,436,264 | $ 14,401,632,170 |
| Unearned Premium Reserve | 4,159,670,241 | 4,066,273,586 |
| Funds Held with Reinsurers | 212,412,675 | 218,214,563 |
| Loss In Course of Payment | 408,170,112 | 353,274,509 |
| Commission Reserve | 64,038,359 | 63,749,920 |
| Federal Income Tax Payable | 16,190,044 | 47,352,138 |
| Remittances and Items Unallocated | 196,410,982 | 69,677,903 |
| Payable to parent, subs and affiliates | 57,540,814 | 92,111,683 |
| Provision for Reinsurance | 66,649,220 | 60,498,188 |
| Ceded Reinsurance Premiums Payable | 551,510,878 | 278,235,370 |
| Securities Lending Collateral Liability | 225,335,750 | 120,821,061 |
| Other Liabilities | 2,166,453,164 | 1,938,544,837 |
| Total Liabilities | $ 22,368,818,502 | $ 21,710,385,928 |
| Policyholders' Surplus: | | |
| Common Capital Stock | $ 5,000,000 | $ 5,000,000 |
| Paid-In and Contributed Surplus | 4,394,131,321 | 4,394,131,320 |
| Surplus Notes | 430,000,000 | 883,000,000 |
| Special Surplus Funds | 43,259,000 | 396,438,437 |
| Cumulative Unrealized Gain | 331,857,594 | 209,454,958 |
| Unassigned Surplus | 2,438,012,408 | 1,130,754,692 |
| Total Policyholders' Surplus | $ 7,642,260,323 | $ 7,018,779,407 |
| Total Liabilities and Policyholders' Surplus | $ 30,011,078,824 | $ 28,729,165,335 |

I, Dennis F. Kerrigan, Corporate Secretary of ZURICH AMERICAN INSURANCE COMPANY do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company, on the 31st day of December, 2012, according to the best of my information, knowledge and belief.

*Corporate Secretary*

State of Illinois
County of Cook } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 15th day of March, 2013.

*Notary public*

OFFICIAL SEAL
DARRYL JOINER
Notary Public - State of Illinois
My Commission Expires May 3, 2014

# CERTIFICATE OF SOLVENCY UNDER SECTION 1111 OF THE NEW YORK INSURANCE LAW

STATE OF NEW YORK

DEPARTMENT OF FINANCIAL SERVICES

It is hereby certified that

**ZURICH AMERICAN INSURANCE COMPANY**

Of, New York, New York

a corporation organized under the laws of the State of New York and duly authorized to transact the business of insurance in this State, is qualified to become surety or guarantor on all bonds, undertakings, recognizances, guarantees and other obligations required or permitted by law; and that the said corporation is possessed of a capital and surplus including gross paid-in and contributed surplus and unassigned funds (surplus) aggregating the sum of $7,375,385,451 (Capital $5,000,000) as is shown by its sworn financial statement for the First Quarter if March, 31, 2012, on file in this Department, prior to audit.

The said corporation cannot lawfully expose itself to loss on any one risk or hazard to an amount exceeding 10% of its surplus to policyholders, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.

In Witness Whereof, I have hereunto set my hand and affixed the official seal of this Department at the City of Albany, this 12th day of July, 2012

**Benjamin M. Lawsky**
**Superintendent**

By Jacqueline Catalfamo

**Jacqueline Catalfamo**
**Special Deputy Superintendent**

www.dfs.ny.gov

TO BE ATTACHED TO AND FORM A PART OF BOND NO. 9116941

STATE OF Massachusetts

COUNTY OF Suffolk

The undersigned, Nicole Roy, duly sworn, deposes and says: That she is the Attorney-in-Fact of Fidelity and Deposit Company of Maryland Zurich American Insurance Company, Surety on the attached bond, and that a Certificate of the Solvency of the Surety, as provided for in Section 327 and Section 1111 of the Insurance Law of the State of New York was issued by the Superintendent of Insurance of the State of New York and has not been revoked.

