

**R I D E R**

To be attached to and form part of:

Bond Number SU5024609

dated 2/13/2008

issued by the ARCH INSURANCE COMPANY

in the amount of \$467,200.00

on behalf of WINDEMERE BLC LAND COMPANY, LLC  
(Principal)

and in favor of CONTRA COSTA COUNTY  
(Obligee)

Now therefore, it is agreed that in consideration of the premium charged, the attached bond shall be amended as follows:

**The Faithful Performance Bond Amount Shall Be Amended:**

**FROM: \$467,200.00**

**TO: \$70,080.00**

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This Rider is to be Effective this 28<sup>th</sup> day of September, 2009.

Signed, Sealed & Dated this 1<sup>st</sup> day of October, 2009.

Please see attached signature block

(Principal)

By: \_\_\_\_\_

Arch Insurance Company

(Surety)

By: \_\_\_\_\_

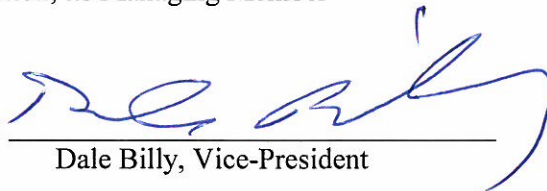
Nanette Myers, Attorney-In-Fact

**Bond Rider #SU5024609**  
**Phase 5C -PA 05-00027 (X-ref SD 05-08957) aka Compass Point Park**  
**ROW Landscaping Improvements**

**WINDEMERE BLC LAND COMPANY, LLC,**  
a California limited liability company

By: LEN-OBS WINDEMERE, LLC., a Delaware limited  
liability company, its Managing Member

By: LENNAR HOMES OF CALIFORNIA, INC., a California  
corporation, its Managing Member

By:   
Dale Billy, Vice-President

By:   
David Geist, Authorized Agent



# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Orange

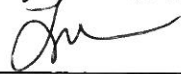
On 10/1/09 before me, K. Luu, Notary Public  
(Here insert name and title of the officer)

personally appeared Nanette Myers

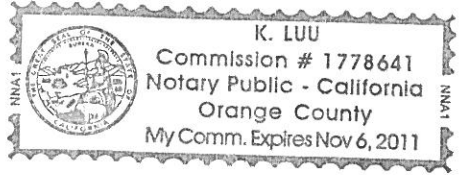
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument 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 of Notary Public



(Notary Seal)

## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

\_\_\_\_\_  
(Title or description of attached document)

\_\_\_\_\_  
(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

\_\_\_\_\_  
(Additional information)

### CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
- Corporate Officer

\_\_\_\_\_  
(Title)

- Partner(s)
- Attorney-in-Fact
- Trustee(s)
- Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

*Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of CALIFORNIA

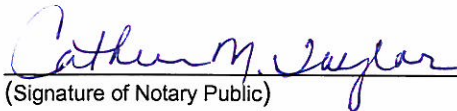
County of CONTRA COSTA

} ss.

On **October 5, 2009** before me, **Catherine M. Taylor, Notary Public**, personally appeared **Dale Billy and David Geist**, 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 of Notary Public)



Place Notary Seal Above

## 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: **Bond Rider #SU5024609, Contra Costa County, Windemere, Phase 5C, PA 05-00027 (X-ref Sub. 05-08957) aka Compass Point Park ROW Landscape Improvements**

Document Date: **October 1, 2009**

Number of Pages: **5**

Signer(s) Other Than Named Above: **Nanette Myers, Attorney-In-Fact (Surety)**

### Capacity(ies) Claimed by Signer

Signer's Name: **See Below**

- Individual  
 Corporate Officer – Title(s): **Dale Billy, Vice-President  
David Geist, Authorized Agent**
- Partner -  Limited  General  
 Attorney-in-Fact  
 Trustee  
 Guardian or Conservator  
 Other:

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer is Representing: **Lennar Homes of California, Inc.**  
**a California corporation**

## POWER OF ATTORNEY

Know All Men By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal office in Kansas City, Missouri (hereinafter referred to as the "Company") does hereby appoint

Rhonda C. Abel, Jeri Apodaca, Jane Kepner, Nanette Myers, Mike Parizino, James A. Schaller, Rachelle Rheault and Linda Enright of Irvine, CA (EACH)

its true and lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed:

Any and all bonds and undertakings

EXCEPTION: NO AUTHORITY is granted to make, execute, seal and deliver bonds or undertakings that guarantee the payment or collection of any promissory note, check, draft or letter of credit.

This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The Company may revoke this appointment at any time.

