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+.) Approved as to content: Assist			
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By: Stanley Hawthorne, Assistant City M	By: lanager Susanne <sup>-</sup>		FI FICE
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<ul> <li>5.) Acting City Manager: Please si</li> <li>6.) Mayor: Please sign as indicate</li> <li>7.) To City Clerk for attestation an</li> <li><u>1</u></li> <li>8.) City Clerk: retains one original</li> </ul>	By: By: ign as indicated and forward ed and forward :# orig d City seal. INSTRUCTIONS TO CLERK document and forwards	:#originals to Mayor.	

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#### CITY OF FORT LAUDERDALE

#### OUTDOOR EVENT AGREEMENT

#### THIS AGREEMENT is made by and between:

# CITY OF FORT LAUDERDALE, a municipal corporation of the State of Florida, referred to hereinafter as "City",

and

KP PERFORMANCE, INC., a profit corporation organized under the laws of Florida, whose principal place of business is 1125 NE 9<sup>th</sup> Avenue, Fort Lauderdale, Florida 33301 and who is referred to hereinafter as "Applicant" or "Sponsor"..

WHEREAS, the Applicant wishes to hold an outdoor event and has submitted an application pursuant to the requirements of Section 15-182 of the Code of Ordinances of the City of Fort Lauderdale, Florida; and

WHEREAS, the Applicant is willing to obtain the requisite insurance, and is willing to indemnify and hold harmless the City of Fort Lauderdale for any damage to persons or property that might occur during or as a result of the outdoor event; and

WHEREAS, on September 18, 2012, by Motion, the City Commission of the City of Fort Lauderdale authorized the proper City officials to execute this Agreement.

NOW, THEREFORE, in consideration of the mutual promises made herein, the parties agree as follows:

The foregoing recitals are true and correct, and:

1. Effective Date.

The Effective Date of this Agreement is the date upon which City Commission approval is granted.

#### 2. Outdoor Event.

The Applicant is permitted to operate or sponsor the Halloween Rod Run (referred to hereinafter as the "Event") outdoors only at the location(s) and time(s) set forth in the attached Outdoor Event Agreement Schedule One, which is attached hereto and made a part hereof.

### 3. General Requirements.

- (1) If the Event includes use of fireworks, in advance of the Event the Applicant shall obtain a fireworks permit from the City's Fire Department. The Applicant shall comply with all applicable state laws regarding the use of fireworks.
- (2) The Applicant shall provide sanitary facilities of the type and in a sufficient number specified by the requirements established by the City's Department of Sustainable Development.
- (3) The Applicant shall coordinate with the City's Department of Sustainable Development who will schedule appropriate City staff to conduct electrical inspections of all electrical facilities whether power is supplied by local utilities or is self-provided by generator systems. The Applicant shall permit the City staff to conduct electrical inspections of all electrical facilities.
- (4) If the Event includes the sale or distribution of any food or beverages, the Applicant shall comply with all applicable state, county and City health code requirements.
- (5) If the Event includes use of tents, awnings, or canopies, in advance of the Event the Applicant shall submit current flameproof certificates to the City's Fire Department. The Applicant shall not hold or sponsor the Event until the Fire Department has provided written approval of the use of any tents, awnings, or canopies.
- (6) In advance of the Event the Applicant shall submit a written plan to the City police department that regards crowd control and traffic direction. The Applicant shall not hold or sponsor the Event until the police department has provided written approval of the Applicant's plan. The Applicant shall bear the cost of staff necessary to implement the crowd control and traffic direction plan. Police costs shall be exempt from prior notice requirements.
- (7) In advance of the Event the Applicant shall submit a written plan to the City's Fire Department that regards fire safety and EMS. The Applicant shall not hold or sponsor the Event until the Fire Department has provided written approval of the Applicant's plan. The Applicant shall bear the cost of staff necessary to implement the fire safety and EMS plans. Fire and EMS costs shall be exempt from prior notice requirements.
- Unless the Applicant meets the requirements for exception found in Section 15-184 of the Code of Ordinances of the City of Fort Lauderdale, Florida, in

