

65102

Vol. <sup>m</sup>79 Page 7558

## Fidelity and Deposit Company

WHEN RECORDED PLEASE

HOME OFFICE

OF MARYLAND

BALTIMORE, MD. 21203

MAILED TO:  
Bank of America NT & SA  
Day and Night Office,  
Escrow Department  
One Powell Street  
San Francisco, Calif. 94102

## CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS:

ON BEHALF OF

That STUKEL ROCK &amp; PAVING, INC.

(hereinafter called Principal), as Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, with its Home Office in the City of Baltimore, Maryland, and duly authorized and licensed to do business in the State of OREGON (hereinafter called Surety), as Surety, are held and firmly bound unto REDWOOD THEATRES, INCORPORATED, 544 Golden Gate Avenue, San Francisco, California 94102 (hereinafter called Owner), in the full and just sum of One Hundred Fifty Eight Thousand Two Hundred Fifty & NO/100th Dollars (\$ 158,250.00 ), to the payment of which sum, well and truly to be made, the Principal and Surety bind themselves, their and each of their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this 1st day of March 19 79

WHEREAS, the Principal has entered into a certain written agreement, dated the 22nd day of February 19 79, with the Owner for Site preparation on Biehn St., including Grading & Paving, for Pelican Cinemas.

which agreement is or may be attached hereto for reference.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That, if the Principal shall well and truly perform and carry out the covenants, terms and conditions of said agreement, then this obligation to be void; otherwise to remain in full force and effect.

WITNESS:

STUKEL ROCK &amp; PAVING, INC.

By Donald R. Claunch (SEAL)  
DONALD R. CLAUNCH, PRESIDENT

(SEAL)

(SEAL)

(IF INDIVIDUAL OR FIRM)

ATTEST:

(SEAL)

(IF CORPORATION)

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By Everett T. White

EVERETT T. WHITE, ATTORNEY-IN-FACT

79 APR 5 PM 3 56

Power of Attorney  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

HOME OFFICE, BALTIMORE, MD.

7559

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by PAUL J. PLUNKETT, Vice-President, and PAUL E. ZACHARSKI, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

"The President, or any one of the Executive Vice-Presidents, or any one of the additional Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto."

does hereby nominate, constitute and appoint Everett T. White and Phyllis E. Slater, both of Klamath Falls, Oregon, 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, each in a penalty not to exceed the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000).....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, 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. This power of attorney revokes those issued on behalf of Everett T. White, dated July 25, 1974, and on behalf of Phyllis E. Slater, dated April 3, 1973.

The said Assistant Secretary does hereby certify that the foregoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 5th day of August, A.D. 1976.....

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

ATTEST:



STATE OF MARYLAND  
CITY OF BALTIMORE

Paul E. Zacharski  
Assistant Secretary

By Paul J. Plunkett  
Vice-President

On this 5th day of August, A.D. 1976, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, 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 Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

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



Doris M. Buttner  
Notary Public Commission Expires July 1, 1978

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate, and do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969:

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 1st day of March, 1979

L1410—Cir. 205711

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 5th day of April, A.D., 1979 at 3:56 o'clock P. M., and duly recorded in Vol. N79 of Mortgages on Page 7558.

FEE \$6.00

WM. D. MILNE, County Clerk

By Bernice A. Detoch Deputy