INSTRUCTIONS

BOND EXTENSION DOCUMENTS

1. Extension of Subdivision Streets Bonding Agreements requires the execution and delivery to the County of an Extension Agreement signed by the Developer/Owner; a Consent to Extension signed by the Developer/Owner and the Bank/Surety; and either a Letter of Credit Amendment or a "Bond Rider" and a check for $300 per year of extension.

2. Such Extension Agreement and Consent to Extension should be in the form as attached to these instructions. Each blank on these forms is labeled with a letter of the alphabet in parentheses. Such letters correspond to the letters on the Forms Guide attached to these instructions. The numbers in parentheses after each item on the Forms Guide indicate the total number of times that each item appears in the two documents combined. For items (F), (I), (K) & (L), the slash mark indicates a choice. Please choose and enter into the blank the appropriate word or words and omit the rest.

3. Where the Bonding Agreement is secured by a Letter of Credit: LOC Amendment must accompany extension documents to amend expiration date to a date at least six (6) months after the new performance due date.

4. For Bonding Agreements secured by a Corporate Surety Bond:

(a) Extension documents must be accompanied by a Bond Rider. The Bond Rider may be an actual rider to the original bond, or it may be a continuation letter or verification letter, etc. Whatever is submitted, it must provide unequivocal documentary evidence that, as between the Developer/Subdivider and the Corporate Surety Company, the Bond has been continued in force to at least the new performance due date. (Since bonds do not expire, there is no need for the extra six (6) months as required for Letters of Credit.)

(b) In addition to the Bond Rider, there must also be a current Power of Attorney attached to the Consent to Extension and Bond Rider which indicates that the person signing on behalf of the Corporate Surety qualified as Attorney-in-fact for the Company as of the date of execution of the Consent to Extension and the Bond Rider. If those dates are different, then there would need to be a Power of Attorney for both the Rider and the Consent to Extension.

5. Item (C) should be the full name of the current owner of the subdivided property. If the current owner is different from the owner/subdivider/developer who previously executed the Subdivision Streets Agreement or the subsequent Extension Agreement, then please contact the Division of Bonds Management at the Department of Building and Development to determine whether a Substitution Agreement may be necessary.
6. Item (M), the current performance due date, can be determined either from the original Subdivision Streets Agreement or the most recent Extension Agreement approved for the subdivision.

7. Item (J), the new performance due date, may not be more than one (1) year after the current performance due date.

8. Regarding item (H), the amount of the Bond or Letter of Credit, if the amount has been reduced by reduction approved by the Board of Supervisors, then the reduced amount may be filled in as item (H).

9. Regarding item (P), the acronym for the plan type and the plan number should be filled in.
FORMS GUIDE

A: Date of Extension Agreement (3)

B: Date of original Subdivision Streets Agreement (5)

C: Full name of Developer or Subdivider (7)

D: Name of Subdivision (2)

E: Months in original agreement (1)

F: [Bond/Letter of Credit] No.____________________ (4)

G: Name of Issuing Corporate Surety or Bank (5)

H: Amount of Bond or Letter of Credit

I: Bond Rider/Letter of Credit Amendment (2)

J: New performance due date (2)

K: Corporate/Partnership/or other company form as applicable (1)

L: Corporation/Partnership/or other company form as applicable (1)

M: Current performance due date (2)

N: Date of Consent to Extension (3)

O: Date of Bond or Letter of Credit (1)

P: CPAP/STPL #__________________ (2)

Q: Confirming or Advising Bank

ATTENTION: In the following documents, the parenthetical letter at the beginning of each blank corresponds with an item on this "Forms Guide" which describes the information that belongs in the blank.
EXTENSION AGREEMENT

THIS EXTENSION AGREEMENT made and entered into this (A)____ day of _________________________, 20____, by and between (C)____________________________________, party of the first part (hereinafter referred to as "Subdivider"); and the BOARD OF SUPERVISORS OF LOUDOUN COUNTY, VIRGINIA, a body politic, party of the second part (hereinafter referred to as "Board").

WITNESSETH:

WHEREAS, by Agreement dated (B)______________________________________________, and in consideration of the approval by the Board of the plat, plans and profiles of the subdivision known as (D)__________________________________________, (P)__________________________________________, the Subdivider agreed to complete certain work and improvements within (E)__________________________________ months from the date of the said Agreement; and

WHEREAS, the performance of the obligations of the Subdivider under the aforesaid Agreement is secured by (F)______________________________________________, issued by (G)______________________________________________, in the amount of (H) $_________________________________________; and

WHEREAS, the parties desire to extend the time for performance of the obligations under the said Agreement.