advance of the Event the Applicant shall provide a certificate of insurance satisfactory to the City's Risk Manager. The certificate shall show that the Applicant has obtained comprehensive general liability insurance with a policy limit of not less than one million dollars (\$1,000,000.00) combined single limit coverage, which shall include property damage, bodily injury, and death. The "City of Fort Lauderdale" shall be named as an additional insured. If the Event includes the dispensing, serving, sale, or distribution of any alcoholic beverage, the Applicant shall in addition provide liquor liability insurance with a policy limit of not less than of five hundred thousand dollars (\$500,000.00). The Applicant shall not hold or sponsor the Event until the City's Risk Manager has provided written approval of the Applicant's certificate of insurance or insurance policy.

- (9) The Applicant shall indemnify and hold harmless the city for any damage to person or property that occurs during or as a result of the operation of the Event.
- (10) In advance of the Event the Applicant shall submit a written plan to the City's Parks and Recreation Department that indicates the proposed location of any temporary structure, such as a barricade, fence, tent, concession stand, ticket booth, grandstand. The written plan shall include information about the planned removal of any temporary structure after the Event. The Applicant shall not hold or sponsor the Event or erect any temporary structure until the City's Parks and Recreation Department has provided written approval of the Applicant's temporary structure plan. The Applicant shall bear the cost necessary to implement the temporary structure plan.
- (11) The sale, possession, or consumption of any alcoholic beverage at the Event is subject to approval by the City Commission in accordance with Section 15-183 of the Code of Ordinances of the City of Fort Lauderdale, Florida.

#### 4. Restoration of public property.

If the Event includes use of public property the Applicant shall be responsible for, and shall maintain, all areas of the public property used. Maintenance means the prompt and complete removal of Event-generated trash or debris and the repair or restoration of any public property that was damaged as a result of the Event. Public property means real and personal property that is not privately owned and includes, but is not limited to, any sidewalk or paved surface, any tree, plant, shrub, bench, light fixture, traffic signal, parking meter, trash barrel or sign.

The City shall inspect the Event site location(s) for damage within twenty-four hours of the conclusion of the Event and the City shall provide the Applicant with a written report of any damage found on public property. The report shall state the cost of repair(s) necessary to restore the public property. Within fourteen days of the Applicant's receipt of this report the

Applicant shall pay the cost of repair or challenge the City's report by a writing addressed to the Director of the City's Parks and Recreation Department. Resolution of any such challenge shall be made by the City Manager; the Applicant agrees to abide by the City Manager's decision.

# 5. Reimbursement of expenses.

Should the City incur expenses as a result of the Event the City shall provide the Applicant with an invoice of expenses. Within fourteen days of the Applicant's receipt of any invoice the Applicant shall pay the invoice or challenge the City's invoice by a writing addressed to the Director of the City's Parks and Recreation Department. Resolution of any such challenge shall be made by the City Manager; the Applicant agrees to abide by the City Manager's decision.

# 6. Authority of the City of Fort Lauderdale City Manager.

The City of Fort Lauderdale City Manager and his designee, the Director of the City of Fort Lauderdale Parks and Recreation Department (referred to hereinafter as "the Director") shall have the authority to suspend all or any part of the Event when the City Manager or the Director determines that the Event, or its attendees, or its spectators, pose(s) a threat to the public health, safety, or welfare. The City Manager also reserves the right to immediately revoke permission and to suspend or terminate the event or any portion of it if any of the elements of the agreement are violated.

