

NOTICE OF CLAIM FOR UNPAID RETAINAGE

WARNING: This notice is provided to preserve lien rights. Owner's property may be subject to a lien if sufficient funds are not withheld from future payments to the original contractor to cover this debt.

Date: _____

Project description and/or address: _____

Claimant's name: _____

Type of labor or materials provided: _____

Original contractor's name: _____

Party with whom claimant contracted if different from original contractor: _____

Total retainage unpaid: _____

(Claimant's contact person)

(Claimant's address)

STATEMENT REQUIRED WHEN THE PROPERTY IS A HOMESTEAD

(Attach this page to the notice above whenever the property is the owner's homestead. On any other job the statement is not required and this page can be left off.)

(Tex. Prop. Code 53.254(g) For the lien on a homestead to be valid, the notice required to be given to the owner under Subchapter C must include or have attached the following statement.)

If a subcontractor or supplier who furnishes materials or performs labor for construction of improvements on your property is not paid, your property may be subject to a lien for the unpaid amount if:

(1) after receiving notice of the unpaid claim from the claimant, you fail to withhold payment to your contractor that is sufficient to cover the unpaid claim until the dispute is resolved; or

(2) during construction and for 30 days after completion of your contractor's work, you fail to reserve 10 percent of the contract price or 10 percent of the value of the work performed by your contractor.

If you have complied with the law regarding the reservation of 10 percent of the contract price or value of work and you have withheld payment to the contractor sufficient to cover any written notice of claim and have paid that amount, if any, to the claimant, any lien claim filed on your property by a subcontractor or supplier, other than a person who contracted directly with you, will not be a valid lien on your property. In addition, except for the required 10 percent reservation, you are not liable to a subcontractor or supplier for any amount paid to your contractor before you received written notice of the claim.

Form wording reproduced from Tex. Prop. Code 53.057(a-2), and on page two from 53.254(g). This is not legal advice.