

FILED SARPY CO. NE
INSTRUMENT NUMBER
2009-29665

2009 SP -9 PM 1:47

Lloyd J. Dowding
REGISTER OF DEEDS

COUNTER ah C.E. R
VERIFY P D.F. R
PROOF LM
FEES \$ 35.50
CHECK # 19451
CHC _____ CASH _____
REFUND _____ CREDIT _____
SMN _____ MPR _____



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FOR RECORDING
INFORMATION.**

**DOCUMENT STARTS ON
NEXT PAGE.**

LLOYD J. DOWDING

SARPY COUNTY REGISTER OF DEEDS
Steven J. Stastny, Deputy
1210 GOLDEN GATE DRIVE, STE 1109
PAPILLION, NE 68046-2895
402-593-5773

PERFORMANCE BOND.
Exhibit "A" to Supplementary Conditions

Bond No. 674014938

KNOW ALL MEN BY THESE PRESENTS, That Oakview Construction, Inc
2618 So 156th Circle, Omaha, NE 68130

(hereinafter called the "Principal"), as Principal and
Liberty Mutual Insurance Company 6800 College Blvd, Overland Park, KS 66211

a corporation, duly authorized to do business in Nebraska (project state) (hereinafter called the "Surety"),
are held and firmly bound unto WAL-MART STORES, INC. (hereinafter called the "Obligee"), and its representatives,
successors and assigns, in the sum of

Three Million Sixty Four Thousand Nine Hundred Dollars Dollars (\$ 3,064,900.00)

for the payment of which sum well and truly to be made the said Principal and Surety bind themselves, and their respective
heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has been awarded a contract with Obligee for Wal-Mart Supercenter(SUP) Phase I-Site Work Only

#4600-00, Gretna, NE, Job #J35780, Site Address #104600, Purchase Order #5934688 *Lot 8 Wicks*

(hereinafter called the "Contract") and which Contract is hereby referred to and incorporated by express reference as if fully
set forth herein.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bound Principal shall well
and truly perform all the work, undertakings, covenants, terms, conditions, and agreements of said Contract within the time
provided therein and any extensions thereof that may be granted by Obligee, and during the life of any maintenance
obligation, guaranty or warranty required under said Contract, and shall also well and truly perform all the undertakings,
covenants, terms, conditions, and agreements of any and all modifications of said Contract that may hereafter be made, and
shall indemnify and save harmless said Obligee of and from any and all loss, damage, and expense, including costs and
attorneys' fees, which the said Obligee may sustain by reason of Principal's failure to do so, then this obligation shall be null
and void; otherwise it shall remain in full force and effect.

The said Surety agrees that no change, extension of time, alteration, addition, omission, waiver, or other modification of the
terms of either the said Contract or in the said work to be performed, or in the specifications, or in the plans, or in the
Contract documents, or any forbearance on the part of either the Obligee or Surety to the other, shall in any way affect said
Surety's obligation on this Bond, and said Surety does hereby waive notice of any such changes, extensions of time,
alterations, additions, omissions, waivers, or other modifications.

The parties executing this Bond on behalf of Principal and Surety represent and warrant that they are duly authorized to bind
the Principal and Surety respectively.

A

TLM
R+R

*Lot 8 Wicks
Southpointe, Sarpy Co,
NE
JW
9/1/09
we*

IN WITNESS WHEREOF, the above bound parties have executed this instrument under their several seals this 28th day of August, 2009 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: Oakview Construction, Inc.

By: [Signature]

Title: LEONARD C. MOLLAKIS - PRESIDENT

2618 S. 156th Circle, Omaha, NE 68130

(Principal's Address)

[Signature]
Witness:

Or Secretary's Attest

[SEAL]

SURETY: Liberty Mutual Insurance Company

By: [Signature]

Title: Denise A. Iverson, Attorney-In-Fact

6800 College Blvd, Overland Park, KS 66211

(Surety's Address)

[Signature]
Witness:

Or Secretary's Attest

[SEAL]

Attach Power of Attorney if executed by attorney-in-fact on behalf of Surety

DUPLICATE ORIGINAL 2515261

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.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint

SEAN R. MILLER, MATTHEW J. MILLER, D. C. PRUETT, MARY S. WILCOX, DENISE A. IVERSON, DALE A. GEBAUER, OMAR G. GUERRA, ALL OF THE CITY OF KANSAS CITY, STATE OF MISSOURI

, 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 the penal sum not exceeding FIFTY MILLION AND 00/100 DOLLARS (\$ 50,000,000.00) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

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.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-Laws, Garnet W. Elliott, Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to 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.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 18th day of March 2009

LIBERTY MUTUAL INSURANCE COMPANY

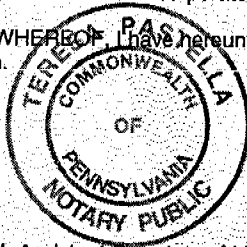


By Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 18th day of March, 2009, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notaries Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013
Member, Pennsylvania Association of Notaries

By Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, 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 I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the 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.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 28th day of August, 2009



By David M. Carey, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, 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.