### 7. Compliance with laws.

- (1) The Applicant shall at all times comply with all federal and state laws or statutes, and with the rules, regulations, and ordinances of City and any other governmental agency having jurisdiction including, but not limited to, those relating to noise, building, zoning, gambling, fire protection, liquor regulation, and hours of operation. The Applicant shall further take all precautions and use extreme care to conduct its operations in a safe and prudent manner with respect to its agents, employees and visitors to its Event.
- (2) The Applicant shall comply with the applicable sections of the Americans with Disabilities Act of 1990 (42 U.S.C. 126), which prohibits discrimination of handicapped individuals by denying them the right to participate in or benefit from the services provided at the Event. The Applicant understands that it is responsible for compliance with this Act. The Applicant guarantees that individuals with disabilities will be able to attend, enter, and use all the facilities at the Event.
- (3) The Applicant agrees to secure and pay for all licenses and permits required by any governmental agency having jurisdiction, including City. If the Event

includes the use of any item that is or that may be protected from infringement, such as but not limited to copyrights, patents and trademarks, the Applicant shall, in advance of the Event, provide City with documentation that shows that the Applicant has obtained the applicable license, permit or permission and that all associated all fees have been paid in full. The provisions of this paragraph apply specifically, but not exclusively, to ASCAP, BMI, SESAC, and any other similar organization that may require written permission and payment of a fee for use of protected material

#### 8. Transfer of Rights.

To the extent this Agreement creates rights that vest in the Applicant, the Applicant shall not transfer any rights to any other individual or entity.

## 9. Venue.

Venue to enforce the provisions of this agreement shall be Broward County, Florida.

### 10. Incorporation.

This Outdoor Event Agreement, together with the attached Schedule One constitute the whole of the Agreement between the parties. The written approvals issued by the various City departments or staff members and the various documents submitted by the Applicant, including the application, are supplemental to this Agreement. In the event of a conflict, the terms of this Agreement control.

# [THIS SPACE WAS INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this the bed day of \_\_\_\_\_\_\_, 2012.

WITNESSES:

[Witness print/type pame]

[Witness print/type name]

CITY OF FORT LAUDERDALE

Mayor

City Manager

ATTEST: City

Approved as to form: ssistant City Attorney

WITNESSES:

[Witness print/type name]

Walter hansin [Witness print/type name]

KP PERFORMANCE, INC.

sil By4

KEITH PISUT, PRESIDENT [Print/type name and title]

ATTEST:

(CORPORATE SEAL)

Secretary

STATE OF FLORIDA: COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this  $22^{n}$  day of <u>September</u>, 2012 by KEITH PISUT as PRESIDENT of the KP PERFORMANCE, INC. He/She is personally known to me or his produced  $DL = \frac{DL}{2}$  as identification.

(SEAL)

Notary Public, State of Florida (Signature of Notary Taking Acknowledgment)

Name of Notary Typed, Printed or Stamped

My Commission Expires FOSTER ANY COMMISSION # EE 190757 \* EXPIRES: March 19, 2016 Bonded Thru Busch Holary Services

Commission Number

L:\AGMTS\events\2012\Sept 18th\Halloween Rod Run.wpd

# Memorandum

To: Harry Stewart, City Attorney

From: Jeff Meehan, Outdoor Event Coordinator

Date: August 22, 2012

Re: Request for Event Agreement

<u>Halloween Rod Run</u> event agreement for the above named event. Attached to this memo is the application, proof of corporate identification and Schedule 1, which should be attached to the agreement as an exhibit. In addition, the following City Departments have reviewed and approved the plans:

City Police Department has reviewed the application and requires does not require the applicant to pay for security personnel for crowd control and traffic direction purposes.

 $\mathcal{O}$ and

City Fire Department has reviewed the application and approved the proposed safety staffing plan.

City Risk Manager has reviewed and approved the Certificate of Insurance. Comprehensive general liability insurance, one million dollars (\$1,000,000). liquor liability insurance, five hundred thousand dollars (\$500,000).

がらか、City Building Department has reviewed and approved the proposed use of temporary structures and electrical facilities.

City Parks and Recreation Department has reviewed and approved the proposed set-up, clean-up plan.

 $\mathcal{K}$  Other City Department:  $\mathcal{M}^{\mathsf{T}}$  has reviewed and approved the proposed plan.

Please contact me at (954) 828-6075 if you have any questions. Thank you.

