

UNCONDITIONAL WAIVER AND RELEASE UPON PROGRESS PAYMENT

(Civil Code Section 3262 (d)(2))

The undersigned has been paid and has received a progress payment in the sum of \$ _____ for labor, services, equipment or materials furnished to **BOGARD CONSTRUCTION, INC.** on the job of _____ 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 **Bogard Construction, Inc.** through _____ only and does not cover any retention retained before or after the release date; extras furnished before the release date for which payment has not been received; extras 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 recovery 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: _____

By _____

Title _____

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