NOW THEREFORE, for and in consideration of the continuation and extension of (F)______________________________________________, which extension is evidenced by the Consent to Extension and the (I)__________________________________________, which are attached hereto and made a part hereof by reference, the parties hereto agree and covenant to extend the time for the performance of the obligations set forth in the aforesaid Agreement dated (B)__________________________________, from (M)__________________________________________ to (J)__________________________________________.

All other provisions of the Agreement dated (B)__________________________________, which are not inconsistent herewith, shall remain in full force and effect.

IN WITNESS WHEREOF, the Subdivider has caused its (K)________________________________________ name and seal to be affixed hereto by _______________________________________, who has authority to act on behalf of the (L)________________________________________.
Subdivider: (C)__________________________________
By: __________________________________________
Name: ________________________________________
Title: _________________________________________

STATE OF _____________________________
COUNTY OF ____________________________, to-wit:

I, the undersigned, a Notary Public in and for the State and County aforesaid, do hereby certify that ___________________________, as ___________________________ of (C)________________________________________ whose name is signed to the foregoing Extension Agreement dated this (A)____ day of ______________________, 20____, has acknowledged the same before me in my State and County aforesaid.

GIVEN under my hand and seal this _____ day of ______________________, 20____.

____________________________________
Notary Public

My Commission Expires: ____________________________

My Notary Registration Number: ____________________

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]
IN WITNESS WHEREOF, the Board has caused this Agreement to be executed on its behalf and its seal affixed.

BOARD OF SUPERVISORS OF
LOUDOUN COUNTY, VIRGINIA

By: ____________________________
   Director, Building and Development

STATE OF VIRGINIA,
COUNTY OF LOUDOUN, to-wit:

I, the undersigned, a Notary Public in and for the State and County aforesaid, do hereby certify that ___________________________ as Director of Building and Development, on behalf of the Board of Supervisors of Loudoun County, Virginia, whose name is signed to the foregoing Agreement bearing date the (A) ______ day of ______________________ 20__, has acknowledged the same before me in my State and County aforesaid.

GIVEN under my hand this _____ day of ______________________, 20__.

______________________________
Notary Public

My Commission Expires: ____________________________

My Notary Registration Number: ____________________________
CONSENT TO EXTENSION

(G) __________________________ issued (F) __________________________ on (O) __________________________, to guarantee construction of the improvements for (D) __________________________, (P) __________________________, in accordance with the Agreement dated (B) ____________, between (C) __________________________ and the Board of Supervisors of Loudoun County, Virginia.

(G) __________________________ hereby consents to an extension of the time for performance of the aforesaid Agreement by (C) __________________________, from (M) __________________________ to (J) __________________________. All other provisions of the Agreement dated (B) __________________________ shall remain in full force and effect.

A (I) __________________________ is attached hereto and made a part hereof by reference.

The persons executing this Consent to Extension on behalf of the (G) __________________________ and (C) __________________________ warrant that they have authority to act for the respective parties.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]
DATED THIS (N) ________________ day of ________________ 20__,

Surety: ________________ BANK
By: ________________ (SEAL)
Name: ________________
Title: ________________

Subdivider/Principal: ________________
By: ________________ (SEAL)
Name: ________________
Title: ________________

STATE OF ________________,
COUNTY OF ________________, to-wit:

I, the undersigned, a Notary Public in and for the State and County aforesaid, do hereby certify that ________________, as ________________ of ________________ whose name is signed to the foregoing Consent to Extension dated this _____ day of ________________, 20__, has signed and acknowledged the same before me in my State and County aforesaid.

GIVEN under my hand and seal this _____ day of ________________, 20__.

__________________________________________
Notary Public

My Commission Expires: ________________
My Notary Registration Number: ________________

STATE OF ________________,
COUNTY OF ________________, to-wit:

I, the undersigned, a Notary Public in and for the State and County aforesaid, do hereby certify that ________________, as ________________ of ________________ whose name is signed to the foregoing Consent to Extension dated this _____ day of ________________, 20__, has signed and acknowledged the same before me in my State and County aforesaid.