Subscribed to and sworn before me this 27th day of June, 2013

Fidelity and Deposit Company of Maryland
Zurich American Insurance Company
(Surety)

BY: _____
Nicole Roy ATTORNEY-IN-FACT

Jean M. Feeney
(NOTARY) Jean M. Feeney

JEAN M. FEENEY
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
May 26, 2017

Liberty Mutual SURETY

LIBERTY MUTUAL INSURANCE COMPANY

**FINANCIAL STATEMENT — DECEMBER 31, 2012**

**Assets**

| | |
|---|---|
| Cash and Bank Deposits | $ 903,711,694 |
| *Bonds — U.S Government | 1,166,929,471 |
| *Other Bonds | 11,415,194,219 |
| *Stocks | 8,104,853,899 |
| Real Estate | 255,967,320 |
| Agents' Balances or Uncollected Premiums | 3,482,069,753 |
| Accrued Interest and Rents | 144,016,763 |
| Other Admitted Assets | 14,732,623,458 |
| **Total Admitted Assets** | **$40,205,366,577** |

**Liabilities**

| | | |
|---|---|---|
| Unearned Premiums | | $4,205,141,671 |
| Reserve for Claims and Claims Expense | | 17,056,420,207 |
| Funds Held Under Reinsurance Treaties | | 1,315,062,091 |
| Reserve for Dividends to Policyholders | | 2,455,411 |
| Additional Statutory Reserve | | 49,768,998 |
| Reserve for Commissions, Taxes and Other Liabilities | | 3,066,051,537 |
| **Total** | | **$25,694,899,915** |
| Special Surplus Funds | $604,621,497 | |
| Capital Stock | 10,000,000 | |
| Paid in Surplus | 7,899,471,886 | |
| Unassigned Surplus | 5,996,373,279 | |
| **Surplus to Policyholders** | | **14,510,466,662** |
| **Total Liabilities and Surplus** | | **$40,205,366,577** |

LIBERTY MUTUAL INSURANCE COMPANY INCORPORATED 1912 MASSACHUSETTS

* Bonds are stated at amortized or investment value; Stocks at Association Market Values.
The foregoing financial information is taken from Liberty Mutual Insurance Company's financial statement filed with the state of Massachusetts Department of Insurance.

I, TIM MIKOLAJEWSKI, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the foregoing is a true, and correct statement of the Assets and Liabilities of said Corporation, as of December 31, 2012, to the best of my knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation at Seattle, Washington, this 25th day of March, 2013.

T A Mikolajewski

Assistant Secretary

S-1262LMIC/a 4/12

CERTIFICATE OF SOLVENCY UNDER SECTION 1111 OF THE NEW YORK INSURANCE LAW

STATE OF NEW YORK

DEPARTMENT OF FINANCIAL SERVICES

It is hereby certified that

**LIBERTY MUTUAL INSURANCE COMPANY**

Of Boston, Massachusetts

a corporation organized under the laws of the State of Massachusetts and duly authorized to transact the business of insurance in this State, is qualified to become surety or guarantor on all bonds, undertakings, recognizances, guaranties and other obligations required or permitted by law; and that the said corporation is possessed of a capital and surplus including gross paid-in and contributed surplus and unassigned funds (surplus) aggregating the sum of $14,510,466,662 (Capital $10,000,000) as is shown by its sworn financial statement for the end of the year, December 31, 2012, on file in this Department, prior to audit.

The said corporation cannot lawfully expose itself to loss on any one risk or hazard to an amount exceeding 10% of its surplus to policyholders, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.

In Witness Whereof, I have hereunto set my hand and affixed the official seal of this Department at the City of Albany, this 28th day of March, 2013.

**Benjamin M. Lawsky**
**Superintendent**

By Jacqueline Catalfamo

**Jacqueline Catalfamo**
**Special Deputy Superintendent**

www.dfs.ny.gov

TO BE ATTACHED TO AND FORM A PART OF BOND NO. 024041933

STATE OF Massachusetts

COUNTY OF Suffolk

The undersigned, Nicole Roy, duly sworn, deposes and says: That she is the Attorney-in-Fact of Liberty Mutual Insurance Company, Surety on the attached bond, and that a Certificate of the Solvency of the Surety, as provided for in Section 327 and Section 1111 of the Insurance Law of the State of New York was issued by the Superintendent of Insurance of the State of New York and has not been revoked.

