Unconditional Waiver and Release Upon Final Payment

Instructions

1. When Given:

May be given in the situation where the claimant is required to execute a waiver and release in exchange for, or in order to induce the payment of, a final payment and the claimant is not asserts in the waiver it has, in fact, been paid the final payment, the waiver and release shall follow substantially the form below. (Sec. 3262d4).

2. By Whom Given:

Given by the person whom has been paid in full for all labor, materials, equipment or services furnished to the project.

3. To Whom Given:

The release may be given to the Maker of the check. In most instances the Maker will be the owner, lender or original contractor.

5. How Given:

The Code section does not specify method of delivery. However, personal service, mail and fax seem to be standard in the industry. The Code section does not require the form to be notarized.

6. How Many Given:

A single Unconditional Waiver and Release Upon Final Payment document may be given at the conclusion of the job when the claimant has been paid in full.

7. Exception:

If claimant has not been paid in full, claimant should insert their outstanding balance in the blank for the disputed dollar amount.

Unconditional Waiver and Release Upon Final Payment

CALIFORNIA CIVIL CODE SECTION 3262 (d)(4)

n the job of	Owner of Job
	Description of Job
nd does hereby waive and release any righ	at to a mechanics' lien, stop notice, or any right against a labor
nd material bond on the job, except for dis	sputed claims for extra work in the amount
Disputed Dollar f \$	

NOTICE TO PERSONS SIGNING THIS WAIVER: THIS DOCUMENT WAIVES RIGHTS UNCONDITIONALLY AND STATES THAT YOU HAVE BEEN PAID FOR GIVING UP THOSE RIGHTS. THIS DOCUMENT IS ENFORCEABLE AGAINST YOU IF YOU SIGN IT, EVEN IF YOU HAVE NOT BEEN PAID. IF YOU HAVE NOT BEEN PAID, USE A CONDITIONAL RELEASE FORM.

NOTE: CIVIL CODE 3262 (d)(4) PROVIDES: Where the claimant is required to execute a waiver and release in exchange for, or in order to induce payment of, a final payment and the claimant asserts in the waiver it has, in fact, been paid the final payment, the waiver and release shall follow substantially the form set forth above.

Unconditional Waiver and Release Upon Final Payment

CALIFORNIA CIVIL CODE SECTION 3262 (d)(4)

The undersigned has been paid in full for all	labor, services, equipment or material furnished
to	
on the job of	
located at	
	to a mechanics' lien, stop notice, or any right against a labor
and material bond on the job, except for dispu	uted claims for extra work in the amount
of \$	
Dated:	
	By

NOTICE TO PERSONS SIGNING THIS WAIVER: THIS DOCUMENT WAIVES RIGHTS UNCONDITIONALLY AND STATES THAT YOU HAVE BEEN PAID FOR GIVING UP THOSE RIGHTS. THIS DOCUMENT IS ENFORCEABLE AGAINST YOU IF YOU SIGN IT, EVEN IF YOU HAVE NOT BEEN PAID. IF YOU HAVE NOT BEEN PAID, USE A CONDITIONAL RELEASE FORM.

NOTE: CIVIL CODE 3262 (d)(4) PROVIDES: Where the claimant is required to execute a waiver and release in exchange for, or in order to induce payment of, a final payment and the claimant asserts in the waiver it has, in fact, been paid the final payment, the waiver and release shall follow substantially the form set forth above.