The execution of such bonds and undertakings in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office in Kansas City, Missouri.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on March 3, 2003, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or any Vice President, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings, obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of process."

This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on March 3, 2003:

VOTED, That the signature of the Chairman of the Board, the President, or any Vice President, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on March 3, 2003, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.

# LENNAR®

6121 Bollinger Canyon Road #500  
San Ramon, CA 94583

September 24, 2009

VIA E-mail: pedwa@pw.cccounty.us

Copy e-mail LaRoque

No. of Pages: 1

Contra Costa County  
Public Works Department  
255 Glacier Drive  
Martinez, CA 94553

ATTENTION: Jocelyn LaRoque, Associate Civil Engineer  
SUBJECT: Request for Reduction in Performance Bond

Dear Jocelyn:

Please authorize a Bond Reduction for PA 05-00027 (X-ref SD 05-08957) aka Compass Pointe Park so that we may request the bond reduction from the Surety. It is my understanding that the Inspection Sign Off and authorization will follow shortly.

Please acknowledge below. Thank you.

Cathy Taylor  
Lennar - Bay Area Land

---

Project aka Community Name: Windemere, San Ramon  
Principal: Windemere BLC Land Company, LLC  
Surety: Arch Insurance Company\*  
\*E-mail required to CHernandez@archinsurance.com that signature below is valid by CCCPW

Subdivision Number: PA 05-00027 (X-ref SD 05-08957)\*

Date of Bond: 02/13/08  
Original Bond Number: SU5024609

Original Performance Bond Amount: \$467,200.00

Rider Amount: \$70,080.00  
(15% of Original Performance bond amount)

BOS approved Agreement Reso. No.: 2008 / 230 (Agreement Approved)

Authorization:

  
\_\_\_\_\_  
Jocelyn LaRoque, Associate Civil Engineer  
Engineering Services Division, CCC-PW

09/25/09  
\_\_\_\_\_  
Date

**OWNER'S STATEMENT**

THE UNDERSIGNED, BEING THE PARTIES HAVING A RECORD TITLE INTEREST IN THE LANDS DELINEATED AND EMBRACED WITHIN THE HEAVY BLACK LINES UPON THIS MAP, ENTITLED "SUBDIVISION 8957, WINDEMERE, CONTRA COSTA COUNTY, CALIFORNIA," DO HEREBY CONSENT TO THE MAKING AND RECORDATION OF THE SAME, AND DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THOSE PORTIONS OF SAID LAND DESIGNATED AS WINDEMERE PARKWAY.

THE AREAS DESIGNATED PARCELS A, B, C, AND LOTS 1-4 ARE RETAINED BY THE OWNER. COSTA OR ITS DESIGNEE OR SUCCESSOR AND TO THE PUBLIC FOR PARK PURPOSES.

THE AREAS DESIGNATED "PUBLIC UTILITY EASEMENT" OR "PUE" ARE HEREBY DEDICATED TO THE PUBLIC FOR PUBLIC USE FOR PUBLIC UTILITY PURPOSES INCLUDING CONSTRUCTION, ACCESS OR MAINTENANCE OF WORKS, IMPROVEMENTS AND STRUCTURES AND THE CLEARING OF OBSTRUCTIONS AND VEGETATION.

THE AREAS DESIGNATED "STORM DRAIN EASEMENT" OR "SDE" ARE DEDICATED TO THE COUNTY OF CONTRA COSTA OR ITS DESIGNEE OR SUCCESSOR AND TO THE PUBLIC FOR PUBLIC USE FOR STORM, FLOOD AND SURFACE WATER DRAINAGE, INCLUDING CONSTRUCTION, RECONSTRUCTION, ACCESS OR MAINTENANCE OF WORKS, IMPROVEMENTS AND STRUCTURES, WHETHER COVERED OR OPEN, AND FOR THE CLEARING OF OBSTRUCTIONS AND VEGETATION.

THE AREAS MARKED "SANITARY SEWER EASEMENT" OR "SSE" ARE OFFERED FOR DEDICATION TO THE CENTRAL CONTRA COSTA SANITARY DISTRICT (CCSD) OR ITS DESIGNEE IN GROSS, AS A NON-EXCLUSIVE SURFACE EASEMENT AND A NON-EXCLUSIVE SUBSURFACE EASEMENT FOR SANITARY SEWER PURPOSES INCLUDING CONSTRUCTION, ACCESS OR MAINTENANCE OF WORKS, IMPROVEMENTS, AND STRUCTURES, AND THE CLEARING OF OBSTRUCTIONS AND VEGETATION, NO BUILDING OR STRUCTURE MAY BE PLACED ON SAID EASEMENT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY INTERFERE WITH CCSD'S FULL ENJOYMENT OF SAID EASEMENT.

