CONDITIONAL WAIVER AND RELEASE
UPON PROGRESS PAYMENT

CALIFORNIA CIVIL CODE SECTION 3262(d)(1)

Upon receipt by the undersigned of a check from _____ in the sum of
(maker of check)
$_____ payable to _____ and when the check has
(amount of check) (payee or payees of check)
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
(owner)

_____
(job description)
to the following extent. This release covers a progress payment for labor, services, equipment, or material furnished to _____ through _____ only
(your customer) (date)
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.

_____
(Company name)

Dated:_____ By: _____
(Signature)

_____
(Title)

NOTE CIVIL CODE 3262(d)(1) PROVIDES: If the claimant is required to execute a waiver and release in exchange for, or in order to induce a payment of, a progress 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 set forth above.