

**AC SUPPLY COMPANY, INC.
TEXAS COMMERCIAL LIEN SEMINAR**

**Subcontractor and
Sub-Subcontractor Forms**

**Private Commercial
Construction Projects**

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[Form 1]

COMMERCIAL CONTRACTS

NOTICE FOR A SUBCONTRACTOR

Month Labor Performed or Materials Delivered	Last Day for Fund Trapping Notice to Owner and Original Contractor	Last Date For Filing Lien Affidavit
January	April 15 th	May 15th
February	May 15 th	June 15th
March	June 15 th	July 15th
April	July 15 th	August 15th
May	August 15th	September 15th
June	September 15th	October 15th
July	October 15th	November 15th
August	November 15th	December 15th
September	December 15th	January 15th
October	January 15th	February 15th
November	February 15th	March 15th
December	March 15 th	April 15th
	(not later than the 15th day of the third month following each month in which the labor or material was furnished)	(not later than the 15th day of the fourth month following the last day of the last month in which the labor or material was furnished)

If this applicable dates falls on a Saturday, Sunday or legal holiday, the last preceding business day should be considered as the deadline.

[Form 2]

**NOTICE LETTER TO OWNER/SURETY AND GENERAL CONTRACTOR
LETTERHEAD**

[Date]

Certified Mail No.

Return Receipt Requested

And First Class Regular Mail

Owner's name

Owner's Address

City, State Zip Code

Re: Past due amount of \$ _____ owed by _____ [contractor] to
_____ [Company] _____ for the project located at _____

Gentlemen:

Our company, _____ [Company] _____, has furnished materials/labor to _____ [contractor] _____. Please be advised that the referenced account in the amount of \$ _____ in our favor is now past due. This account, which originated with _____ [contractor] _____, and is in connection with the construction of improvements on the property located in _____ County, Texas, more particularly described as _____

True copies of the invoices submitted to _____ [contractor] _____ are attached to this letter. The materials/labor supplied consists of _____ [specific description of materials/labor] _____.

By means of this letter, we are demanding that full payment be made of the above amount; and, as required by Section 53.056 of the Texas Property Code, you are hereby notified as the current owner of the property which has been improved, that if this claim remains unpaid, you will become personally liable and your property subject to a lien unless payments are withheld which may be due to any agent or contractor in an amount sufficient to pay the above amount or unless the above amount is otherwise paid or settled.

Pursuant to Section 53.083 of the Texas Property Code, please consider this a demand for payment of the unpaid balance mentioned above, which is an accrued obligation or is past due under the terms of our subcontract with Subcontractor.

In order for our client to preserve its rights, it is necessary that we provide you this formal notice. If you have any questions concerning this matter, please contact us immediately.

Very truly yours,

Enclosures

cc: *Certified Mail No.*

Return Receipt Requested

And First Class Regular Mail

Contractor's name

Contractor's address

City, State, Zip Code

[Form 3]
SUBCONTRACTOR'S RETAINAGE NOTICE LETTER

LETTERHEAD

[Date]

*CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED
AND FIRST CLASS REGULAR MAIL*

Owner's Name
Owner's Address
City, State, Zip Code

RE: Past due amount of \$_____ owed by _____ [subcontractor]
to _____ [Company] _____ for the project located at _____
_____.

Gentlemen:

You are hereby notified that the undersigned, whose address is _____
_____ and _____ [General Contractor] _____, whose address is
_____, entered into a retainage agreement in
connection with the subcontract of the undersigned with the general contractor to furnish labor
and/or material for the above referenced project. This notice is given pursuant to the
requirements of Section 53.057 of the Texas Property Code.

Sincerely,

[Company]

By: _____

cc: *CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED
AND FIRST CLASS REGULAR MAIL*
General Contractor's Name
General Contractor's Address
City, State, Zip Code

[Form 4]

AFFIDAVIT FOR MECHANIC'S AND MATERIALMAN'S LIEN

THE STATE OF TEXAS §
 §
COUNTY OF TARRANT §

Before me, the undersigned authority, personally appeared _____ [Company's Representative], an authorized representative of _____ [Company] _____, who upon oath deposed and stated:

"My name is _____ [Company's Representative] _____. I am _____ [Title] _____ of _____ [Company] _____, which has its principal place of business at _____ [Company's Physical Address] _____, and whose mailing address is at _____ [Company's Mailing Address] _____. I am authorized to make this Affidavit on its behalf. I have personal knowledge of the facts set forth below and am competent and authorized to make this Affidavit.

"Pursuant to a contract between Claimant and _____ [General Contractor] _____, Claimant furnished labor and materials for improvements at the following described real estate: _____

"The owner[s] or reputed owner[s] of the above-described property _____ [is/are] _____
_____ [Owner] _____, _____ [Owner's Address] _____, and the last known address of _____ [Owner] _____ is
_____ [Owner's Address] _____.