THE AREAS DESIGNATED "WATER LINE EASEMENT" OR "WLE" ARE DEDICATED TO THE DUBLIN SAN RAMON SERVICES DISTRICT (DSRD) FOR THE CONSTRUCTION, MAINTENANCE, USE AND OPERATION OF WATER TRANSMISSION PIPELINES, AND ALL NECESSARY APPURTENANCES THEREON; TOGETHER WITH THE RIGHT OF INGRESS TO AND EGRESS FROM SAID EASEMENT. NO BUILDING OR STRUCTURE MAY BE PLACED ON SAID EASEMENT, NOTHING SHALL BE DONE THEREON WHICH MAY INTERFERE WITH THE DUBLIN SAN RAMON SERVICES DISTRICT'S FULL ENJOYMENT OF SAID EASEMENT.

THE AREAS DESIGNATED "SIDEWALK EASEMENT" OR "SE" ARE HEREBY DEDICATED TO THE COUNTY OF CONTRA COSTA OR ITS DESIGNEE OR SUCCESSOR FOR CONSTRUCTION, RECONSTRUCTION, AND MAINTENANCE OF SIDEWALKS AND APPURTENANCES AND TO THE PUBLIC FOR THE PURPOSE OF PUBLIC ACCESS.

THE AREAS DESIGNATED "LANDSCAPE EASEMENT" OR "LE" ARE HEREBY DEDICATED TO THE COUNTY OF CONTRA COSTA OR ITS DESIGNEE OR SUCCESSOR FOR LANDSCAPE PURPOSES INCLUDING ACCESS, CONSTRUCTION, RECONSTRUCTION, AND MAINTENANCE.

THE AREAS DESIGNATED "FLOWAGE EASEMENT" OR "FE" ARE HEREBY DEDICATED TO THE COUNTY OF CONTRA COSTA OR ITS DESIGNEE OR SUCCESSOR FOR DETENTION AND/OR CONVEYANCE OF STORM WATER AND TO MAINTAIN ADEQUATE STORAGE VOLUME FOR FLOOD PROTECTION, INCLUDING CONSTRUCTION, ACCESS OR MAINTENANCE OF WORKS, IMPROVEMENTS AND STRUCTURES, WHETHER COVERED OR OPEN, AND FOR THE CLEARING OF OBSTRUCTIONS AND VEGETATION.

THE AREAS DESIGNATED "TRAIL EASEMENT" OR "TE" ARE HEREBY DEDICATED TO THE COUNTY OF CONTRA COSTA OR ITS DESIGNEE OR SUCCESSOR FOR TRAIL PURPOSES INCLUDING ACCESS, CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, AND THE CLEARING OF OBSTRUCTIONS AND VEGETATION AND TO THE PUBLIC FOR THE PURPOSE OF PUBLIC ACCESS.

**SUBDIVISION 8957 WINDEMERE**

BEING ALL OF PARCELS A, B, C AND LOTS 1-4 AS DESCRIBED IN THE MAP OF SUBDIVISION 8957, RECORDED IN BOOK 483 OF MAPS AT PAGE 35 SAID PARCELS ALSO BEING A PORTION OF THE MAP OF THE ESTATE OF ELIZABETH A. DOUGHERTY (C M 65), AND ALL OF PARCEL B OF SUBDIVISION 8507 (457 M 43)

**CARLSON, BARBEE & GIBSON, INC.**  
CIVIL ENGINEERS SURVEYORS  
SAN RAMON, CALIFORNIA

BY: CENTEX HOMES  
A NEVADA GENERAL PARTNERSHIP  
MEMBER, AND AS OPTIONEE UNDER DOCUMENT RECORDED MAY 5, 2006,  
SERIES #2006-142115

BY: CENTEX REAL ESTATE CORPORATION,  
A NEVADA CORPORATION, MANAGING GENERAL PARTNER  
DATE: 7/3/06  
BY: *[Signature]*  
PRINT: *David D. Mosman*  
ITS: *Division Director*

BY: LEN-OBS WINDEMERE, LLC,  
A DELAWARE LIMITED LIABILITY COMPANY, MEMBER  
DATE: 7/3/06  
BY: *[Signature]*  
PRINT: *Debra L. Levine*  
ITS: *Vice President*

BY: LENNAR HOMES OF CALIFORNIA, INC.,  
A CALIFORNIA CORPORATION, MANAGING MEMBER  
DATE: 7/3/06  
BY: *[Signature]*  
PRINT: *Debra L. Levine*  
ITS: *Vice President*

