

Attachments

C.S
3/9/09

CONTRA COSTA COUNTY
SUBDIVISION AGREEMENT EXTENSION

Development Number:	Subdivision 03-08755
Developer:	KB Home South Bay, Inc.
Original Agreement Date:	September 13, 2005
Second Extension New Termination Date:	September 13, 2009

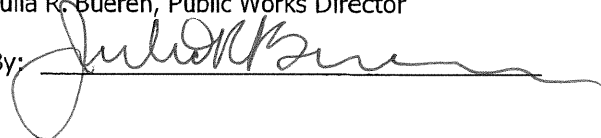
Improvement Security	
Surety	Fidelity and Deposit Company of Maryland
Bond No. (Date):	088 167 44(June 23, 2005)
<u>Security Type</u>	<u>Security Amount</u>
Cash:	\$ 34,343.00 (1% cash, \$1,000 Min.)
Bond:	\$ 3,399,957.00 (Performance)
	\$ 1,717,150.00 (Labor & Material)

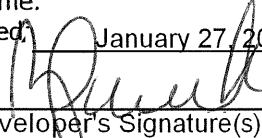
The Developer and the Surety desire this Agreement to be extended through the above date; and Contra Costa County and said Surety hereby agree thereto and acknowledge same.

Dated: 2-11-09

Dated: January 27, 2009

FOR CONTRA COSTA COUNTY
Julia R. Bueren, Public Works Director

By: 


Developer's Signature(s)

RAY FANCK
Printed

RECOMMENDED FOR APPROVAL:

By: 
(Engineering Services Division)

Developer's Signature(s)

Printed

(NOTE: Developer's, Surety's and Financial Institution's Signatures must be Notarized.)

FORM APPROVED: Victor J. Westman, County Counsel

Address

Fidelity and Deposit Company of Maryland
Surety or Financial Institution
801 N. Brand Blvd.
Glendale, CA 91203

Address


Attorney in Facts Signature

Joyce Herrin, Attorney-in-Fact

Printed

After Approval Return to Clerk of the Board

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

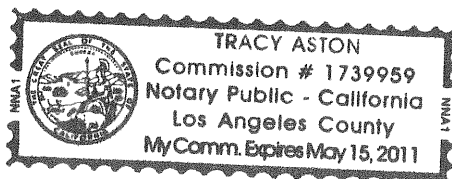
State of California

County of Los Angeles

On January 27, 2009 before me, Tracy Aston, Notary Public, personally appeared Joyce Herrin, 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.



A handwritten signature in cursive script that reads "Tracy Aston".

Tracy Aston

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, corporations of the State of Maryland, by PAUL C. ROGERS, Vice President, and T. E. SMITH, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, 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, does hereby nominate, constitute and appoint Maria PENA and Joyce HERRIN, both of Los Angeles, California, 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 Company at its office in Baltimore, Md., in their own proper persons.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seals of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, this 19th day of May, A.D. 2003.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY



T. E. Smith *Assistant Secretary*

By: *Paul C. Rogers* *Vice President*

State of Maryland }
City of Baltimore } ss:

On this 19th day of May, A.D. 2003, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came PAUL C. ROGERS, Vice President, and T. E. SMITH, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Companies aforesaid, and that the seals affixed to the preceding instrument is the Corporate Seals of said Companies, and that the said Corporate Seals and their signatures as such officers 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.



Sandra Lynn Mooney *Notary Public*
My Commission Expires: January 1, 2004

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Alameda

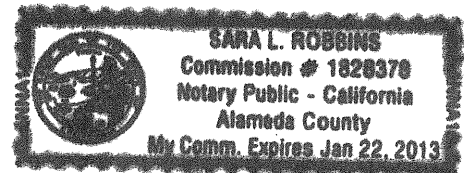
On January 28, 2009 before me, Sara L. Robbins,
Notary Public, personally appeared Ray Panek who proved to me
on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in
his/her/their authorized 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.