"The original contractor of the above-described property is _____ [Contractor] _____,
_____ [Contractor's Address] _____, and the last known address of _____ [Contractor] _____ is _____ [Contractor's
Address] _____.

"The materials and/or labor were furnished to " _____ [Company]'s Customer _____", by
Claimant pursuant to an agreement between Claimant and _____ [General Contractor] _____.

"After allowing all just credits and offsets, the amount of _____ [Amount Due] _____ remains unpaid and
is due and owing under said contract. Claimant asserts a lien on said improvements and premises to secure
the payment of the amount claimed."

"The materials and/or labor are described as follows: _____ [Specific description of materials/labor] _____.

"The materials and/or labor for which payment is requested, were furnished during the months of _____.

"Notice of claim was sent to the owner and original contractor by regular and certified mail, return receipt requested on _____.

DATED this _____ day of _____, 20____.

[COMPANY]

By: _____

THE STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, _____, of _____ [Company] _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed it for the purposes therein express, and in the capacity therein stated as the act and deed of such entity.

SWORN and SUBSCRIBED before me, under my official hand and seal of office on this the _____ day of _____, 20____.

Notary Public In and For the State of Texas

After Recordation Return To:

[Form 5]

LETTERHEAD

[Date]

*Certified Mail No.
Return Receipt Requested
And First Class Regular Mail*

Owner's name
Owner's Address
City, State Zip Code

Re: Past due amount of \$_____ owed by [contractor] to [Company] for the
project located at _____

Gentlemen:

Enclosed is a copy of a Materialman's Lien Affidavit pertaining to the referenced property. The original of this Affidavit has been filed with the county clerk's office. Please refer to the copy of the Affidavit for all pertinent information.

Very truly yours,

Enclosures

cc: *Certified Mail No.
Return Receipt Requested
And First Class Regular Mail*
Original contractor's name
Original contractor's address
City, State, Zip Code

[Form 6]

COMMERCIAL CONTRACTS

NOTICE FOR A SUB-SUBCONTRACTOR

Month Labor Performed or Materials Delivered	Last Day for Fund Trapping Notice to Original Contractor	Last Day for Fund Trapping Notice to Owner and Original Contractor	Last Date For Filing Lien Affidavit
January	March 15th	April 15th	May 15th
February	April 15th	May 15th	June 15th
March	May 15th	June 15th	July 15th
April	June 15th	July 15th	August 15th
May	July 15th	August 15th	September 15th
June	August 15th	September 15th	October 15th
July	September 15th	October 15th	November 15th
August	October 15th	November 15th	December 15th
September	November 15th	December 15th	January 15th
October	December 15th	January 15th	February 15th
November	January 15th	February 15th	March 15th
December	February 15th	March 15th	April 15th
	(not later than the 15th day of the second month following each month in which the labor or material was furnished)	(not later than the 15th day of the third month following each month in which the labor or material was furnished)	(not later than the 15th day of the fourth month following the last day of the last month in which the labor or material was furnished)

If this applicable dates falls on a Saturday, Sunday or legal holiday, the last preceding business day should be considered as the deadline.

[Form 7]
SUB-SUBCONTRACTOR'S NOTICE LETTER TO GENERAL CONTRACTOR

LETTERHEAD

[Date]

*CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED
AND FIRST CLASS REGULAR MAIL*
Original Contractor's Name
Original Contractor's Address
City, State, Zip Code

RE: Past due amount of \$ _____ owed by _____ [subcontractor]
to _____ [Company] for the project located at _____
_____.

Gentlemen:

The undersigned, _____ [Company] _____, hereinafter referred to as "Claimant," has furnished labor and/or materials to _____ [subcontractor] _____, hereinafter referred to as "Subcontractor," a subcontractor on the referenced project, for use on that project. Claimant has not been paid the amounts due it under that subcontract with Subcontractor for such labor or materials furnished in the month(s) of [list each month and year in which work was performed] in the aggregate amount of \$ _____, as shown by the invoice(s) attached to this letter and incorporated herein by reference.

This notice is sent to you pursuant to the requirements of Section 53.056 of the Texas Property code in order that you may have an opportunity to see that this unpaid account is paid in full.

Please contact us should you have any questions about this claim.