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State	FL				
Status Effective Date	ACTIVE 05/21/2009				
Principal Ac	ddress				
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Mailing Add	lress				
1125 NE 9TH AV FORT LAUDER	/E. DALE FL 33301 L	JS			
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Application must be filled o Please submit by EMAI		ahead of your planned	event,		:
5. Security reguli	ted Ith City ordinance s required organization will rements				
PART I: EVENT REQUE	ST				ł
Event name: HAU	LOWEEN ROD RU	<u>IN</u>			
Purpose of event (check or	ne): 🗆 Fundrais	er 🗅 Awareness XC	Recreation DOth	er	
Requested location:		**			
Estimated daily attendance	= <u>500</u>				
Requested dates and time	of event: DATE	DAY	BEGIN	END	
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	9 AVE		City, State, Zip: FT, LAUD_FL
	2-8600	<u>a uu ya kamaa ahaan a</u>	Fax: <u>954-522-</u>
Corporation name:		RMANCE DBA KEITHS	
	05/09	(as it appears in artic	cles of incorporation) porated in:FL Federal ID #:27-
wo authorizing offici	als for the organiz	ation:	Phone:954-647-6610
ecretary:		<u> </u>	Phone: <u>954-224-</u>
vent Coordinator: lo	KEITH PIISUT		Will you be on-site? <u>X</u> Ye
ītle:	PRES	Phone:	Cell:
dditional Contact:			Fax:
	1	Phone:	Cell:
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PART III: EVENT	INFORMATION		
tre you planning to c If yes, how m	harge admission? uuch? \$	<b> </b>	Yes <u>X</u> No
		:	EXHIBIT 6

15 12 07:29a	Kəith I	Pisut	g	545222545	p.3
Are you reque	sting to fen	ce the event?	Yes	<u>X</u> .No	
Are you plann If yes	ing on havit , State Heaf	ng any type of concession? th Dept. must be notified 10 da	YesYes ys prior to event. Call J	<u>X</u> No ohn Litscher at 9!	54-632-8094.
		2	of 6		
Are you plann If yes, l	ing on sellin how will the	g alcoholic beverages? beverages be served? (Draft tr	Yes uck, cold plate, mini-ba	<u>X</u> No r, beer tub, table	service, etc.)
Are you plann If yes	ing on servi , to whom v	ng free alcoholic beverages? vill it be given?		X_No	·····
Are you plann If yes	ing to have , name of o	any type of amusement rides?	Yes	<u>X_</u> No	
. (All ri	des must be	s are you planning? approved by the State of Floric Contact Ron Jacobs at (850) 92		and all permits n	nust be secured
Are you plann If yes BAND ON STA	, what musi	or have music? c format(\$) will be used? (ampl	ified, acoustic, recorded	sNo I, live, disc jocke)	/, etc):
List ti	ne type of e	quipment you will use (speakers	s, amplifier, drums, etc)		
 Will y	ou use any	ype of soundproofing equipme	nt?Yes	X_No	
List ti <u>PM</u>	ne days and	times music will be played:			
How	close is the	event to the nearest residence?	·		
Will your ever If yes	nt require ro , list reques	ad closings? ted streets and times in <b>detail</b> :	Yes	; <u>X</u> No	
				· · · · · · · · · · · · · · · · · · ·	
Please attach arrows, conei	a layout o s, and mess	*** You are required to secure f your traffic plan, including th age boards, as well as the nam e Dept. which may terminate ar	ne placement and num ne of the company you	ber of barricades will be using. You	s, signs, directi ur traffic plan n
**** <u>PLEASI</u>	<u>E NOTE***</u>	fect access to parking spaces or *** All road closings which resu anizer and must be paid in full	lit in loss of revenue fro	m Inaccessible pa	
(Mate	erlals that ca	ials be utilized at this event? In be recycled include all clean ( juice boxes.) Please refrair from	paper, cardboard, glass		
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EXHIBIT 6 CAR 12-2062

Who will provide clean up services for garbage and recyclables?

#### Contact Name:

Phone: \_\_\_

\*\*\*\*<u>NOTE</u>\*\*\*\*\* All grounds must be cleaned up **immediately** after completion of event. Recycling should be done at all City facilities and parks. Recycling may be provided by your organization, a private company or in son cases by the City of Fort Lauderdale. You are responsible for securing recycling services. Contact Janet Townson at <u>Itownsend@fortlauderdale.gov</u> or (954) 828-5956.

