

PERFORMANCE BOND

(Form)

Date of Execution
of this Bond:

Name and Address of
Principal (Contractor):

Name and Address
of Surety:

Name and Address of
Contracting Body:

**The Metropolitan Sewerage District of
Buncombe County, North Carolina
2028 Riverside Drive
Asheville, North Carolina 28804**

Amount of Bond:

Contract:

That certain contract by and between the Principal and the
Contracting Body above named dated _____ for the
**Elk Mountain Place Sanitary Sewer Rehabilitation,
Project No. 2010094**

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL and SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal entered into a certain contract with the Contracting Body, as identified and shown above and hereto attached:

NOW, THEREFORE, if the Principal shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term of said contract and any extensions thereof that may be granted by the Contracting Body, with or without notice to the Surety, and during the life of any guaranty required under the contract, and shall also well and truly perform and fulfill all the undertakings, covenants, terms, conditions, and agreements of any and all duly authorized modification of the contract that may hereafter be made, notice of which modifications to the Surety being hereby waived, then, this obligation to be void; otherwise to remain in full force and virtue.

THIS PERFORMANCE BOND is made and given pursuant to the requirements and provisions of Section 129 of Chapter 143 of the General Statutes of North Carolina and pursuant to Article 3 of Chapter 44-A of the General Statutes of North Carolina, and each and every provision set forth and contained in Article 3 of Chapter 44-A of the General Statutes of North Carolina is incorporated herein, made a part hereof, and deemed to be conclusively written into this Bond.

Section XIV - Bonds

IN WITNESS WHEREOF, the principal and surety parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Principal (name of individual, individual
and trade name, partnership,
corporation or joint venture)

WITNESS:

(Proprietorship or Partnership)

BY: _____ (SEAL)

TITLE: _____
(owner, partner, office held in corporation,
joint venture)

ATTEST: (Corporation)

(Corporate Seal)

BY: _____

TITLE: _____
(Corporate Secretary or
Assistant Secretary only)

Surety (name of Surety Company)

WITNESS:

BY: _____

TITLE: Attorney-in-Fact
(Corporate Seal of Surety)

(Address of Attorney-in-Fact)

PAYMENT BOND
(Form)

Date of Execution
of this Bond: _____

Name and Address of
Principal (Contractor): _____

Name and Address
of Surety: _____

Name and Address of
Contracting Body: **The Metropolitan Sewerage District of
Buncombe County, North Carolina
2028 Riverside Drive
Asheville, North Carolina 28804**

Amount of Bond: _____

Contract: That certain contract by and between the Principal and the Contracting Body
abovenamed dated _____ for the **Elk Mountain Place
Sanitary Sewer Rehabilitation, Project No. 2010094**

KNOW ALL MEN BY THESE PRESENTS, That we, the PRINCIPAL and SURETY above named, are held and firmly bound unto the above named Contracting Body, hereinafter called the Contracting Body, in the penal sum of the amount stated above for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the Principal entered into a certain contract with the Contracting Body, as identified and shown above and hereto attached:

NOW THEREFORE, if the Principal shall promptly make payment to all persons supplying labor and material in the prosecution of the work provided for in said contract, and any and all duly authorized modifications and extensions of time of said contract that may hereafter be made, notice of which modifications and extensions of time to the surety being hereby waived, then this obligation to be void; otherwise to remain in full force and virtue.

THIS PAYMENT BOND is made and given pursuant to the requirements and provisions of Section 129 of Chapter 143 of the General Statutes of North Carolina and pursuant to Article 3 of Chapter 44-A of the General Statutes of North Carolina, and each and every provision set forth and contained in Article 3 of Chapter 44-A of the General Statutes of North Carolina is incorporated herein, made a part hereof, and deemed to be conclusively written into this Bond.

Section XIV - Bonds

IN WITNESS WHEREOF, the principal and surety parties have executed this instrument under their several seals on the date indicated above, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

Principal (name of individual, individual
and trade name, partnership,
corporation or joint venture)

WITNESS:

(Proprietorship or Partnership)

BY: _____ (SEAL)

TITLE: _____
(owner, partner, office held in corporation,
joint venture)

ATTEST: (Corporation)

(Corporate Seal)

BY: _____

TITLE: _____
(Corporate Secretary or
Assistant Secretary only)

Surety (name of Surety Company)

WITNESS:

BY: _____

TITLE: Attorney-in-Fact
(Corporate Seal of Surety)

(Address of Attorney-in-Fact)