

GUARANTY PERFORMANCE/MAINTENANCE AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, that we, MTS ATL, LLC (owner/principal, hereinafter referred to as "Principal"), and ATLANTIC SPECIALTY INSURANCE COMPANY (surety), a company entitled and licensed to do business as a surety in the State of Georgia and Hall County, (hereinafter referred to as "Surety"), are held and bound unto Hall County, Georgia in the sum of THREE HUNDRED TWENTY SIX THOUSAND FIVE HUNDRED SIXTY NINE DOLLARS & 00/100 \$ 326,569.00 * (hereinafter referred to as "bonded amount") for payment of which we bind ourselves, our heirs, executors, administrators and assigns.

WHEREAS, MTS ATL, LLC (principal) is owner of the Subdivision known as CAMBRIDGE ESTATES PHASE III Subdivision, which subdivision is shown on a plat prepared by RYAN SCHULDT, NORTH POINT LAND SURVEYING, Georgia Registered Surveyor Number 3219, and

WHEREAS, MTS ATL, LLC (principal) wishes to induce the Board of Commissioners of Hall County, Georgia to approve the street system shown on the Final Plat of CAMBRIDGE ESTATES PHASE III Subdivision for recording purposes, and

WHEREAS, MTS ATL, LLC(principal) wishes to induce the Board of Commissioners of Hall County, Georgia to accept the streets shown on the Final Plat of CAMBRIDGE ESTATES PHASE III Subdivision for public maintenance (not applicable to private developments); MTS ATL, LLC (principal) and ATLANTIC SPECIALTY INSURANCE COMPANY (surety) agree in consideration of the foregoing,

NOW, THEREFORE BE IT RESOLVED, MTS ATL, LLC (principal) agrees that all construction of the street system of CAMBRIDGE ESTATES PHASE III

Subdivision will be completed and maintained for fifteen (15) months according to the terms and requirements as shown on the recorded Final Plat and of the Subdivision Regulations in force in Hall County, Georgia.

MTS ATL, LLC (principal), and ATLANTIC SPECIALTY INSURANCE COMPANY (surety) agree to the following:

Sidewalks will be completed throughout entire subdivision as shown on recorded final plat within one (1) year of signing of said final plat. One inch of "F" mix asphalt may be placed anytime prior to final platting or up to one (1) year after final plat approval. In addition, Principal and Surety agree that if either the sidewalks, cuts, fills, sub-grades, shoulders, pavement, grassing, storm water management facilities, or traffic signs in CAMBRIDGE ESTATES Subdivision are improperly maintained or are found to be defective from faults in design, materials or workmanship as shown on the recorded Final Plat, or as set out in the Subdivision Regulations in force in Hall County, Georgia, then upon demand from Hall County, ATLANTIC SPECIALTY INSURANCE COMPANY (surety) shall pay the bond amount to Hall County.


Terms of Guaranty:

MTS ATL, LLC (principal) and ATLANTIC SPECIALTY INSURANCE COMPANY (surety) shall be bound by the provisions of this agreement until a properly authorized letter is received by ATLANTIC SPECIALTY INSURANCE COMPANY (surety) from Hall County authorizing release of MTS ATL, LLC (principal) and ATLANTIC SPECIALTY INSURANCE COMPANY (surety) from this Guaranty Agreement.


NOTWITHSTANDING the above provisions, this Guaranty Performance/Maintenance Agreement is hereby issued on MARCH 12TH, 2023 (Date) and expires on MARCH 12TH, 2025 (Date, minimum 24 months from date of issuance), and the Issuer will have no more liability after that date. When

the indicated expiration date falls on Sunday or a legal holiday, or for any reason the Issuer is not open for business, the expiration date shall be extended to the next succeeding business day. Jurisdiction for any civil litigation necessary for collection of bond claims hereunder shall be in the Superior Court of Hall County, Georgia.

IN WITNESS WHEREOF, the undersigned have hereunto signed their names and affixed their seals, this 12TH day of MARCH, 2023.

- MTS ATL, LLC
PRINCIPAL
By: 
(Corporate Officer or other authorized representative)

Principal's Address:
2857 Westport Rd
Charlotte NC 28208

- ATLANTIC SPECIALTY INSURANCE COMPANY
SURETY

By: MICHAEL W STELLJES
(Authorized Representative)

Surety's Address:
ONE STATE STREET PLAZA – 31ST FLOOR
NEW YORK, NY 10004

- Approved:
Hall County
By: _____
(Chairman)

* The amount of the bond equals 30 percent of all completed infrastructure including base, paving, grassing, stormwater management facilities, and sidewalks plus 100 percent of the cost of all incomplete infrastructure such as remaining sidewalks and asphalt topping. The unit cost data used in the calculations will be based upon the latest Georgia Department of Transportation (GADOT) Item Mean Summary, or the latest Hall County contract data, whichever is higher.



Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: **John M. Lowry, William Lowry, Steven F. Santee, Michael W. Stelljes, Jessica Macri, William Douglas Lowry,** each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: **unlimited** and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

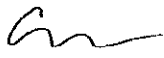
Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

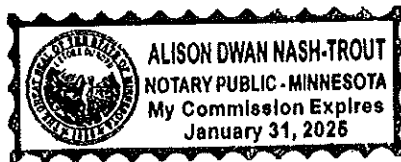
IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this first day of January, 2023.



By 
Sarah A. Kolar, General Counsel

STATE OF MINNESOTA
HENNEPIN COUNTY

On this first day of January, 2023, before me personally came Sarah A. Kolar, General Counsel of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and she acknowledged the execution of the same, and being by me duly sworn, that she is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.




Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 1/27 day of my 2023



This Power of Attorney expires
January 31, 2025


Kara Barrow, Secretary