

**UNCONDITIONAL WAIVER AND RELEASE UPON PROGRESS PAYMENT
(MONTANA)**

TYPE 2 FORM - (Pursuant to MCA §71-3-521 et seq)

Property Name: _____

Property Location: _____

Undersigned's Customer: _____

Invoice / Payment Application Number: _____

Payment Amount: _____

The undersigned has been paid and has received a progress payment in the above-referenced Payment Amount for all work, materials and equipment the undersigned furnished to the Customer for the above-described Property and does hereby waive and release any notice of lien, any private bond right, any claim for payment and any rights under any similar ordinance, rule or statute related to payment rights that the undersigned has on the above-described Property to the following extent:

This release covers a progress payment for the work, materials and equipment furnished by the undersigned to the Property or to the Undersigned's Customer which are the subject of the Invoice or Payment Application, but only to the extent of the Payment Amount or such portion of the Payment Amount as the undersigned is actually paid, and does not cover any retention withheld, any items, modifications or changes pending approval, disputed items and claims, or items furnished that are not paid. The undersigned warrants that he or she either has already paid or will use the money received from this progress payment promptly to pay in full all laborers, subcontractors, materialmen and suppliers for all work, materials or equipment that are the subject of this waiver and release.

Before any recipient of this document relies on it, said party should verify evidence of payment to the undersigned.

(Type of Work, Materials and/or Equipment Furnished)

Date Signed: _____

(Company Name)

By: _____
(Signature)

(Title)

(Claimant's Phone Number)

Notice: 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 to the extent of the Payment Amount or the amount received. If you have not been paid, use a conditional release form.

STATE OF MONTANA)
)ss.
COUNTY OF _____)

I, _____, a notary public, do hereby certify that on
this _____ day of _____, 20____, _____ (name of person)
as lien claimant or _____ (title, position or type of authority granted
by lien claimant) of _____ (lien claimant), personally
appeared before me, and who, being by me first duly sworn, declared that the
statements therein contained are true .

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official
seal on the day and year last above written.

Notarial officer

My Commission Expires:

Seal:

INSTRUCTIONS FOR USE

Limited Use Agreement.

This Form is provided as a courtesy of Western States Lien Company. Users of this form are instructed to read it carefully and use it only for the State first listed in the title. Each State has different laws which apply to the use of construction forms and language which might be acceptable in one state may not necessarily be legally binding and valid for another state. Use of this form should not be construed as the providing of legal advice by Western States Lien Company or any of its attorneys. The use of this form does not constitute the formation of an attorney – client relationship between the user and Western States Lien Company makes no warranty or guarantee of any kind regarding the validity or enforceability of this Form for any legal purpose.

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Instructions for Completing Form.

- Complete all sections of the form. Do not leave any lines blank.
- Staple true and complete copies of applicable billing statements, pay applications, rental agreements, or other specific invoices for which the document applies directly to the form.
- If specific invoices, change orders, or other contract modifications are within the date range listed for the release and they are not final or otherwise in dispute – specifically list them as exceptions and attach that page to this release.

Practice Pointer.

Claimant -- The more specific and detailed you are in completing this form the better for all involved.

Owner / General Contractor – Call the Claimant BEFORE relying on the Release to ensure that it is a true and authorized instrument. Faxed copies of this form are acceptable if faxed from the Supplier or Subcontractor's business fax number.