



WEST VIRGINIA DIVISION OF LABOR  
CAPITOL COMPLEX  
BUILDING 6, ROOM B-749  
CHARLESTON, WV 25305

<b>Bond Number</b>

WAGE PAYMENT COLLECTION SURETY BOND

KNOW ALL MEN BY THESE PRESENTS:

- (1) That we, \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) As Principal, and \_\_\_\_\_

(4) \_\_\_\_\_  
a firm and/or corporation authorized to do business in the State of West Virginia, as Surety, are held and firmly bound unto the West Virginia Division of Labor in the just and full sum of  
(5) \_\_\_\_\_ dollars (\$ \_\_\_\_\_) to the payment whereof well and truly to make, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents:

(6) WHEREAS, the above-bounded Principal is a \_\_\_\_\_, subject to the Wage Payment Collection Act, prescribed by Chapter 21, Article 5, Section 14 of the Code of West Virginia, and is required by the provisions of said Article 5, Section 14 to give bond in order to obtain wages and fringe benefits upon duly filed applications.

NOW THEREFORE, if the said principal shall truly and faithfully make return, account for and pay all wages and fringe benefits so required by the said Chapter 21, Article 5, and the rules and regulations of the State Labor Commissioner promulgated thereunder, then this obligation shall be void; otherwise, it shall remain in full force, virtue and effect.

The continuing nature of this bond is such that it is required to remain in effect indefinitely unless any of the signatories hereto give written notice by registered mail to the other signatories and the West Virginia Division of Labor hereto that the signatory desiring the cancellation intends to cancel this bond sixty days after the post-marked date of the written registered notice.

This bond is executed pursuant to the provision of said Chapter 21, Article 5, Section 14, and rules and regulations of the State Labor Commissioner promulgated thereunder, and the pertinent provisions of said Chapter and Article and rules and regulations are hereby expressly made a part of this Bond.

(7) This bond shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, ~~20~~\_\_\_\_\_.

IN WITNESS WHEREOF the said principal has hereunder set his or its hand and affixed his or its seal, and the said surety has caused its corporate name to be signed hereto and its corporate seal to be hereunto affixed by its duly authorized officer or

(8) agent and executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, ~~20~~\_\_\_\_\_.

(11) Principal \_\_\_\_\_ (9) \_\_\_\_\_ (Seal)  
Corporate Seal (Principal)

(10) By: \_\_\_\_\_ (Seal)  
Title (Must be President or Vice President)

(14) Surety \_\_\_\_\_ (12) \_\_\_\_\_  
Corporate Seal (Surety)

(13) By: \_\_\_\_\_  
Attorney in Fact

(15) Countersigned: \_\_\_\_\_  
(Resident West Virginia Agent)

(Acknowledgement by Principal if Individual or Partnership)

- (16) STATE OF \_\_\_\_\_
- (17) County of \_\_\_\_\_, to wit:
- (18) I, \_\_\_\_\_, a Notary Public in and for the
- (19) county and state aforesaid, do hereby certify that \_\_\_\_\_
- (20) whose name is signed to the foregoing writing, bearing the date the \_\_\_\_\_ day of
- (21) \_\_\_\_\_, 20\_\_\_\_, has this day acknowledged the same before me
- in my said county.
- (22) Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.
- (23) Notary Seal (24) \_\_\_\_\_
- (Notary Public)
- (25) My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Acknowledgement by Principal if Corporation, LLC or LLP)

- (26) STATE OF \_\_\_\_\_
- (27) County of \_\_\_\_\_, to wit:
- (28) I, \_\_\_\_\_, a Notary Public in and for the
- (29) county and state aforesaid, do hereby certify that \_\_\_\_\_
- (30) who, as \_\_\_\_\_, signed the foregoing writing for \_\_\_\_\_
- (31) \_\_\_\_\_, a corporation, bearing date the \_\_\_\_\_ day of
- (32) \_\_\_\_\_, 20\_\_\_\_, has this day, in my said county, before me,
- acknowledged the said writing to be the act and deed of the said corporation.
- (33) Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.
- (34) Notary Seal (35) \_\_\_\_\_
- Notary Public
- (36) My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Acknowledgement for Surety)

- (37) STATE OF \_\_\_\_\_
- (38) County of \_\_\_\_\_, to wit:
- (39) I, \_\_\_\_\_, a Notary Public in and for the
- (40) county and state aforesaid, do hereby certify that \_\_\_\_\_,
- (41) who, as **Attorney in Fact** \_\_\_\_\_, signed the foregoing writing for \_\_\_\_\_
- (42) **RLI Insurance Company** \_\_\_\_\_, a corporation, bearing date the \_\_\_\_\_ day of
- (43) \_\_\_\_\_, ~~XX~~ \_\_\_\_\_, has this day, in my said county, before me,
- acknowledged the said writing to be the act and deed of the said corporation.
- (44) Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, ~~XX~~\_\_\_\_\_.
- (45) Notary Seal (46) \_\_\_\_\_
- Notary Public
- (47) My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Sufficiency in Form and Manner of Execution Approved.

