

**RESOLUTION 2016-218**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A RELEASE OF THE MAINTENANCE GUARANTEE ISSUED BY M AND T BANK FOR HERITAGE POINT NORTH SECTION 7A, WATER SYSTEM IMPROVEMENTS**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the “Township”), has previously received a maintenance guarantee from M and T Bank on behalf of Heritage Point North Section 7A, Water System Improvements (hereinafter referred to as the “project”); and

**WHEREAS**, the Township has received and carefully reviewed a letter of recommendation dated May 9, 2016 from its consulting engineer for the project, John J. Hess, P.E., P.P.; and

**WHEREAS**, the letter of recommendation is to the effect that the maintenance guarantee should be released inasmuch as all site improvements have been properly completed; and

**WHEREAS**, the Township finds that the release of the maintenance guarantee is in accordance with the Township Land Use Ordinance and the Township Water and Sewer Regulations.

**NOW, THEREFORE, BE IT RESOLVED**, this \_\_14th\_\_ day of June, 2016, by the Township Committee of the Township of Barnegat, County of Ocean, State New Jersey, as follows:

**DASTI, MURPHY  
McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**  
  
COUNSELLORS AT LAW  
  
620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

1. The Township accepts the recommendations of its consulting engineer for the project and authorizes a release of the maintenance guarantee for the Heritage Point North Section 7A Water System Improvements.

2. The Township authorizes and directs the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order to implement the intent of this Resolution.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be forwarded by the Township Clerk to the following:

- a. The Honorable John J. Novak, Mayor;
- b. Martin Lisella, Township Administrator
- c. John J. Hess, P.E.;
- d. Thomas Lombarski, CFO;
- e. Karen Gerdy, Mignatti Companies;
- f. M and T Bank;
- g. Roger Budd, Superintendent, WS Department; and
- h. Jerry J. Dasti, Esquire
- i.

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Township Committee of the Township of Barnegat at a regular meeting held on the 14<sup>th</sup> day of June, 2016, a quorum being present and voting in the majority.

  
\_\_\_\_\_  
**MICHELE RIVERS, RMC, Township Clerk**

Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**  
Forked River, New Jersey 08731

**DASTI, MURPHY  
McGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS**  
  
COUNSELLORS AT LAW  
  
620 WEST LACEY ROAD  
P.O. BOX 1057  
FORKED RIVER, N.J. 08731

JUN 14 2016  
NEW JERSEY



JOHN H. ALLGAIR, P.E., P.P. (1983-2001)  
DAVID J. SAMUEL, P.E., P.P.  
JOHN J. STEFANI, P.E., L.S., P.P.  
JAY B. CORNELL, P.E., P.P.  
MICHAEL J. McCLELLAND, P.E., P.P.  
GREGORY R. VALES, P.E., P.P.

TIMOTHY W. GILLEN, P.E., P.P.  
BRUCE M. KOCH, P.E., P.P.  
BEHRAM TURAN, P.E.  
TREVOR J. TAYLOR, P.E., P.P.  
LOUIS J. PLOSKONKA, P.E.

May 9, 2016

Michele Rivers, RMC, Municipal Clerk  
Township of Barnegat  
900 West Bay Avenue  
Barnegat, NJ 08005

RECEIVED  
MAY 09 2016  
CLERK'S OFFICE

**Re: Request for Maintenance Bond Release  
Heritage Point North Section 7A  
Water System Improvements  
LOC #SB1600410001  
Developer: Mignatti Companies  
Our File No. HBGU0093.01 (63007)**

Dear Mrs. Rivers:

As you know, on April 19, 2016 our office issued a letter which recommended that the subject maintenance bond not be released until certain deficiencies were corrected. The developer recently notified our office that all outstanding deficiencies had been corrected and the water system improvements were ready to be reinspected.

In this regard, our office has reinspected the water system improvements and found that all of the deficiencies have been corrected and the water system improvements are in good condition. Therefore, we have no objection to the water system facilities maintenance bond being released at this time.