GIVEN under my hand and seal this _____ day of ________________, 20__.

__________________________________________
Notary Public

My Commission Expires: ________________
My Notary Registration Number: ________________
BOND NO.:  
DATE OF BOND:  
PRINCIPAL:  
OBLIGEE: BOARD OF SUPERVISORS OF LOUDOUN COUNTY, VIRGINIA  
SUM OF BOND: $  
PLAN NAME:  
CPAP/STPL:  

The referenced Bond continues in force in the above amount subject to all terms and conditions of said Bond. The aggregate liability shall not exceed the sum written above.

EXECUTED BY SURETY AND EFFECTIVE THIS ___ DAY OF ______________________, 20___

{SURETY COMPANY NAME}
BY: ________________________________
NAME: ________________________________
TITLE: ________________________________

STATE OF ____________________________,
COUNTY OF ________________________,

The foregoing instrument was acknowledged before me this ___ day of ______________________, 20___, by Attorney-in-Fact for _________________________________.

______________________________
Notary Public

My Commission Expires: ________________________________
My Notary Registration Number: ________________________________

NOTE: ADDITION OF DATES SPECIFYING BOND TERMINATION OR EXPIRATION ARE NOT ACCEPTABLE

{ASSUMING THIS CONTINUATION/VERIFICATION STATEMENT/RIDER IS SIGNED BY AN ATTORNEY-IN-FACT, AN APPROPRIATELY DATED POWER OF ATTORNEY SHOULD BE ATTACHED}
Facilities Standards Manual, Chapter 8.30S.B "It shall be the sole responsibility of the developer to keep the Performance Bond current." 8.30S.B.I...
"The developer can make a formal request to the Director for an extension of the completion date for a maximum period of one year. The developer must indicate the reasons and conditions which have prevented completion of the required improvements.

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Plan Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Name:</td>
<td>Contact Person:</td>
</tr>
<tr>
<td>Owner Address:</td>
<td>Telephone #:</td>
</tr>
</tbody>
</table>

| Date of Original Performance Agreement: | # of Previous Approved Extensions: |

Please list all work yet to be completed for public improvements and proffers. Please supply timeline of construction completion and date of Anticipated Bond Release:

Please list why the performance obligation has not been met to date:
Please complete the below contact information in reference to the attached agreement and submit this with your completed agreement and bond packet.

Project Name: ____________________________
Bond Number: ____________________________

Please provide contact information for the PRINCIPAL/O CO-PRINCIPAL of the bond:

Name: ____________________________
Title: ____________________________
Address: ____________________________
Phone No.: ____________________________
Email: ____________________________

Please provide contact information for the Developer/Owner. This individual will keep the Performance Agreement/Bond current with Loudoun County:

Name(s): ____________________________
Title(s): ____________________________
Address(es): ____________________________
Phone No(s): ____________________________
Email(s): ____________________________

Thank you for your help.
Bonds Management Team
Now that your agreement has been accepted by Loudoun County, its life has begun and may consist of Bond Maintenance prior to Bond Release.

This is only the beginning. You are not done.

Per Facilities Standards Manual (FSM) Section 8.302, “If construction of the subject project is not completed within the initial Performance Agreement term (12, 24, or 36 months), the performance bond amount may require adjustment (increase in bond amount) and subsequent reconsideration (new owner or surety substitution) and review by the Bond Committee”.

Until the Bond Committee recommends approval of release of the bond, the performance agreement must be extended every year with a new set of completed extension documents and a $300.00 extension fee per year(s) extended. (See FSM Section 8.305.E for release requirements).

To keep your agreement current (not expired and out of default), you may need to take one or more of the following actions:

1) **When would I need an Extension Agreement?** This is the most common action that needs to be taken every year in order to keep your agreement current. Submit the required completed extension documents and a $300.00 fee per year. Except for the 1st extension, all extensions are for one (1) year.

   Please note, when extending a State Maintained Roads Agreement, a Preliminary Street Acceptance Package is also required. (See Checklist for Preliminary Street Acceptance Package (aka PSAP).

   Documents required:
   1) Extension Agreement  2) Consent to Extension  3) Rider/Letter of Credit Amendment  4) Extension Request Form  5) Fee

   Please note, if your agreement is not extended by the expiration date, your agreement will be in DEFAULT (No reduction, release, permits, or inspections for project will be authorized) (See Loudoun County’s website for documents/information: LC Perf Agree Extension. Per FSM Section 8.305.B, submit an extension agreement approximately sixty (60) days prior to the agreement expiration. Upcoming expiration letters are generally emailed to owner/developer ninety (90) days from the expiration date of the agreement.