Subscribed to and sworn before me this 27th day of June, 2013

Liberty Mutual Insurance Company
(Surety)

BY: Nicole Roy ATTORNEY-IN-FACT

Jean M. Feeney
(NOTARY) Jean M. Feeney

JEAN M. FEENEY
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
May 26, 2017

# FEDERAL INSURANCE COMPANY

## STATEMENT OF ASSETS, LIABILITIES AND SURPLUS TO POLICYHOLDERS

Statutory Basis

**DECEMBER 31, 2012**

(In thousands of dollars)

| *ASSETS* | | *LIABILITIES AND SURPLUS TO POLICYHOLDERS* | |
|---|---|---|---|
| Cash and Short Term Investments | $ 402,323 | Outstanding Losses and Loss Expenses | $ 12,627,388 |
| United States Government, State and Municipal Bonds | 9,901,519 | Unearned Premiums | 3,416,163 |
| Other Bonds | 4,595,536 | Ceded Reinsurance Premiums Payable | 364,197 |
| Stocks | 811,166 | Provision for Reinsurance | 62,250 |
| Other Invested Assets | 1,681,828 | Other Liabilities | 935,654 |
| TOTAL INVESTMENTS | 17,392,372 | TOTAL LIABILITIES | 17,405,652 |
| Investments in Affiliates: | | | |
| Chubb Investment Holdings, Inc. | 3,352,969 | Capital Stock | 20,980 |
| Pacific Indemnity Company | 2,496,198 | Paid-In Surplus | 3,106,809 |
| Chubb Insurance Investment Holdings Ltd. | 1,228,075 | Unassigned Funds | 10,713,227 |
| Executive Risk Indemnity Inc. | 1,100,637 | | |
| CC Canada Holdings Ltd. | 758,892 | | |
| Chubb Insurance Company of Australia Limited | 517,597 | SURPLUS TO POLICYHOLDERS | 13,841,016 |
| Great Northern Insurance Company | 438,592 | | |
| Chubb European Investment Holdings SLP | 265,490 | | |
| Vigilant Insurance Company | 246,766 | | |
| Other Affiliates | 429,458 | | |
| Premiums Receivable | 1,494,693 | | |
| Other Assets | 1,524,929 | | |
| TOTAL ADMITTED ASSETS | $ 31,246,668 | TOTAL LIABILITIES AND SURPLUS TO POLICYHOLDERS | $ 31,246,668 |

Investments are valued in accordance with requirements of the National Association of Insurance Commissioners. Investments with a carrying value of $430,688,714 are deposited with government authorities as required by law.

State, County & City of New York, — ss:

Yvonne Baker, Assistant Secretary of the Federal Insurance Company being duly sworn, deposes and says that the foregoing Statement of Assets, Liabilities and Surplus to Policyholders of said Federal Insurance Company on December 31, 2012 is true and correct and is a true abstract of the Annual Statement of said Company as filed with the Secretary of the Treasury of the United States for the 12 months ending December 31, 2012.

Subscribed and sworn to before me this March 31, 2013.

Dorothy Baker
Notary Public

DOROTHY M. BAKER
Notary Public, State of New York
No. 31-4904994
Qualified in New York County
Commission Expires Sept. 14, 2013

Yvonne Baker
Assistant Secretary

Form 15-10-0313A (Rev. 3/13)

# CERTIFICATE OF SOLVENCY UNDER SECTION 1111 OF THE NEW YORK INSURANCE LAW

STATE OF NEW YORK

DEPARTMENT OF FINANCIAL SERVICES

It is hereby certified that

Federal Insurance Company
Of Indianapolis, Indiana

a corporation organized under the laws of the State of Indiana and duly authorized to transact the business of insurance in this State, is qualified to become surety or guarantor on all bonds, undertakings, recognizances, guaranties and other obligations required or permitted by law; and that the said corporation is possessed of a capital and surplus including gross paid-in and contributed surplus and unassigned funds (surplus) aggregating the sum of $13,707,545,639 (Capital $20,980,068) as is shown by its sworn financial statement for the end of the year December 31, 2011 on file in this Department, prior to audit.

The said corporation cannot lawfully expose itself to loss on any one risk or hazard to an amount exceeding 10% of its surplus to policyholders, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.

In Witness Whereof, I have hereunto set my hand and affixed the official seal of this Department at the City of Albany, this 24th day of April, 2012

**Benjamin M. Lawsky**
**Superintendent of Insurance**

By Jacqueline Catalfamo

**Jacqueline Catalfamo**
**Special Deputy Superintendent**

www.dfs.ny.gov

TO BE ATTACHED TO AND FORM A PART OF BOND NO. 82292468

STATE OF Massachusetts

COUNTY OF Suffolk

The undersigned, Nicole Roy, duly sworn, deposes and says: That she is the Attorney-in-Fact of Federal Insurance Company, Surety on the attached bond, and that a Certificate of the Solvency of the Surety, as provided for in Section 327 and Section 1111 of the Insurance Law of the State of New York was issued by the Superintendent of Insurance of the State of New York and has not been revoked.