Attorney General

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. By: \_\_\_\_\_

Assistant Attorney General

## BOND PREPARATION INSTRUCTIONS

1. IF PRINCIPAL IS AN INDIVIDUAL OR PARTNERSHIP:
  - a. Complete the bond, lines (1) through (15);
  - b. Have Notary complete the applicable section of acknowledgement titled Acknowledgement by Principal if Individual or Partnership, on Page Two of the bond.
  
2. IF PRINCIPAL IS A CORPORATION, LLC or LLP:
  - a. Complete the bond, lines (1) through (15);
  - b. Have Notary complete the applicable section of acknowledgement titled Acknowledgement by Principal if Corporation, LLC OR LLP, on Page Two of the bond;
  - c. Affix corporate seal as requested on face of bond.
  - d. Limited Liability Company must attach a copy of their operating agreement.
  
3. SURETY:
  - a. Complete applicable portion of bond;
  - b. Have Notary complete applicable section of acknowledgement titled Acknowledgement by Surety, on Page Two of the bond;
  - 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.
  
4. LINE BY LINE INSTRUCTIONS:
  - (1) Enter name of Principal (Specify individual, partnership or corporation) to be covered by bond.
  - (2) Enter address of Principal.
  - (3) Enter name of Surety Company issuing bond.
  - (4) Enter address and phone number of Surety Company.
  - (5) Enter amount of bond.
  - (6) Enter type of business (e.g. Construction Company, Trucking Company, Mining Company, etc.)
  - (7) Enter effective date of the bond.
  - (8) Enter bearing date of the bond (also known as the execution date of the bond).
  - (9) Enter name of the Principal (individual, partnership, 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 bond and underline the appropriate title. If bond is to be signed by one other than the President or Vice President, affix copy of corporate resolutions showing authorization of individual to bind corporation.
  - (11) If Principal is a corporation, please affix corporate seal. If corporation does not have a seal, one may be drawn by writing the company name and the word "Seal" and drawing a circle around them.
  - (12) Enter name of Surety Company.
  - (13) Affix signature and title of person having Power of Attorney to bind Surety.
  - (14) Affix corporate seal of Surety.
  - (15) If Surety's Agent is a non-resident, bond must be countersigned by a West Virginia resident agent.

## NOTARY ACKNOWLEDGEMENT INSTRUCTIONS

1. IF PRINCIPAL IS AN INDIVIDUAL OR PARTNERSHIP, HAVE NOTARY COMPLETE LINES 16 THROUGH 25.
2. IF PRINCIPAL IS A CORPORATION, HAVE NOTARY COMPLETE LINES 26 THROUGH 36.
3. SURETY MUST HAVE NOTARY COMPLETE LINES 37 THROUGH 47.

**Continued →**

4. Notaries must:

A. ACKNOWLEDGEMENT BY PRINCIPAL IF INDIVIDUAL OR PARTNERSHIP:

- (16) Enter name of State.
- (17) Enter name of County.
- (18) Enter name of Notary Public witnessing transactions.
- (19) Enter name of principal covered by bond if individual or partnership.
- (20-21) Enter bearing date of bond (also known as execution date). **Must be the same date as entered on Line 8 of the bond.**
- (22) Notary enters date bond was witnessed. May be same as bearing date or any date thereafter.
- (23) Affix Notary Seal.
- (24) Affix Notary signature here.
- (25) Notary enters commission date.

B. ACKNOWLEDGEMENT BY PRINCIPAL IF CORPORATION, LLC OR LLP:

- (26) Enter name of State.
- (27) Enter name of County.
- (28) Enter name of Notary Public witnessing transactions.
- (29) Enter name of Corporate Officer signing bond. (Should be President or Vice President).
- (30) Enter designate title of Corporate Officer signing bond.
- (31) Enter name of Company or Corporation.
- (31-32) Enter bearing date of bond (also known as execution date). **Must be the same date as entered on Line 8 of the bond.**
- (33) Notary enters date bond was witnessed. May be same as bearing date or any date thereafter.
- (34) Affix Notary Seal.
- (35) Affix Notary signature here.
- (36) Notary enters commission date.

C. ACKNOWLEDGEMENT BY SURETY:

- (37) Enter name of State.
- (38) Enter name of County.
- (39) Enter name of Notary Public witnessing transactions.
- (40) Enter name of person having power of attorney to bind Surety Company.
- (41) Designate title of person binding Surety Company.
- (42) Enter name of Insurance Company (Surety).
- (42-43) Enter bearing date of bond (also known as execution date). **Must be the same date as entered on Line 8 of the bond.**
- (44) Notary enters date bond was witnessed. May be same as bearing date or any date thereafter.
- (45) Affix Notary Seal.
- (46) Affix Notary signature here.
- (47) Notary enters commission date.

**POWER OF ATTORNEY INSTRUCTIONS**

Power of Attorney for Surety must be attached and it must show that it was in full force and effect on bearing date (execution date) indicated on the face of the bond. Corporate seal must also be affixed to the Power of Attorney.

- a. Name of attorney in fact must be listed (If attorney is a non-resident, bond must be countersigned by a West Virginia resident agent).
- b. Power of Attorney may not exceed imposed limitations.
- c. Certificate date, preferably the bearing date of the bond, but no later than bearing date, must be entered.
- d. Signature of authorizing official must be affixed. (Signature may be a facsimile).
- e. Raised Seal must be affixed.