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,

**CME Associates**

  
John J. Hess, PE, PP, CME  
Water & Sewer Utility Engineer

JJH/ps

cc: Martin Lisella, Administrator  
Tom Lombarski, CFO  
Roger Budd, Water & Sewer Utility Superintendent  
Jerry J. Dasti, Esq., Water & Sewer Utility Attorney  
Karen Gerdy, Mignatti Companies  
M and T Bank



# DASTI, MURPHY, McGUCKIN, ULAKY, KOUTSOURIS & CONNORS

JERRY J. DASTI  
GEORGE F. MURPHY, JR. † ◊  
GREGORY P. McGUCKIN  
ROBERT E. ULAKY ‡ >  
CHRISTOPHER J. CONNORS  
CHRISTOPHER K. KOUTSOURIS Δ ∞  
CHRISTOPHER J. DASTI  
TIMOTHY J. McNICHOLS >  
MARTIN J. BUCKLEY

A Professional Corporation  
COUNSELLORS AT LAW  
THE CLOCK TOWER BUILDING  
620 WEST LACEY ROAD  
POST OFFICE BOX 1057  
FORKED RIVER, NEW JERSEY 08731

E-MAIL: FORKEDRIVER@DMMLAWFIRM.COM

Fed Id #22-3450668

## TELEPHONE NUMBERS

(609) 971-1010  
(609) 693-4100  
(732) 349-2446  
(732) 295-3000  
(609) 918-1292

## Of Counsel

ELIZABETH MACKOLIN DASTI >

WRITER'S E-MAIL: jdasti@dmmlawfirm.com

-----  
† CERTIFIED CIVIL TRIAL ATTY  
∞ CERTIFIED MUNICIPAL COURT  
LAW ATTORNEY  
‡ MEMBER, NATIONAL ACADEMY OF  
ELDER LAW ATTORNEYS, INC  
◊ MEMBER NJ AND FLA BAR  
> MEMBER NJ AND PA BAR  
Δ MEMBER NJ AND NY BAR

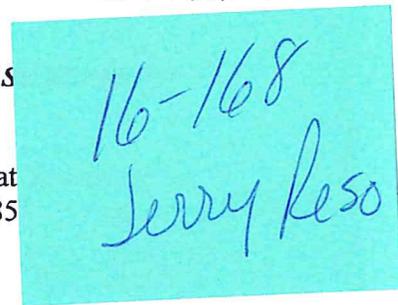
May 12, 2016

## FACSIMILE NUMBERS

(609) 971-7093  
(732) 349-1590  
Real Estate: (609) 971-6176

PLEAS

Barnegat  
GL-2385



Via Email

Michele Rivers, RMC Township Clerk  
Township of Barnegat  
900 West Bay Avenue  
Barnegat, New Jersey 08005

RE: RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A  
RELEASE OF THE MAINTENANCE GUARANTEE ISSUED BY M AND T BANK  
FOR HERITAGE POINT NORTH SECTION 7A, WATER SYSTEM  
IMPROVEMENTS

Dear Michele:

With regard to the captioned matter I have enclosed a proposed Resolution for consideration by the Township Council at its next regularly scheduled meeting.

In the event you should have any questions or I can be of additional assistance, please do not hesitate to contact me.

Very truly yours,

JERRY J. DASTI

JJD/lh

Cc: Martin Lisella, Township Administrator (w/enclosure) via email  
Tom Lombarski, CFO (w/enclosure) via email  
Roger Budd, Superintendent – Water and Sewer via email



JOHN H. ALLGAIR, P.E., P.P. (1983-2001)  
DAVID J. SAMUEL, P.E., P.P.  
JOHN J. STEFANI, P.E., L.S., P.P.  
JAY B. CORNELL, P.E., P.P.  
MICHAEL J. McCLELLAND, P.E., P.P.  
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TIMOTHY W. GILLEN, P.E., P.P.  
BRUCE M. KOCH, P.E., P.P.  
BEHRAM TURAN, P.E.  
TREVOR J. TAYLOR, P.E., P.P.  
LOUIS J. PLOSKONKA, P.E.

April 28, 2016

Jerry J. Dasti, Esq.  
Dasti, Murphy, McGuckin, Ulaky, Koutsouris & Connors  
Counsellors at Law  
The Clock Tower Building  
620 West Lacey Road  
Post Office Box 1057  
Forked River, NJ 08731

**Re: *Heritage Point North Section 7A  
Cost Estimate to Complete Water System  
Repairs for Release of Maintenance Bond  
Developer: Mignatti Companies  
Our File No. HBGU000.01***

Dear Mr. Dasti:

As you know, on April 22, 2016 the Township Committee adopted Resolution 2016-168 which denied release of the Maintenance Bond for the Heritage Point North Section 7A Water System Improvements until the following deficiencies were corrected:

- The blow-off valve at the section limit line on Norwalk Lane is paved over and not accessible.
- The water main valves at the intersection of Norwalk Lane and Heritage Point Boulevard are filled with silt/water. In addition, one valve is missing the valve cover.
- The water main valves at the intersection of Chapel Hill Court and Rockland Street are filled with silt and are not accessible.
- All water shutoffs at unoccupied properties are too high and must be set to grade.

