

# CONDITIONAL WAIVER AND RELEASE UPON PROGRESS PAYMENT

Civil Code Section 3262(d)(1)

Upon receipt by the undersigned of a check from \_\_\_\_\_

MAKER OF CHECK

in the sum of \$ \_\_\_\_\_ payable to \_\_\_\_\_

AMOUNT OF CHECK

PAYEE OR PAYEES OF CHECK

and when the check has been properly endorsed and has been paid by the bank upon which it is

drawn, this document shall become effective to release any mechanic's lien, stop notice, or bond

right the undersigned has on the job of \_\_\_\_\_

OWNER

located at \_\_\_\_\_ to the following extent.

JOB DESCRIPTION

This release covers a progress payment for labor, services, equipment, or material furnished to

\_\_\_\_\_ through \_\_\_\_\_

YOUR CUSTOMER

DATE

only and does not cover any retentions retained before or after the release date; extras furnished before the release date for which payment has not been received; extras or items furnished after the release date. Rights based upon work performed or items furnished under a written change order which has been fully executed by the parties prior to the release date are covered by this release unless specifically reserved by the claimant in this release. This release of any mechanic's lien, stop notice, or bond right shall not otherwise affect the contract rights, including rights between parties to the contract based upon a rescission, abandonment, or breach of the contract, or the right of the undersigned to recover compensation for furnished labor, services, equipment, or material covered by this release if that furnished labor, services, equipment, or material was not compensated by the progress payment.

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

Dated: \_\_\_\_\_

COMPANY NAME

By: \_\_\_\_\_

TITLE

NOTE: This form complies with the requirements of Civil Code Section 3262(d)(1). It is to be used by a party who applies for a progress payment when the progress check has not yet cleared the bank. This release only becomes effective when the check, properly endorsed, has cleared the bank.