PAYMENT BOND
Exhibit "B" to Supplementary Conditions

Bond No. 674014938

KNOW ALL MEN BY THESE PRESENTS, That Oakview Construction, Inc
2618 So 156th Circle, Omaha, NE 68130
(hereinafter called the "Principal"), as Principal and

Liberty Mutual Insurance Company 6800 College Blvd, Overland Park, KS 66211
a corporation, duly authorized to do business in Nebraska (project state) (hereinafter called the "Surety"),
are held and firmly bound unto WAL-MART STORES, INC. (hereinafter called the "Obligee"), and its representatives,
successors and assigns, in the sum of

Three Million Sixty Four Thousand Nine Hundred Dollars Dollars (\$ 3,064,900.00)
for the payment of which sum well and truly to be made the said Principal and Surety bind themselves, and their respective
heirs, administrators, executors, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the Principal has been awarded a contract with Obligee for Wal-Mart Supercenter(SUP) Phase I-Site Work Only
#4600-00, Gretna, NE, Job #J35780, Site Address #104600, Purchase Order #5934688 *Lot 9 Wickes Southpointe, Sarpy Co., NE*
(hereinafter called the "Contract") and which Contract is hereby referred to and incorporated by express reference as if fully
set forth herein.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall promptly make
payment in full to all persons or entities supplying labor, material, supplies, services, utilities and equipment in the
prosecution of the work provided for in said Contract and any and all modifications of said Contract that may hereafter be
made, and shall indemnify and save harmless said Obligee of and from any and all loss, damage, and expense, including costs
and attorneys' fees, which the said Obligee may sustain by reason of Principal's failure to do so, then this obligation shall be
null and void; otherwise it shall remain in full force and effect.

The said Surety agrees that no change, extension of time, alteration, addition, omission, waiver, or other modification of the
terms of either the said Contract or in the said work to be performed, or in the specifications, or in the plans, or in the
Contract documents, or any forbearance on the part of either the Obligee or Principal to the other, shall in any way affect its
obligation on this Bond, and Surety does hereby waive notice of any such changes, extensions of time, alterations, additions,
omissions, waivers, or other modifications.

The said Principal and the said Surety agree that this Bond shall inure to the benefit of all persons or entities as supplying
labor, material, supplies, services, utilities and equipment in the prosecution of the work provided for in said Contract, as well
as to the Obligee, and that any of such persons or entities may maintain independent actions upon this Bond in the name of
the person or entities bringing any such action.

The parties executing this Bond on behalf of Principal and Surety represent and warrant that they are duly authorized to bind
the Principal and Surety respectively.

00800 - 30

#4600-00 Gretna, NE

06/10/09

*Lot 9 Wickes
Southpointe, Sarpy Co.,
NE
✓
9/1/09
CW*

IN WITNESS WHEREOF, the above parties have executed this instrument under their several seals this 28th day of August, 20 09 the name and corporate seal of each 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: Oakview Construction, Inc.

By: [Signature]

Title: LEONARD C. MOLLAK, JR. - PRESIDENT

2618 S. 156th Circle, Omaha, NE 68130

(Principal's Address)

[Signature]
Witness:

Or Secretary's Attest

[SEAL]

SURETY: Liberty Mutual Insurance Company

By: [Signature]

Title: Denise A. Iverson, Attorney-In-Fact

6800 College Blvd, Overland Park, KS 66211

(Surety's Address)

[Signature]
Witness:

Or Secretary's Attest

[SEAL]

Attach Power of Attorney if executed by attorney-in-fact on behalf of Surety

2009-276011 2515261
DUPLICATE ORIGINAL

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LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

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SEAN R. MILLER, MATTHEW J. MILLER, D. C. PRUETT, MARY S. WILCOX, DENISE A. IVERSON, DALE A. GEBAUER, OMAR G. GUERRA, ALL OF THE CITY OF KANSAS CITY, STATE OF MISSOURI.....

....., 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 the penal sum not exceeding FIFTY MILLION AND 00/100***** DOLLARS (\$ 50,000,000.00*****) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

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.

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IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 18th day of March, 2009.

LIBERTY MUTUAL INSURANCE COMPANY



By Garnet W. Elliott
Garnet W. Elliott, Assistant Secretary

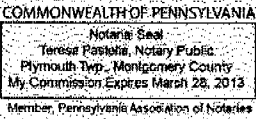
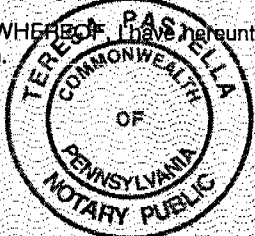
Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

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COUNTY OF MONTGOMERY

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IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



By Teresa Pastella
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, 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 I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

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VOTED that the 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.

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By David M. Carey
David M. Carey, Assistant Secretary