

## **AST FR – 1 Guidance**

### **Surety Performance Bond**

A surety bond is a guarantee, issued by a licensed surety, that it will meet the financial responsibility obligations required by the Act if the owner or operator is unable to perform necessary cleanup activities/corrective action. It must be executed by the principal and a corporate surety licensed to do business in the State of West Virginia and approved by the Secretary. A surety bond must also be non-cancelable during its term and should be worded as provided in the template form AST FR-1, except that the instructions in brackets should be replaced with the relevant information and the brackets deleted. AST FR-1 has been pre-approved by the West Virginia Attorney General's office.

#### **AST FR-1**

#### ***INSTRUCTIONS FOR COMPLETING SURETY BOND***

#### **IF PRINCIPAL IS AN INDIVIDUAL OR PARTNERSHIP:**

- a. Complete the bond, lines (1) through (13)
- b. Have Notary complete the applicable section of acknowledgment titled Acknowledgment by Principal if Individual or Partnership (lines 14 through 21)

#### **IF PRINCIPAL IS A CORPORATION:**

- a. Complete the bond, lines (1) through (13)
- b. Have Notary complete the applicable section of titled Acknowledgment by Principal if Corporation (lines 22 through 30)
- c. Affix corporate seal as requested on face of bond.

#### **SURETY:**

- a. Complete applicable portion of bond
- b. Have Notary complete applicable section of acknowledgment titled Acknowledgment by Surety (lines 31 through 39)
- c. Attach Power of Attorney to bond if surety signatory is an attorney in fact
- d. Affix raised Surety Seal to bond and to Power of Attorney.

#### ***INSTRUCTIONS BY LINE NUMBER***

- (1-2) Enter name and address of Principal (specify individual, partnership or corporation) to be covered by bond. (*NOTE: This address will be used when returning bond for corrections, etc.*)
- (3-4) Enter name and address of Surety Company issuing bond.
- (5) Enter amount of bond.
- (6) Attach a tank schedule with all information requested in line 6.
- (7) Enter bearing date of bond (also known as the execution date of bond).
- (8) Affix corporate seal.

(9) Enter name of the Principal (individual, partnership, Limited Liability Company or corporation covered by bond).

(10) If principal is an individual, affix signature. If principal is a corporation, the President or Vice-

President must sign the bond and underline the appropriate title. If bond is to be signed by someone other than President or Vice-President, a copy of the corporate resolution or power of attorney showing authorization of that individual to bind corporation. This also applies to a limited liability company.

(11) Affix Surety company seal.

(12) Enter name of Surety.

(13) Affix signature and title of person having Power of Attorney to bind Surety.

(14 - 21) **Complete only if Principal is Individual or Partnership**

(14) Enter State and County

(15) Enter name of Notary Public witnessing transactions

(16) Enter name of Principal covered by bond if individual or partnership

(17) N/A

(18) Notary enters date bond was witnessed. May be same date as bearing date or any date thereafter

(19) Affix Notary Seal

(20) Signature of Notary Public

(21) Notary enters commission date

(22-30) **Complete only if Principal is Corporation**

(22) Enter State and County

(23) Enter name of Notary Public witnessing transactions

(24) Enter name of Corporate Officer signing bond. (Must be President or vice-president; any other signature must attach corporate resolution) and title

(25) Enter name of Corporation

(26) N/A

(27) Notary enters date bond was witnessed. May be same date as bearing date or any date thereafter

(28) Affix Notary seal

(29) Signature of Notary Public

(30) Notary enters commission date

(31-39) **Surety to complete**

(31) Enter State and County

(32) Enter name of Notary Public witnessing transaction

(33) Enter name of person having power of attorney to bind Surety Company

(34) Designate Title of person binding Surety Company

(35) N/A

(36) Notary enters date bond was witnessed. May be same date as bearing date or any date thereafter

(37) Affix Notary seal

(38) Signature of Notary Public

(39) Notary enters commission date.