Yours very truly,

[Company]

By: _____

Enclosures

cc: *CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED
AND FIRST CLASS REGULAR MAIL*
Subcontractor's Name
Subcontractor's Address
City, State, Zip Code

[Form 8]
NOTICE LETTER TO OWNER/SURETY AND GENERAL CONTRACTOR

LETTERHEAD

[Date]

*Certified Mail No.
Return Receipt Requested
And First Class Regular Mail*

Owner's name
Owner's Address
City, State Zip Code

*Certified Mail No.
Return Receipt Requested
And First Class Regular Mail*

Original contractor's name
Original contractor's address
City, State, Zip Code

Re: Past due amount of \$ _____ owed by _____ [subcontractor]
to _____ [Company] _____ for the project located at _____

Gentlemen:

Our company, _____ [Company] _____, has furnished materials/labor to _____ [subcontractor]. Please be advised that the referenced account in the amount of \$ _____ in our favor is now past due. This account, which originated with _____ [subcontractor] _____, and is in connection with the construction of improvements on the property located in _____ County, Texas, more particularly described as _____
_____.

True copies of the invoices submitted to _____ [subcontractor] _____ are attached to this letter. The materials/labor supplied consists of _____ [specific description of materials/labor] _____.

By means of this letter, we are demanding that full payment be made of the above amount; and, as required by Section 53.056 of the Texas Property Code, you are hereby notified as the current owner of the property which has been improved, that if this claim remains unpaid, you will become personally liable and your property subject to a lien unless payments are withheld which may be due to any agent or contractor in an amount sufficient to pay the above amount or unless the above amount is otherwise paid or settled.

Pursuant to Section 53.083 of the Texas Property Code, please consider this a demand for payment of the unpaid balance mentioned above, which is an accrued obligation or is past due under the terms of our subcontract with Subcontractor.

In order for our client to preserve its rights, it is necessary that we provide you this formal notice. If you have any questions concerning this matter, please contact us immediately.

Very truly yours,

Enclosures

cc: ***Certified Mail No.***
Return Receipt Requested
And First Class Regular Mail
Subcontractor's name
Subcontractor's address
City, State, Zip Code

[Form 9]
SUB-SUBCONTRACTOR'S RETAINAGE NOTICE LETTER

LETTERHEAD

[Date]

***CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED
AND FIRST CLASS REGULAR MAIL***

Owner's Name
Owner's Address
City, State, Zip Code

RE: _____ [Description of Project]

Gentlemen:

You are hereby notified that the undersigned whose address is _____
_____ and _____ [subcontractor] _____, whose address is
_____, entered into a retainage agreement in
connection with the subcontract of the undersigned with that subcontractor to furnish labor
and/or material for the above referenced project. This notice is given pursuant to the
requirements of Section 53.057 of the Texas Property Code.

Sincerely,

[Company]

By: _____

cc: ***CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED
AND FIRST CLASS REGULAR MAIL***

General Contractor's Name
General Contractor's Address
City, State, Zip Code

***CERTIFIED MAIL NO.
RETURN RECEIPT REQUESTED
AND FIRST CLASS REGULAR MAIL***

Subcontractor's Name
Subcontractor's Address
City, State, Zip Code

[Form 10]

AFFIDAVIT FOR MECHANIC'S AND MATERIALMAN'S LIEN

THE STATE OF TEXAS §
 §
COUNTY OF TARRANT §

Before me, the undersigned authority, personally appeared _____ [Company's Representative], an authorized representative of _____ [Company] (hereafter "Claimant"), who upon oath deposed and stated:

"My name is _____ [Company's Representative]. I am _____ [Title] of _____ [Company], which has its principal place of business at _____ [Company's Physical Address], and whose mailing address is at _____ [Company's Mailing Address]. I am authorized to make this Affidavit on its behalf. I have personal knowledge of the facts set forth below and am competent and authorized to make this Affidavit.

"Pursuant to a contract between Claimant and _____ [Subcontractor], Claimant furnished labor and materials for improvements at the following described real estate: _____ [Description]

"The owner[s] or reputed owner[s] of the above-described property is/are _____ [Owner], _____ [Owner's Address], and the last known address of _____ [Owner] is _____ [Owner's Address].

"The original contractor of the above-described property is _____ [Contractor], _____ [Contractor's Address], and the last known address of _____ [Contractor] is _____ [Contractor's Address].

"The materials and/or labor were furnished to _____ [Subcontractor], by Claimant pursuant to an agreement between Claimant and _____ [Subcontractor].
The last known address of _____ [Subcontractor] is _____
_____.

"After allowing all just credits and offsets, the amount of ____ [Amount Due] ____ remains unpaid and is due and owing under said contract. Claimant asserts a lien on said improvements and premises to secure the payment of the amount claimed."

"The materials and/or labor are described as follows: [Specific description of materials/labor] ."

"The materials and/or labor for which payment is requested, were furnished during the months of _____."

"Notice of claim was sent to the owner and original contractor by regular and certified mail, return receipt requested on _____."

