

UNCONDITIONAL WAIVER AND RELEASE UPON PROGRESS PAYMENT

(Civil Code §3262(d)(2))

The undersigned has been paid and has received a progress payment in the sum of \$_____ for labor, services, equipment and material furnished to **SIERRA PACIFIC WEST, INC.** P.O. Box 2316410 Encinitas, CA 92023-1640 on the project known as _____ located at _____

_____ and does hereby release any mechanic's lien, stop notice, or bond right that the undersigned has on the above-referenced job to the following extent. This release covers a progress payment for labor, services, equipment or materials furnished to _____ through _____ 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 mechanics' 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.

Dated: _____

(Company Name)

By: _____

(Authorized Signature)

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, EVEN IF YOU HAVE NOT BEEN PAID. IF YOU HAVE NOT BEEN PAID, USE A CONDITIONAL RELEASE FORM.

NOTE: This form of release complies with the requirements of Civil Code Section 3262(d) (2). It is to be used to release claims to the extent that a progress payment has actually been received by the releasing party.