Subscribed to and sworn before me this 27th day of June, 2013

Federal Insurance Company
(Surety)

BY: Nicole Roy ATTORNEY-IN-FACT

(NOTARY) Jean M. Feeney

JEAN M. FEENEY
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
May 26, 2017

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

TRAVELERS

# POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 225311

Certificate No. 005506275

**KNOW ALL MEN BY THESE PRESENTS:** That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, 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

Michael J. Cusack, John J. Gambino, Nicole Roy, Natalie Coneys, Donald H. McCarter, Sandra C. Lopes, and Jean M. Feeney

of the City of Boston, State of Massachusetts, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory 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 their corporate seals to be hereto affixed, this 24th day of May, 2013.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

State of Connecticut
City of Hartford ss.

By: _____
Robert L. Raney, Senior Vice President

On this the 24th day of May, 2013, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

**In Witness Whereof**, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2016.

Marie C. Tetreault, Notary Public

58440-8-12 Printed in U.S.A.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

**ZURICH AMERICAN INSURANCE COMPANY**
**COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**
**POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **JAMES M. CARROLL, Vice President,** in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Michael J. CUSACK, John J. GAMBINO, Sandra C. LOPES, Nicole ROY, Natalie CONEYS, Donald H. MCCARTER and Jean M. FEENEY, all of Boston, Massachusetts, EACH** its true and lawful agent and Attorney-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 and undertakings,** 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 ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND,** this 27th day of July, A.D. 2012.

**ATTEST:**

**ZURICH AMERICAN INSURANCE COMPANY**
**COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

By: _____
*Assistant Secretary*
*Eric D. Barnes*

_____
*Vice President*
*James M. Carroll*

**State of** Maryland
City of Baltimore

On this 27th day of July, A.D. 2012, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **JAMES M. CARROLL, Vice President, and ERIC D. BARNES, Assistant Secretary,** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such 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 the day and year first above written.

_____
Maria D. Adamski, Notary Public
My Commission Expires: July 8, 2015

POA-F 063-0073A

**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.**
**This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.**

Certificate No. 6139449

American Fire and Casualty Company
The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

# POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Donald H. McCarter; Joan M. Feeney; John J. Gambino; Kathleen M. Flanagan; Michael J. Cusack; Natalie Coneys; Nicole Roy; Richard A. Leveroni; Sandra C. Lopes

all of the city of Boston, state of MA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 28th day of May, 2013.

American Fire and Casualty Company
The Ohio Casualty Insurance Company
Liberty Mutual Insurance Company
West American Insurance Company

By: Gregory W. Davenport, Assistant Secretary

STATE OF WASHINGTON ss
COUNTY OF KING

On this 28th day of May, 2013, before me personally appeared Gregory W. Davenport, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Seattle, Washington, on the day and year first above written.

By: KD Riley, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

**ARTICLE IV – OFFICERS** – Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

**ARTICLE XIII – Execution of Contracts** – SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation** – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes Gregory W. Davenport, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization** – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, David M. Carey, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seals of said Companies this 27th day of June, 2013.

By: David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

| Chubb Surety | POWER OF ATTORNEY | Federal Insurance Company<br>Vigilant Insurance Company<br>Pacific Indemnity Company | Attn: Surety Department<br>15 Mountain View Road<br>Warren, NJ 07059 |
|---|---|---|---|

**Know All by These Presents**, That **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, and **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, do each hereby constitute and appoint **Natalie Coneys, Michael J. Cusack, Jean M. Feeney, John J. Gambino, Sandra C. Lopes, Donald H. McCarter and Nicole Roy of Boston, Massachusetts** ----------

each as their true and lawful Attorney- in- Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this **9th** day of **July, 2012.**

Kenneth C. Wendel, Assistant Secretary

David B. Norris, Jr., Vice President

STATE OF NEW JERSEY
County of Somerset ss.

On this **9th** day of **July, 2012** before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By- Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr., subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial Seal

KATHERINE J. ADELAAR
NOTARY PUBLIC OF NEW JERSEY
No. 2316685
Commission Expires July 16, 2014

Notary Public

## CERTIFICATION

Extract from the By- Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

> "All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys- in- Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

(i) the foregoing extract of the By- Laws of the Companies is true and correct,
(ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
(iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 27th day of June, 2013

Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656
e-mail: surety@chubb.com