2) **When would I need a New Owner Substitution?** If the ownership of the property has changed, request a New Owner Substitution.

   Please note, if the original agreement is expired, the agreement is in DEFAULT. When submitting a New Owner Substitution agreement on an expired performance agreement, a $300.00 fee is required, per year(s) in default, to bring the expired agreement current. (See Loudoun County’s website for documents/information: (LC Substitutions).

   Documents required:
   1) Agreement  2) Bond (Preferred Collateral Discussion: Cash, Letters of Credit, Surety Bonds)

3) **When would I need a Surety Substitution?** If the bank or surety company no longer meets the requirements of FSM Section 8.303, request a Surety Substitution.  (See Loudoun County’s website for documents/information: (LC Substitutions)

   Documents required:
   1) Agreement  2) Bond (Preferred Collateral Discussion: Cash, Letters of Credit, Surety Bonds)

4) **When would I need a Reduction?** If you have completed 30% of the improvements, request a bond reduction and submit a $785.00 fee. (See Loudoun County’s website for documents/information: LC Reductions).

   Documents required:
   1) Reduction request letter  2) Bond Unit Price List  3) Fees  4) Geo-tech certified letter

5) **When would I need a Release?** If improvements have been completed, request a bond release and submit a $500.00 release fee and a $300.00 fee for as-built plans. (See Loudoun County’s website for documents/information: LC Street Acceptance / Bond Release.

   Documents required:
   1) Release request letter  2) Items Requested on Public Street Acceptance  3) Fees Items requested on Private Street/Site Plan/Proffer Release Checklist
If after reviewing the website links above you have further questions or need clarifications, please contact:

<table>
<thead>
<tr>
<th>Contact Infrastructure Compliance Team for PSAP Questions</th>
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<tbody>
<tr>
<td>Contact:</td>
</tr>
<tr>
<td>Rick Hoffman / 703-737 8625</td>
</tr>
<tr>
<td><a href="mailto:richard.hoffman@loudoun.gov">richard.hoffman@loudoun.gov</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact Infrastructure Compliance Team for RELEASE and REDUCTION Questions</th>
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</thead>
<tbody>
<tr>
<td>Contact:</td>
</tr>
<tr>
<td>Ilona McGee / 571-258-3216</td>
</tr>
<tr>
<td><a href="mailto:ilona.mcgee@loudoun.gov">ilona.mcgee@loudoun.gov</a></td>
</tr>
<tr>
<td>Rick Karle / 703-771-5129</td>
</tr>
<tr>
<td><a href="mailto:rick.karle@loudoun.gov">rick.karle@loudoun.gov</a></td>
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</tr>
</thead>
<tbody>
<tr>
<td>Contact:</td>
</tr>
<tr>
<td>Michael Baggett – project names beginning with A-D</td>
</tr>
<tr>
<td>Will Himel – project names beginning with E-O</td>
</tr>
<tr>
<td>Diana Larson – project names beginning with P – Z</td>
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<tr>
<td>Bonds Information Line</td>
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</tbody>
</table>

**COMMONLY MADE ERRORS**

- The Agreement must be dated on or prior to the date of the Corporate Surety Bond or Letter of Credit.
- Application name and number must be correct and agree across all documents.
- Common Typos on the Rider/Continuation/Verification Certificate for application types (ex.: SPTL versus STPL, APAP versus CPAP).
- The Corporate Surety Bond or Letter of Credit Number must be filled in on Agreement.
- Owner of the property must be party to the Performance Agreement even if the Corporate Surety Bond is provided by a different entity or party.
- Incorrect or Missing Dates on the Consent to Extension.
- Notary Attestation cannot be before the date of the agreement.
- Signers' names must agree exactly across all documents (signature block and notary).
- Corporate Surety Bond Number must be on the upper left corner of the face of the bond and in the upper right corner of each subsequent page of the bond.
- Power of Attorney must be dated before bond, but within six (6) weeks of date on bond and is required for each time someone signs (ex.: rider + Consent to Extension = 2 POAs).
- Not using the EXACT template language if re-typed.