IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 8 1971
JAMES R. COONEY, CLERK
BY DEPUTY Mildred A. Verret

CLARENCE BOREL	§	
	§	
V.	§	CIVIL ACTION NO. 6449
	§	
FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	§	

BOND FOR COSTS ON APPEAL

We, the undersigned, jointly and severally, acknowledge that we and our personal representatives are bound to pay Thelma Freida Borel, plaintiff, and National Surety Corporation, intervenor, the sum of TWO HUNDRED FIFTY AND NO/100 ($250.00) DOLLARS.

The condition of this Bond is that, whereas defendant has appealed to the Court of Appeals for the Fifth Circuit by Notice of Appeal filed December 8TH, 1971, from the Judgment of this Court entered November 30, 1971, if defendant shall pay all costs adjudged to it if this appeal is dismissed or the judgment affirmed, or shall pay such costs as the Appellate Court may award if the judgment is modified, and upon such payment this Bond is to be void, but if defendant fails to perform this condition, payment of the amount of this Bond shall be forthwith.

PHILIP CAREY CORPORATION, PRINCIPAL

By _____
ATTORNEY OF RECORD

FIDELITY & DEPOSIT COMPANY OF MARYLAND
SURETY

BY _____
ATTORNEY IN FACT
WILLIAM C. GERKE

2011

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Taken and acknowledged as to the Principal, Philip Carey Corporation, by the attorney of record, before me, the undersigned authority, on this, the 3rd day of December, 1971. My commission expires June 1, 1973.

Barbara J. Hull
NOTARY PUBLIC IN AND FOR
HARRIS COUNTY, T E X A S

Taken and acknowledged as to the Surety, FIDELITY & DEPOSIT COMPANY OF MARYLAND before me, the undersigned authority, on this 3rd day of December, 1971. My commission expires June, 1973.

Pat Coslett
NOTARY PUBLIC IN AND FOR
Harris, TEXAS

2012

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Power of Attorney

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE: BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by S. R. MINSKER, Vice-President, and R. D. GILLISS, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

"The President, or any one of the Executive Vice-Presidents, or any one of the additional Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require, and to affix the seal of the Company thereto."

does hereby nominate, constitute and appoint William C. Gerke of Houston, Texas.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, each in a penalty not to exceed the sum of ONE HUNDRED THOUSAND DOLLARS ($100,000)....EXCEPT bonds on behalf of Independent Executors, Community Survivors and Community Guardians.....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons.

The said Assistant Secretary does hereby certify that the aforegoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 8th day of December, A.D. 1969

ATTEST: **FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

(SIGNED) R. D. GILLISS — *Assistant Secretary*

By S. R. MINSKER — *Vice-President*

(SEAL)

STATE OF MARYLAND
CITY OF BALTIMORE } SS:

On this 8th day of December, A.D. 1969, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposeth and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.

(SIGNED) ELENOR K. MITCHELL

(SEAL) Notary Public Commission Expires July 1, 1970

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this day of December, 19 71

L1419—Ctf.

Assistant Secretary

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V.	§	CIVIL ACTION NO. 6449
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FIBREBOARD PAPER PRODUCTS CORPORATION, ET AL	§	

BOND FOR COSTS ON APPEAL

PHILIP CAREY CORPORATION

FULBRIGHT, CROOKER & JAWORSKI
ATTORNEYS AT LAW
BANK OF THE SOUTHWEST BUILDING
HOUSTON, TEXAS 77002