In accordance with your request, our office has prepared the attached estimate of the cost to complete the required repairs. Since the valve boxes have either been paved over or are filled with silt/water, we were unable to determine if they are properly aligned over the valve. Therefore, we have prepared our estimate based on the assumption that they must be dug up and reset. In addition, the water service curb boxes for the uncompleted lots must be reset to grade. Based on the above, we have estimated that the cost to complete this work will be \$19,440.00.

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,

**CME Associates**

  
John J. Hess, P.E., P.P., CME  
Water & Sewer Utility Engineer

JJH/ps

cc: Martin Lisella, Administrator  
Michele Rivers, RMC, Municipal Clerk  
Tom Lombarski, CFO  
Roger Budd, Water & Sewer Utility Superintendent  
Karen Gerdy, Mignatti Companies  
M and T Bank (LOC #SB1600410001)

S:\Barnegal\Water & Sewer General Services\04-28-2016 Ltr to Jerry Dasti on Cost to Correct Section 7A Water System Deficiencies.doc

**CONSULTING AND MUNICIPAL ENGINEERS**

849 W. BAY AVENUE, SUITE 7, BARNEGAT, NJ 08005 — (732) 410-2650 — FAX: (609) 698-1680





**Estimated Cost  
for Completion of Repairs  
Heritage Point North, Section 7A  
Water System Improvements  
Township of Barnegat  
Ocean County, New Jersey**

<u>Item</u>	<u>Description</u>	<u>Units</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
1	Sawcut Pavement, Excavate Valve Box, Reset over Valve and Repair Base Pavement	EA	8	\$ 1,000.00	\$ 8,000.00
2	Replace Missing Valve Box Cover	EA	1	\$ 100.00	\$ 100.00
3	Excavate Water Service Curb Stop Box, Realign, Reset to Grade and Stabilize	EA	18	\$ 450.00	\$ 8,100.00
<b>Subtotal</b>					<b>\$ 16,200.00</b>
<b>Contingency (20%)</b>					<b>\$ 3,240.00</b>
<b>Estimated Repair Cost</b>					<b>\$ 19,440.00</b>

Prepared by:

John J. Hess, PE, PP, CME  
CME Associates  
849 West Bay Avenue, Suite 7  
Barnegat, New Jersey 08005

Date: April 28, 2016



# DASTI, MURPHY, McGUICKIN, ULAKY, KOUTSOURIS & CONNORS

JERRY J. DASTI  
GEORGE F. MURPHY, JR. † ◊  
GREGORY P. McGUICKIN  
ROBERT E. ULAKY † >  
CHRISTOPHER J. CONNORS  
CHRISTOPHER K. KOUTSOURIS Δ ∞  
CHRISTOPHER J. DASTI  
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## Of Counsel

ELIZABETH MACKOLIN DASTI >

WRITER'S E-MAIL: jdasti@dmmlawfirm.com

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† CERTIFIED CIVIL TRIAL ATTY  
∞ CERTIFIED MUNICIPAL COURT  
LAW ATTORNEY  
‡ MEMBER, NATIONAL ACADEMY OF  
ELDER LAW ATTORNEYS, INC  
◊ MEMBER NJ AND FLA BAR  
> MEMBER NJ AND PA BAR  
Δ MEMBER NJ AND NY BAR

April 27, 2016

## FACSIMILE NUMBERS

(609) 971-7093  
(732) 349-1590  
Real Estate: (609) 971-6176

## PLEASE REFER TO:

Barnegat Township  
GL-23851

Via Certified Mail, Return Receipt Requested and Regular Mail  
M and T Bank  
Trade Finance Operations  
1800 Washington Boulevard  
8<sup>th</sup> Floor, MC-MD1-MP37  
Baltimore, Maryland 21230

RE: Heritage Point, LP  
2310 Terwood Drive  
Huntingdon Valley, PA 19006

Dear Sir/Madam:

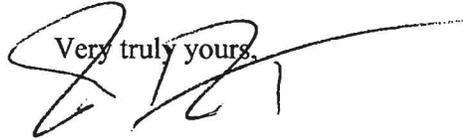
Please be advised that this office serves as Solicitor for the Township of Barnegat. M and T Bank has previously issued Letters of Credit on behalf of Heritage Point, LP. Heritage Point is a developer in Barnegat Township. I enclose copies of each of the Irrevocable Standby Letters of Credit. Each is intended to expire on May 1, 2016.

