

Supplemental Note for Checklist Item #8 – Consent of Surety to Final Payment

The person who signs this release for the surety must be the same person who signed the performance/payment bond and should be a Mississippi Resident Agent, licensed to do business (with the Mississippi Insurance Commission) in the State of Mississippi as an agent of the Surety.

**CONSENT OF SURETY COMPANY
TO FINAL PAYMENT**

OWNER Bond No. 08728780
ARCHITECT
CONTRACTOR
SURETY
OTHER

Conforms with The American Institute of Architects.
AIA DOCUMENT G707

PROJECT: **Contract Bond for a Marshalling Yard at Bayou Casotte, Jackson County, Mississippi**
(name, address)
TO (Owner)

JACKSON COUNTY PORT AUTHORITY
3033 Pascagoula Street
Pascagoula, MS 39568

ARCHITECT'S PROJECT NO:
CONTRACT FOR: "Same as above"

CONTRACT DATE:

CONTRACTOR: GRAHAM CONSTRUCTION CO., INC.

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the (here insert name and address of Surety Company)

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
P. O. Box 1227
Baltimore, MD 21203-1227

, SURETY COMPANY

on bond of (here insert name and address of Contractor)

GRAHAM CONSTRUCTION CO., INC.
P. O. Box 670
Escatawpa, MS 39552

, CONTRACTOR

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the Surety Company of any of its obligations to (here insert name and address of Owner)

JACKSON COUNTY PORT AUTHORITY
3033 Pascagoula Street
Pascagoula, MS 39568

, OWNER

as set forth in the said Surety Company's bond.

IN WITNESS, WHEREOF,
The Surety Company has hereunto set it's hand this 28th day of September 2004.

Cc: **Graham construction co., Inc.**
F & D, FCP \$320,356.65

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
Surety Company

Andrew Jones

Signature of Authorized Representative

Attest
(Seal)

Amanda Charfauros
Amanda Charfauros
Witness

Gene Horner **Attorney-in-Fact**
Title

Resident Mississippi Agent
THE BOTTRELL INSURANCE AGENCY, INC.

Note: This form is to be used as a companion document to AIA DOCUMENT G708, CONTRACTOR'S AFFIDAVIT OF PAYMENT OF DEBTS AND CLAIMS Current Edition.

Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

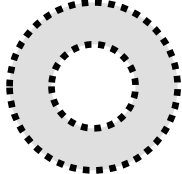
KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by PAUL C. ROGERS, Vice President, and T. E. SMITH, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof does hereby nominate, constitute and appoint Jim A. ARMSTRONG, Jerry G VEAZEY, JR., D. M. FERRIS, Gene HORNER, John G. RAINES, Jason J. YOUNG, T. L. JOYNER, III, Trina COBB, Linda D. WHITTINGTON AND Peggy L. JACKSON, all of Jackson, Mississippi, 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, and the execution of such bonds or undertakings pursuant 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 that issued on behalf of J. Carlton SMITH, s. Lyle BATES, JR., Jim A. ARMSTRONG, Jerry G. VEAZEY, JR., D. M. FERRIS, Gene HORNER, Robert L. ELLIOTT, John G. RAINES, T. L. JOYNER, III, DATED June 4, 2003.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof 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 18TH DAY OF December, A.D. 2003.

ATTEST:

T. E. Smith FIDELITY AND DEPOSIT COMPANY OF MARYLAND

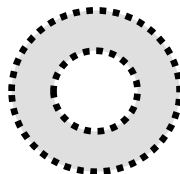


State of Maryland } ss:
City of Baltimore }

T. E. Smith By: *Paul C. Rogers*
T. E. Smith *Assistant Secretary* *Paul C. Rogers* *Vice President*

On this 18th day of December, A.D. 2003, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came PAUL C. ROGERS, Vice President, and T. E. SMITH, 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 deposed 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 the day and year first above written.



Dennis R. Hayden
Dennis R. Hayden *Notary Public*
My Commission Expires: February 1, 2005