Sara L. Robbins



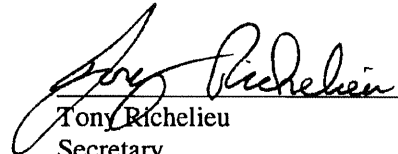


Certificate of Secretary

I, Tony Richelieu, do hereby certify that I am the duly elected, qualified and acting Secretary of KB HOME South Bay Inc., a California corporation (this "Corporation").

I further certify that the resolutions attached hereto as Exhibit "A" are a true and complete representation of such resolutions duly adopted by an unanimous written consent of the Board of Directors of this Corporation as of March 3, 2008 and that such resolutions have not been amended, modified or rescinded and remain in full force and effect as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of March, 2008.



Tony Richelieu
Secretary

EXHIBIT "A"
KB HOME SOUTH BAY INC.
RESOLUTIONS ADOPTED BY THE BOARD OF DIRECTORS
AS OF MARCH 3, 2008

Signing Authority

BE IT RESOLVED . . . , that the following resolutions shall supersede and replace any and all resolutions previously adopted with respect to the powers and authority herein granted including, but not limited to, resolutions adopted as of August 15, 2007, and any such prior authority is hereby revoked and restated in its entirety as follows:

RESOLVED FURTHER, that the following officers and/or employees of this Corporation be, and each hereby is, authorized to act on behalf of this Corporation; provided, however, that such authority shall be limited to such authority as may be provided herein below and to other ordinary course of business transactions relating to the operations of this Corporation as indicated hereinbelow:

Drew Kusnick	Chief Executive Officer [Territory President]
Chris Apostolopoulos	President
Patrick Coyle	Senior Vice President
Jeffrey McMullen	Senior Vice President
Ray Panek	Senior Vice President
Chris Reder	Senior Vice President, Finance and Chief Financial Officer
Marc Burnstein	Vice President, Sales and Marketing
Henryk Tay	Senior Director, Land Development
Dan Auten	Senior Director, Customer Service
Jeff Peterson	Senior Director, Purchasing
Michelle Adams	Escrow Manager
Michele Suth	Director of Studio
Dan Zwicker	Manager of Sales

RESOLVED FURTHER, that any of the following persons be, and each hereby is, authorized and empowered on behalf and in the name of this Corporation to execute, acknowledge and deliver any and all documents deemed by such person to be necessary or appropriate in connection with the acquisition and development of real property by this Corporation, including, but not limited to, land purchase and sale agreements, purchase and sale of residential dwellings and lots, amendments, assignments, escrow instructions, grant deeds, promissory notes, deeds of trust, maps, agreements and related documents:

Any one of:

Drew Kusnick
Chris Apostolopoulos
Chris Reder

Any two of:

Patrick Coyle

Jeffrey McMullen
Ray Panek

RESOLVED FURTHER, that any of the following persons, acting alone, be, and each hereby is, authorized and empowered on behalf and in the name of this Corporation to execute, acknowledge and deliver any and all documents deemed by such person necessary or appropriate in connection with this Corporation's land improvement and development activities including but not limited to, subdivision improvement agreements, builder's certification of plans, specifications and site plans, easements, development agreements, declarations of covenants, conditions and restrictions, notices of commencement, permit applications, subdivision and tract maps and exhibits thereto and supporting documents:

Drew Kusnick
Chris Apostolopoulos
Patrick Coyle
Jeffrey McMullen
Ray Panek
Chris Reder
Henryk Tay

RESOLVED FURTHER, that any of the following persons, acting alone, be, and each hereby is, authorized and empowered on behalf and in the name of this Corporation to execute, acknowledge and deliver all deeds, notes, deeds of trust, agreements and other documents to convey title to residential dwellings standing in the name of this Corporation:

Drew Kusnick
Chris Apostolopoulos
Patrick Coyle
Jeffrey McMullen
Ray Panek
Chris Reder
Marc Burnstein
Henryk Tay

RESOLVED FURTHER, that any of the following persons, acting alone, be, and each hereby is, authorized and empowered on behalf and in the name of this Corporation to execute, acknowledge and deliver all contracts (including purchase and sale agreements, amendments, addendums and other ancillary documents forming a part of the contract), escrow instructions and general warranty deeds in connection with the sale of residential dwellings standing in the name of this Corporation, including, but not limited to, any and all documents required by the Department of Housing and Urban Development and other documents and instruments appropriate to cause this Corporation to transfer and convey such real property and related assets:

Drew Kusnick
Chris Apostolopoulos
Patrick Coyle
Jeffrey McMullen
Ray Panek

Chris Reder
Marc Burnstein
Henryk Tay

RESOLVED FURTHER, that any of the following persons be, and each hereby is, authorized and empowered on behalf and in the name of this Corporation to execute, acknowledge and deliver all notes, deeds of trust, agreements, contracts (including purchase and sale agreements, amendments, addendums and other ancillary documents forming a part of the contract) and escrow instructions in connection with the sale of residential dwellings standing in the name of this Corporation, including, but not limited to, any and all documents required by the Department of Housing and Urban Development, and other documents and instruments appropriate to cause this Corporation to transfer and convey such real property and related assets:

Michelle Adams
Michele Suth
Dan Zwicker

provided further, that the persons in this resolution are authorized to sign grant deeds only with at least one other person identified immediately above;

RESOLVED FURTHER, that the following person be, and he hereby is, authorized and empowered on behalf and in the name of this Corporation to execute, acknowledge and deliver any and all documents deemed by him to be necessary or appropriate in connection with this Corporation's sales and marketing activities, including, but not limited to, vendor agreements, independent contractor sales agreements and supporting documents and offers of employment with this Corporation for sales personnel:

Marc Burnstein

RESOLVED FURTHER, that any of the following persons, acting alone, be, and each hereby is, authorized and empowered on behalf and in the name of this Corporation to execute, acknowledge and deliver any and all master subcontract agreements, material purchase agreements, subcontract work agreements, applications or other filings required to be filed with the Department of Real Estate of California, documents necessary to qualify for government or quasi-government sponsored loan programs including, but not limited to, buyer and seller certifications and related documents with respect to the construction of improvements on real property:

Drew Kusnick
Chris Apostolopoulos
Patrick Coyle
Jeffrey McMullen
Ray Panek
Chris Reder
Marc Burnstein
Henryk Tay
Jeff Peterson

RESOLVED FURTHER, that any of the following persons, acting alone, be, and each hereby is, authorized and empowered on behalf and in the name of this Corporation to execute, acknowledge and deliver master service agreements and related documents with respect to the marketing, sales and management of real property:

Drew Kusnick
Chris Apostolopoulos
Marc Burnstein

RESOLVED FURTHER, that any of the following persons, acting alone, be, and each hereby is, authorized and empowered on behalf and in the name of this Corporation to execute, acknowledge and deliver master consultant agreements, and related documents with respect to development of real property:

Drew Kusnick
Chris Apostolopoulos
Patrick Coyle
Jeffrey McMullen
Ray Panek
Chris Reder
Marc Burnstein
Henryk Tay

RESOLVED FURTHER, that the following person be, and he hereby is, authorized and empowered on behalf and in the name of this Corporation to execute, acknowledge and deliver any and all documents required in connection with this Corporation's customer service and new home warranty activities and other business operations including, but not limited to, settlement agreements, purchase orders and subcontracts for labor and materials:

Dan Auten

RESOLVED FURTHER, that any of the following persons, acting alone, be, and each hereby is, authorized and empowered on behalf and in the name of this Corporation to execute, acknowledge and deliver documents establishing bank accounts, financing arrangements and other ordinary course banking and financial arrangements:

Drew Kusnick
Chris Apostolopoulos
Chris Reder

RESOLVED FURTHER, that the following persons, acting alone, be, and each hereby is, authorized and empowered to act on behalf of this Corporation in its capacity as a member of any limited liability company or as a partner of any partnership in which this Corporation owns an interest:

Drew Kusnick
Chris Apostolopoulos

RESOLVED FURTHER, that Drew Kusnick, Chief Executive Officer [Territory President] and Chris Apostolopoulos, President of this Corporation be, and each hereby is, authorized, empowered and directed, for and on behalf of this Corporation, to take such further actions and to do all such further things which they may deem necessary and appropriate to accomplish the purpose and to effectuate the intent of the foregoing resolutions with respect to this Corporation.