I also enclose a copy of Resolution 2016-168 which was adopted by the Barnegat Township Committee on April 19, 2016. As you can see by reviewing the enclosed there are still items which need to be addressed by the developer, your insured.

Therefore we do not want the Letter of Credit to expire. We will be forwarding to you within the next few days an estimation of the cost of the items which still need to be completed, in accordance with the terms of the Resolution.

M and T Bank  
Trade Finance Operations  
April 27, 2016  
Page Two

In the event you should have any questions or I can be of additional assistance, please do not hesitate to contact me.

Very truly yours,  


JERRY J. DASTI

JJD/lh

Enclosures

Cc: Martin Lisella, Township Administrator (w/enclosures) via email  
Michele Rivers, RMC Township Clerk (w/enclosures) via email  
John Hess, P.E. (w/enclosures) via email  
Heritage Point, LP via regular mail  
Steve McKenna, Mignatti via email [McKenna@mignatti.com](mailto:McKenna@mignatti.com)

**RESOLUTION 2016-168**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF  
NEW JERSEY, DENYING THE RELEASE OF A MAINTENANCE BOND  
FOR HERITAGE POINT, NORTH, SECTION 7A WATER SYSTEM IMPROVEMENTS**

**WHEREAS**, Mignatti Companies, the developer of Heritage Point, North, Section 7A, has requested release of Maintenance Bonds for Water System Improvements (LOC#SB1600410001); and

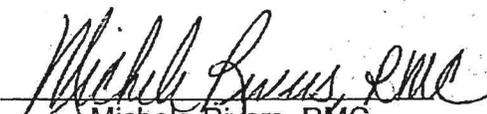
**WHEREAS**, the Township Engineer has inspected subject site, and recommends denying the release of the Maintenance Bond for Heritage Point, North Section 7A Water System Improvements based on the following items needing to be corrected prior to the maintenance bond being released ;

- o The blow-off valve at the section limit line on Norwalk Lane is paved over and not accessible
- o The water main valves (2) at the intersection of Norwalk Lane and Heritage Point Boulevard are filled with silt/water. In addition, one (1) valve is missing the valve cover.
- o The water main valve at the intersection of Chapel Hill Court and Rockland Street are filled with silt and are not accessible
- o All water shutoffs at unoccupied properties are too high and must be set to grade

**THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the request for the release of the Maintenance Bond (LOC#SB1600410001) for Heritage Point, North, Sections 7A Water System Improvements is hereby denied based on the recommendation of the Township Engineer, in his letter dated April 19, 2016.

**CERTIFICATION**

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their meeting held a quorum being present and voting in the majority, at the Municipal Complex, 900 West Bay Avenue, Barnegat, on the 22<sup>nd</sup> day of April 2016

  
Michele Rivers, RMC  
Municipal Clerk



**M and T Bank**

Trade Finance Operations  
1800 Washington Boulevard 8th Floor, MC-MD1-MP37  
Baltimore, MD 21230  
Tel: Letters of Credit: (410) 244-4475 / 4587  
Tel: Collections: (410) 244-4566  
SWIFT: MANTUS33INT

**Irrevocable  
Standby Letter of Credit  
No. SB1600400001**

Amendment no. 2  
Dated August 20, 2014

**Beneficiary:**  
TOWNSHIP OF BARNEGAT  
900 WEST BAY AVENUE  
BARNEGAT, NJ 08005, United States

**Applicant:**  
HERITAGE POINT, LP  
2310 TERWOOD DRIVE  
HUNTINGDON VALLEY, PA 19006 United States

**We amend our Standby Letter of Credit subject to the following terms and conditions. This amendment forms an integral part of the original instrument. All other terms and conditions remain unchanged.**

**Amended Terms:**

Expiry date has been amended to: May 01, 2016

The amount of the Standby Letter of Credit is decreased by: USD 70,226.32 to USD 50,162.00

+ THE AUTOMATIC EXTENSION IS DELETED. THIS LETTER OF CREDIT IS NO LONGER AUTOMATICALLY RENEWABLE. THIS LETTER OF CREDIT WILL EXPIRE MAY 1, 2016, AFTER WHICH TIME THE LETTER OF CREDIT WILL NO LONGER BE AVAILABLE FOR DRAWING.