BY: LENNAR HOMES OF CALIFORNIA, INC.,  
A CALIFORNIA CORPORATION  
OPTIONEE UNDER DOCUMENT RECORDED MAY 5, 2006,  
SERIES #2006-142113 & #2006-142114  
DATE: 7/3/06  
BY: *[Signature]*  
PRINT: *Debra L. Levine*  
ITS: *Vice President*

BY: LENNAR HOMES OF CALIFORNIA, INC.,  
A CALIFORNIA CORPORATION  
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DATE: 7/3/06  
BY: *[Signature]*  
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ITS: *Vice President*

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BY: *[Signature]*  
PRINT: *Debra L. Levine*  
ITS: *Vice President*

**ACKNOWLEDGEMENT**

STATE OF CALIFORNIA }  
COUNTY OF CONTRA COSTA }  
ON 7/3/06  
BEFORE ME, KAREN L. KEENAN  
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED  
DAVID CARLSON & CALY D. MOSSMAN PERSONALLY KNOWN TO ME (OR  
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE  
NAME(S) IS/ARE SUBSCRIBED TO THE FOREGOING STATEMENT AND ACKNOWLEDGED TO ME  
THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES),  
AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE ABOVE STATEMENT THE PERSON(S) OR  
THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE ABOVE  
STATEMENT.

WITNESS MY HAND,  
*[Signature]*  
(SIGNATURE) KAREN L. KEENAN  
(PRINT)  
MY COMMISSION EXPIRES: OCT. 7, 2006  
COUNTY OF PRINCIPAL PLACE OF BUSINESS: CONTRA COSTA  
MY COMMISSION NO.: 15718227

**ACKNOWLEDGEMENT**

STATE OF CALIFORNIA }  
COUNTY OF CONTRA COSTA }  
ON 7/3/06  
BEFORE ME, KAREN L. KEENAN  
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED  
BRIAN G. OLIN & DON LARSON PERSONALLY KNOWN TO ME (OR  
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE  
NAME(S) IS/ARE SUBSCRIBED TO THE FOREGOING STATEMENT AND ACKNOWLEDGED TO ME  
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WITNESS MY HAND,  
*[Signature]*  
(SIGNATURE) KAREN L. KEENAN  
(PRINT)  
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COUNTY OF PRINCIPAL PLACE OF BUSINESS: CONTRA COSTA  
MY COMMISSION NO.: 15718227

**ACKNOWLEDGEMENT**

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COUNTY OF CONTRA COSTA }  
ON 7/3/06  
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THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE ABOVE  
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*[Signature]*  
(SIGNATURE) KAREN L. KEENAN  
(PRINT)  
MY COMMISSION EXPIRES: OCT. 7, 2006  
COUNTY OF PRINCIPAL PLACE OF BUSINESS: CONTRA COSTA  
MY COMMISSION NO.: 15718227

STATE OF CALIFORNIA }  
COUNTY OF CONTRA COSTA }  
ON 7/3/06  
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A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED  
BRIAN G. OLIN & DON LARSON PERSONALLY KNOWN TO ME (OR  
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*[Signature]*  
(SIGNATURE) KAREN L. KEENAN  
(PRINT)  
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COUNTY OF PRINCIPAL PLACE OF BUSINESS: CONTRA COSTA  
MY COMMISSION NO.: 15718227

# SUBDIVISION 8957

## WINDEMERE

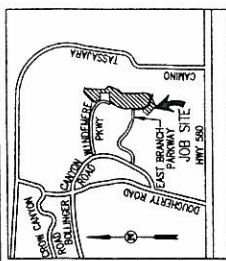
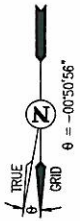
BEING ALL OF PARCELS A & B AS DESCRIBED IN THE MAP OF SUBDIVISION 8923, RECORDED IN BOOK 483 OF MAPS AT PAGE 35, SAID PARCELS ALSO BEING A PORTION OF THE MAP OF THE ESTATE OF ELIZABETH A. DOUGHERTY (C-M 63), AND ALL OF PARCEL B OF SUBDIVISION 8507 (457 M 43)

CARLSON, BARBEE & GIBSON, INC.  
CIVIL ENGINEERS SURVEYORS PLANNERS  
SUN RAMON, CALIFORNIA

SCALE: 1" = 400'  
JULY 2006

### BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS MAP IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON; THE BEARING BEING N44°58'32"W PER SUBDIVISION 8923. THE BEARINGS SHOWN ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE III, (CCS 27) TO OBTAIN GRID DISTANCES, MULTIPLY GROUND DISTANCES BY 0.9999048. SEE SHEET 5 FOR BASIS OF BEARING.