#### 3 of 6

Will you require electricity? <u>X</u> Yes No Events requiring electricity are the responsibility of the applicant. All permits must be obtained through the City': Department of Sustainable Development Building Services Division at (954) 828-5191 before setting up.

\_Company:\_\_\_\_\_License #:\_\_\_\_\_

Name of electrician: \_\_\_\_\_ Phone: \_\_\_\_ Phone: \_\_\_\_

#### PART IV: APPLICANT'S ACCEPTANCE

The information I have provided on this application is true and complete to the best of my knowledge.

Before receiving final approval from the City Commission, I understand that I (and the production company applicable) must furnish an original certificate of General Liability insurance naming the City of Fort Lauderdale additionally insured in the amount of at least one million dollars (\$1,000,000) or greater as deemed satisfactory the City Risk Manager, and an original certificate of liquor liability insurance in the amount of \$500,000 if alcoho being served.

I understand that a Parks and Recreation sponsored activity has precedence over the above schedule and I will notified if any conflicts arise.

I understand that the City of Fort Lauderdale Police Department will determine all security requirements and t EMS is required by City Ordinance to be onsite during all outdoor events.

I understand that the City has a noise ordinance. If at any time during the event it is determined by enforcement personnel, code enforcement personnel, parks and recreation personnel, or any other representative that the entertainment or music is causing a noise disturbance, I will be directed to lower volume to an acceptable level as determined by City staff. If a second noise disturbance arises during the ever may be directed to shut down the music or entertainment for the remainder of the event. I agree to abide by provisions of the noise control ordinance and understand that my failure to do so may result in a civil citation physical arrest, or the shutting down of the event.

#### **KEITH PISUT**

PRES		
Name of applicant		Title
08/14/2012	·	
Date		

Please <u>email</u> completed application <u>at least 96 days ahead of your planned event</u> to: <u>imeehan@fortlauderdale.gov</u>

p.4

Please mail the \$100.00 application fee (payable to the City of Fort Lauderdale) to:

Jeff Meehan, Outdoor Event Coordinator 1350 W. Broward Boulevard, Fort Lauderdale, FL 33312

Phone: (954) 828-6075 Fax: (954) 828-5650

Please include the following with the application:

\* Event site plan - including stage(s), other entertainment locations, activities, booths, restrooms, canopies, dumpsters, fencing, generators, etc.

\* Traffic/detour plan - including the placement and number of barricades, signs, directional arrows cones, message boards, and name of the barricade and/or traffic signs company being used.

#### 4 of 6

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	ny and what sizes?	How many and w	
954-828-5080.	Company:	Name of Compan A building permit	
XNo	anning to have tents (with sides) for this event?Yes	Are you planning to	2.
	ny and what sizes?	How many and w	
o Smoking" signs are required dhagen at 954-828-5080.	Company:	A building permit	
	<b>OTE</b> ***** All permits required by the Florida Building Co nent (including but not limited to electrical, structural, plun elopment Building Services Division at 954-828-6520.	ding Department (incl	Buli
•	nning to have fireworks?YesXNo	Are you planning to	З.
Agostino at 954-828-5884.	company conducting the show:	Name of company A permit is requir	
	wing food vendors? <u>X</u> Yes No	Are you having food	4.
	and what kind?JOHN BAKER LAUDERDALE		GRI
equired for all food booths	inguisher is required for each food booth. If a propa secured on the outside of the booth. A Fire inspectio ction is during non-working hours the cost will be \$	must be secured	
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s above? YES NO)	ent require EMS medical standby services based on the gui	oes your event requ	1. [
	stimated sustained attendance? 500	hat is your estimated	2. V
PHONE <u>954-647-</u>	CL? NAME KEITH PISUT		3. ( <u>661</u> (
ll be added to the pre-	ct? NAME <u>KEITH PISUT</u> hours will be charged for all special event details. 45 minu ling 1.5 hours), allowing for travel and preparation for the	nimum of 4 hours wil	<u>661</u> A m

