

# Conditional 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, in fact, paid in exchange for the waiver and release or a single payee check or joint payee check is given in exchange for the waiver and release, the waiver and release shall follow substantially the form below. (CC Sec. 3262d3).

### 2. By Whom Given:

Given by the person expecting payment in exchange for the release of any lien, stop notice or bond rights. Evidence of payment may be by the claimant's endorsement on a single or joint payee check which has been paid by the bank upon which it was drawn or by written acknowledgment of payment given by the claimant. (CC Sec. 3262a).

### 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. The code section does not require the form to be notarized.

### 6. How Many Given:

A single Conditional Waiver and Release Upon Final Payment document may be given at the conclusion of the job prompting final payment.

## Conditional Waiver and Release Upon Final Payment

CALIFORNIA CIVIL CODE SECTION 3262 (d)(3)

Upon receipt by the undersigned of a check from                     **Maker of Check**                      
in the sum of \$                     **Amount of Check**                      
payable to:                     **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 mechanics' lien, stop notice, or bond right the  
undersigned has on the job of                     **Owner of Job**                      
located at                     **Description of Job**                    

This release covers the final payment to the undersigned for all labor, services, equipment or material  
furnished on the job, except for disputed claims for additional work in the amount of \$                     **Disputed Dollar**                      
**Amount**

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

Dated:                     **Date Executed**                                         **Your Company Name**                      
(Company Name)  
By:                     **Signature**                      
(Signature)  
                    **Title of Signatory**                      
(Title)

**NOTE: CIVIL CODE 3262 (d)(3) 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 is not, in fact, paid in exchange for the waiver and release or a single payee check or joint check is given in exchange for the waiver and release, the waiver and release shall follow substantially the form set forth above.*

# Conditional Waiver and Release Upon Final Payment

CALIFORNIA CIVIL CODE SECTION 3262 (d)(3)

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

in the sum of \$ \_\_\_\_\_

payable to: \_\_\_\_\_

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 mechanics' lien, stop notice, or bond right the

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

located at \_\_\_\_\_

This release covers the final payment to the undersigned for all labor, services, equipment or material

furnished on the job, except for disputed claims for additional work in the amount of \$ \_\_\_\_\_

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

undersigned.

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

(Company Name)

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

(Signature)

(Title)

**NOTE: CIVIL CODE 3262 (d)(3) 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 is not, in fact, paid in exchange for the waiver and release or a single payee check or joint check is given in exchange for the waiver and release, the waiver and release shall follow substantially the form set forth above.*