+ UNDER DOCUMENTS REQUIRED, DOCUMENT 1. IS AMENDED TO READ AS FOLLOWS:  
1. A DATED STATEMENT PURPORTEDLY SIGNED BY TOWNSHIP ENGINEER OF TOWNSHIP OF BARNEGAT STATING HEREIN: "THE AMOUNT OF THIS DRAWING UNDER M AND T BANK IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER SB1600400001 DATED JUNE 7, 2013, REPRESENTS THE AMOUNT DUE US AS A RESULT OF THE FAILURE OF HERITAGE POINT, LP TO MAINTAIN IN WHOLE OR IN PART, THE REQUIRED SITE MAINTENANCE AS DETAILED IN THE TOWNSHIP RESOLUTION OF APPROVAL AND

**ORIGINAL**

THAT CERTAIN ENGINEER'S ESTIMATE ENTITLED 'PERFORMANCE GUARANTEE ESTIMATE, HERITAGE POINT NORTH, SECTION 7A, FINAL MAJOR SUBDIVISION, BLOCK 93.20, LOT 111.05, APPLICANT: MIGNATTI COMPANIES.' PREPARED BY CHRIS A. THEODOS, P.E., C.M.E., C.P.W.M., C.F.M., OF MASER CONSULTING, P.A., BARNEGAT TOWNSHIP WATER AND SEWER UTILITY ENGINEER AND DATED FEBRUARY 21, 2013. I HEREBY CERTIFY THAT NOTICE OF THE FAILURE UPON WHICH THIS DRAWING IS BASED WAS GIVEN TO HERITAGE POINT, LP BY REGISTERED OR CERTIFIED MAIL OR BY COURIER ON (INSERT DATE) (DATE AT LEAST 30 DAYS PRIOR TO THE DATE OF THE TOWNSHIP ENGINEER'S STATEMENT)."

+ UNDER AUTO RENEWAL CLAUSE, DOCUMENT 2.  
THIS DOCUMENT IS BEING DELETED DUE TO THE DELETION OF THE AUTO RENEWAL CLAUSE.

THIS AMENDMENT SHALL BECOME OPERATIVE ONLY UPON BENEFICIARY'S ACCEPTANCE. BENEFICIARY IS REQUESTED TO SIGN BELOW INDICATING ACCEPTANCE OR REJECTION AND FAX THE SIGNED COPY TO US AT 410-244-3986 SO THAT THIS TRANSACTION CAN BE COMPLETED.

WE ACCEPT THIS AMENDMENT  
 WE DO NOT ACCEPT THIS AMENDMENT

Donna M. Marks 8/22/14  
BENEFICIARY'S SIGNATURE & DATE

Unless otherwise instructed herein, all correspondence and inquiries regarding this transaction should be directed to our Customer Service Center at the above address, telephone: 410-244-4801 or 410-244-4824. Please indicate our reference number in all your correspondence or telephone inquiries.

**Your consent to this amendment is required. Please immediately forward such written consent to M & T Bank, 1800 Washington Boulevard, 8th Floor, MD1-MP37, Baltimore, MD 21230 quoting our reference number.**

Regards,

Sharon Diez  
Authorized Signature(s)

**ORIGINAL**



**M and T Bank**  
Trade Finance Operations  
1800 Washington Boulevard 8th Floor, MC-MD1-MP37  
Baltimore, MD 21230  
Tel: Letters of Credit: (410) 244-4475 / 4587  
Tel: Collections: (410) 244-4566  
SWIFT: MANTUS33INT