:

#### Aug 15 12 07:31a

Keith Pisut

5 of 6

EXHIBIT 6 CAR 12-2062

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POLICE DEPARTMENT OUEST	IONNAIRE		
. Does your event require use of police vehicles?	Yes	No <u>X_</u>	
If yes, A Hold-Harmless Agreement must be signed and Liab ONE MILLION DOLLARS must be provided.	lity coverage of a	<u>minimum</u> of	
. Is this a new or previously held event?	New I	Previous X	<del>.</del> .
If yes, Previous date(s)?LAST_WEEKEND IN OCT			<b></b> ,
3. Any established security, traffic, or other appropriate plan(s)?	Yes X_	No	
If yes, besides Fort Lauderdale Police, who will you be using (private security company, volunteers, etc.)			
A. Do you have an established detail of off-duty officers? If yes, who is your Police department contact?	Yes_X	No	
FLPD		<u></u>	
. Any notable entertainers or special circumstances scheduled for y		No <u>X</u>	
Who/What?			
. Is there alcohol being sold or given away?	Yes	No <u>X</u>	
7. Are there any road closures required?	Yes	No <u>X</u>	
If so what roads/Intersections?	·····		
		<b>,</b>	
. What is your estimated attendance? <u>500</u>			
			<u></u>
understand the off duty rate for Police personnel for ALL special er iso understand there is a 24 hour cancellation requirement to avoid ourly rate and costs to be incurred by the event organizer will be vents "Cost Estimate" worksheet developed at the Special Events in it payments will be paid within two (2) weeks of the payroll being s	the 3 hour minime equoted on the ( ogistics meeting a	ium payment per of City of Ft. Lauderda	ficer. Die Spi
KEITH PISUT 08/	14/2012		
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# SCHEDULE ONE

1.	Name of Applicant:	KP Performance, Inc
2.	Name of Outdoor Event:	Halloween Rod Run
З.	Date and time of Event:	Saturday, October 27, 2012 (10 AM- 4 PM)
4.	Event Location:	Huizenga Plaza- 32 East Las Olas Blvd
5.	Road Closings:	No
6.	Alcohol:	No

) DOCUMENT ROUTING FORM	Debt greenested
NAME OF DOCUMENT: Event Agreements with the City of Fort Lauc Round Up; 2) Caribes Art Fest: 3) Tap 42 Beer Fest; 4) Where the Ca 6) Halloween Rod Run; 2) Light the Night Walk; 6) Boat Parade 9) La	ars Are: 5) Shooters Halloween Party
Approved Comm. Mtg. on September 18, 2012 CAM# 12-2062 ITEM: ⊠ M - 6 □ PH □ O □ CR ·	12 DEC 3 PM 4:06
	۲
Also attached: copy of CAR copy of document ACM By:	
	Capital Improvements defined as having a life of at least 10 years and a cost of at least \$50,000 and shall mean improvements to real property (land, buildings, fixtures) that add value and/or extend useful life, inc. major repairs such as roof replacement, etc. Term "Real Property" include: land, real estate, realty, real.
2.) Approved as to Funds Available: by Finance Director	
Amount Required by Contract/Agreement \$       F         Dept./Div.          Index/Sub-object	
3.) City Attorney's Office: Approved as to Form:# Originals to         Harry A. Stewart       Cole Copertino       X       X       Robert B         Ginger Wald       D'Wayne Spence       Paul G. B         Carrie Sarver       DJ Williams-Persad	B. Dunckel
<b>4.)</b> Approved as to content: Assistant City Manager:         By:	e, Assistant City Manager
<ul> <li>5.) Acting City Manager: Please sign as indicated and forward :#</li> <li>6.) Mayor: Please sign as indicated and forward :# originals t</li> <li>7.) To City Clerk for attestation and City seal.</li> </ul>	_ originals to Mayor.
INSTRUCTIONS TO CLERK'S OF         8.) City Clerk: retains one original document and forwardsorigi         Copy of document to Original Rou         Attach certified copies of Reso. # Fill-in date	inal documents to

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