

EXHIBIT D
MAINTENANCE BOND

Bond No. _____

Principal Amount _____

KNOWN ALL MEN BY THESE PRESENTS, That we [NAME OF PRINCIPAL] as Principal, and [NAME OF SURETY] as Surety, are held and firmly bound unto the County of El Paso, Texas, through El Paso County Judge Ricardo A. Samaniego in his official Capacity, or his successor-in office, as Obligee, in the penal sum of [AMOUNT OF BOND IN WRITTEN WORDS] [AMOUNT OF BOND IN CURRENCY] to which payment will and truly to be made we do bind ourselves, our and each of our heirs, executors. Administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, The Principal entered into an agreement by Subdivision Construction Agreement with the County of El Paso, Texas through El Paso County Judge Ricardo A. Samaniego in his official capacity or his successor-in-office dated [DATE OF SUBDIVISION CONSTRUCTION AGREEMENT] for [NAME OF SUBDIVISION],

WHEREAS, Said contract provides that the Principal will furnish a bond conditioned to guarantee for the period of [NUMBER OF YEARS OF WARRANTY PERIOD] year(s) after County approval of the Maintenance Bond Estimate (Exhibit E) on said job, by the owner, against all defects in workmanship and materials which may become apparent during said period,

WHEREAS, The Certified "As-Built" drawings were received by the County on [DATE AS-BUILT DRAWINGS WERE PROVIDED]. Upon completion of all of the improvements, the Owner/Developer provided to the County a complete set of "as built " certified by the engineer responsible for preparing the approved construction plans and specifications,

WHEREAS, The Complete Acceptance Inspection for [NAME OF SUBDIVISION] improvements was performed on [DATE OF COMPLETE ACCEPTANCE INSPECTION],

WHEREAS, This Maintenance Bond will begin on [EFFECTIVE DATE OF MAINTENANCE BOND WHICH IS THE LATEST OF THE TWO DATES, DATE OF COMPLETE ACCEPTANCE INSPECTION OR DATE AS-BUILT DRAWINGS WERE PROVIDED] and expire on [EXPIRATION DATE OF MAINTENANCE BOND].

WHEREAS, The Principal will notify the Obligee in writing on [DATE OF WRITTEN NOTICE BY PRINCIPAL OF THE 270 DAY OF MAINTENANCE BOND], 270 (two hundred and seventy) calendar days,

after the effective date of this Maintenance Bond to perform a final inspection of all improvements dedicated to the County of El Paso associated with the subdivision,

WHEREAS, The Principal is responsible for all repairs and replacements identified by, and to the satisfaction of the Oblige. Said repairs and replacements must be accomplished to the satisfaction of the Obligee by the expiration date of this Maintenance Bond. At the County's discretion, the expiration date may be extended to accommodate the accomplishment of these repairs. Failure to complete the repairs within the required time shall be considered a condition of default under this bond.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, The Oblige after final acceptance of the work, and after acceptance by the Commissioner's Court of the said property will provide a letter to the Principal along with the original Maintenance Bond identifying full and complete acceptance of the said property.

SIGNED, SEALED, AND DATED _____

Principal: _____

(Signature of Principal's Representative)

(Name of Principal's Representative)

(Title of Principal's Representative)

Surety: _____

(Signature of Surety's Representative)

(Name of Surety's Representative)

(Title of Surety's Representative)