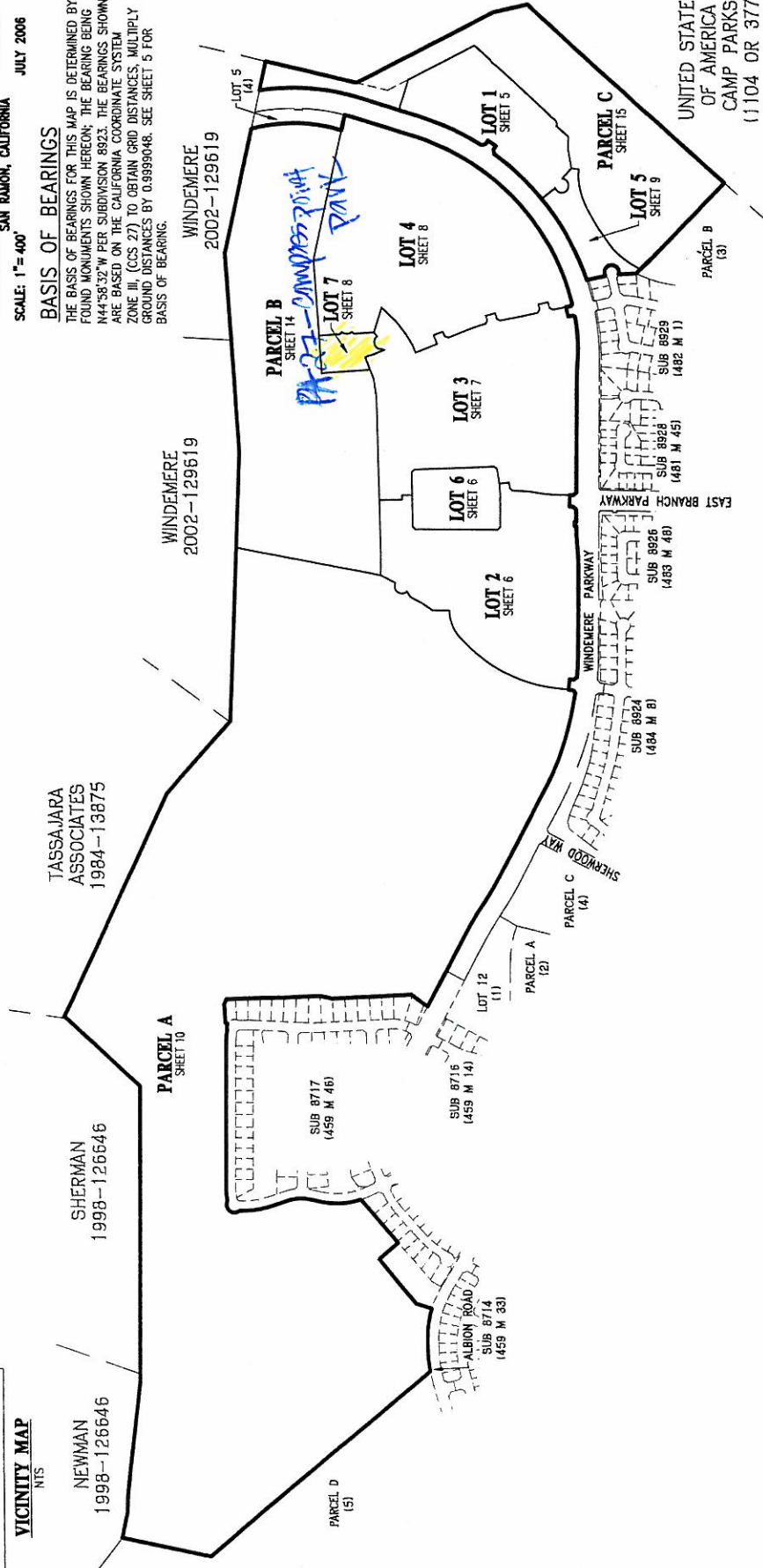


VICINITY MAP  
NIS

TASSAJARA ASSOCIATES  
1984-19875

SHERMAN  
1998-126646

NEWMAN  
1998-126646



- REFERENCES:
- (1) SUBDIVISION 8507 (457 M 43)
  - (2) SUBDIVISION 8509 (468 M 21)
  - (3) SUBDIVISION 8510 (481 M 29)
  - (4) SUBDIVISION 8923 (483 M 35)
  - (5) SUBDIVISION 8508 (458 M 1)
- SHEET 3 OF 17

94462-00  
APN: 223-100-056, 223-400-040, 223-400-041