**Irrevocable  
Standby Letter of Credit  
No. SB1600410001**

Amendment no. 2  
Dated August 20, 2014

**Beneficiary:**  
TOWNSHIP OF BARNEGAT  
900 WEST BAY AVENUE  
BARNEGAT, NJ 08005, United States

**Applicant:**  
HERITAGE POINT, LP  
2310 TERWOOD DRIVE  
HUNTINGDON VALLEY, PA 19006 United States

**We amend our Standby Letter of Credit subject to the following terms and conditions. This amendment forms an integral part of the original instrument. All other terms and conditions remain unchanged.**

**Amended Terms:**

Expiry date has been amended to: May 01, 2016

The amount of the Standby Letter of Credit is decreased by: USD 64,894.20 to USD 46,353.00

+ THE AUTOMATIC EXTENSION IS DELETED. THIS LETTER OF CREDIT IS NO LONGER AUTOMATICALLY RENEWABLE. THIS LETTER OF CREDIT WILL EXPIRE MAY 1, 2016 AFTER WHICH TIME THE LETTER OF CREDIT WILL NO LONGER BE AVAILABLE FOR DRAWING.

+ UNDER DOCUMENTS REQUIRED, DOCUMENT 1. IS AMENDED TO READ AS FOLLOWS:

1. A DATED STATEMENT PURPORTEDLY SIGNED BY TOWNSHIP ENGINEER OF TOWNSHIP OF BARNEGAT STATING HEREIN: "THE AMOUNT OF THIS DRAWING UNDER M AND T BANK IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER SB1600410001 DATED JUNE 7, 2013, REPRESENTS THE AMOUNT DUE US AS A RESULT OF THE FAILURE OF HERITAGE POINT, LP TO MAINTAIN IN WHOLE OR IN PART, THE REQUIRED SITE MAINTENANCE AS DETAILED IN THE TOWNSHIP RESOLUTION OF APPROVAL AND

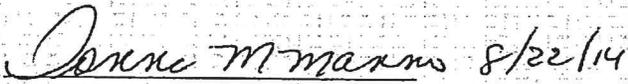
**ORIGINAL**

THAT CERTAIN ENGINEER'S ESTIMATE ENTITLED 'PERFORMANCE GUARANTEE ESTIMATE, HERITAGE POINT NORTH, SECTION 7A, FINAL MAJOR SUBDIVISION, BLOCK 93.20, LOT 111.05, APPLICANT: MIGNATTI COMPANIES' PREPARED BY CHRIS A. THEODOS, P.E., C.M.E., C.P.W.M., C.F.M., BARNEGAT TOWNSHIP WATER AND SEWER UTILITY ENGINEER AND DATED APRIL 2, 2013. I HEREBY CERTIFY THAT NOTICE OF THE FAILURE UPON WHICH THIS DRAWING IS BASED WAS GIVEN TO HERITAGE POINT, LP BY REGISTERED OR CERTIFIED MAIL OR BY COURIER ON (INSERT DATE) (DATE AT LEAST 30 DAYS PRIOR TO THE DATE OF THE TOWNSHIP ENGINEER'S STATEMENT)."

+ UNDER AUTO RENEWAL CLAUSE, DOCUMENT 2.  
THIS DOCUMENT IS BEING DELETED DUE TO THE DELETION OF THE AUTO RENEWAL CLAUSE.

THIS AMENDMENT SHALL BECOME OPERATIVE ONLY UPON BENEFICIARY'S ACCEPTANCE. BENEFICIARY IS REQUESTED TO SIGN BELOW INDICATING ACCEPTANCE OR REJECTION AND FAX THE SIGNED COPY TO US AT 410-244-3986 SO THAT THIS TRANSACTION CAN BE COMPLETED.

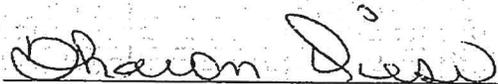
WE ACCEPT THIS AMENDMENT  
 WE DO NOT ACCEPT THIS AMENDMENT

  
BENEFICIARY'S SIGNATURE & DATE

Unless otherwise instructed herein, all correspondence and inquiries regarding this transaction should be directed to our Customer Service Center at the above address, telephone: 410-244-4801 or 410-244-4824. Please indicate our reference number in all your correspondence or telephone inquiries.

**Your consent to this amendment is required. Please immediately forward such written consent to M & T Bank, 1800 Washington Boulevard, 8th Floor, MD1-MP37, Baltimore, MD 21230 quoting our reference number.**

Regards,

  
Authorized Signature(s)

**ORIGINAL**