DATED this _____ day of _____, 20_____.

[COMPANY]

By: _____

THE STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, _____, of _____ [Company] _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed it for the purposes therein express, and in the capacity therein stated as the act and deed of such entity.

SWORN and SUBSCRIBED before me, under my official hand and seal of office on this the _____ day of _____, 20_____.

Notary Public In and For the State of Texas

After Recordation Return To:

[Form 11]

LETTERHEAD

[Date]

*Certified Mail No.
Return Receipt Requested
And First Class Regular Mail*

Owner's name
Owner's Address
City, State Zip Code

Re: Past due amount of \$_____ owed by _____ [subcontractor] _____ to
_____ [Company] _____ for the project located at _____

Gentlemen:

Enclosed is a copy of a Materialman's Lien Affidavit pertaining to the referenced property. The original of this Affidavit has been filed with the county clerk's office. Please refer to the copy of the Affidavit for all pertinent information.

Very truly yours,

Enclosures

cc: *Certified Mail No.
Return Receipt Requested
And First Class Regular Mail*
Original contractor's name
Original contractor's address
City, State, Zip Code

*Certified Mail No.
Return Receipt Requested
And First Class Regular Mail*
Subcontractor's name
Subcontractor's address
City, State, Zip Code

[Form 12]

DEADLINES FOR FILING LIEN AFFIDAVITS

ACTION	DEADLINE
Final completion of entire project	30 days from completion
Owner sends a Notice to File Lien Affidavit	30 days from date of notice
Owner sends an Affidavit of Final Completion within 10 days of the completion of the project	40 days from date of completion as stated in the affidavit
Owner sends a Notice of Termination or Abandonment	40 days from date of termination or abandonment as stated in the affidavit
No notices received from Owner then follow old rules of filing	15th day of the fourth month following the last day of the last month in which the labor or material was furnished (unless entire project completed before time for filing runs)

[Form 13]

CONDITIONAL WAIVER AND RELEASE ON PROGRESS PAYMENT
(PARTIAL LIEN WAIVER – CONDITIONED ON RECEIPT OF PAYMENT)

Project _____

Job No. _____

On receipt by the signer of this document of a check from [maker of check] in the sum of \$_____ payable to [Company] when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to release any mechanic's lien right, any right arising from a payment bond that complies with a state or federal statute, any common law payment bond right, any claim for payment, and any rights under any similar ordinance, rule, or statute related to claim or payment rights for persons in the signer's position that the signer has on the property of _____ [Owner] located at _____ [Property Address] ("Property") to the following extent: _____ [Job Description]

This release covers a progress payment for all labor, services, equipment, or materials furnished to the Property or to _____ (person with whom signer contracted) as indicated in the attached statement(s) or progress payment request(s), except for unpaid retention, pending modifications and changes, or other items furnished.

Before any recipient of this document relies on this document, the recipient should verify evidence of payment to the signer. The signers warrants that the signer has already paid or will use the funds received from this progress payment to promptly pay in full all of signer's laborers, subcontractors, materialmen, and suppliers for all work, materials, equipment, or services provided for or to the above referenced project in regard to the attached statement(s) or progress payment request(s).

[COMPANY NAME]

By: _____

Name: _____

Title: _____

Date: _____

[Form 14]

NOTICE: THIS DOCUMENT WAIVES RIGHTS UNCONDITIONALLY AND STATES THAT YOU HAVE BEEN PAID FOR GIVING UP THOSE RIGHTS. IT IS PROHIBITED FOR A PERSON TO REQUIRE YOU TO SIGN THIS DOCUMENT IF YOU HAVE NOT BEEN PAID THE PAYMENT AMOUNT SET FORTH BELOW. IF YOU HAVE NOT BEEN PAID, USE A CONDITIONAL RELEASE FORM.

UNCONDITIONAL WAIVER AND RELEASE ON PROGRESS PAYMENT
(PARTIAL LIEN WAIVER – NOT CONDITIONED ON RECEIPT OF PAYMENT)

Project _____

Job No. _____

The signer of this document has been paid and has received a progress payment in the sum of \$_____ for all labor, services, equipment, or materials furnished to the property or to _____ (person with whom signer contracted) on the property of _____ [Owner] located at _____ [Address] _____ to the following extent: : _____ [Job Description]

The signer therefore waives and releases any mechanic's lien right, any right arising from a payment bond that complies with a state or federal statute, any common law payment bond right, any claim for payment, and any rights under any similar ordinance, rule, or statute related to claim or payment rights for persons in the signer's position that the signer has on the above referenced project to the following extent: _____

This release covers a progress payment for all labor, services, equipment, or materials furnished to the property or to _____ (person with whom a signer contracted) as indicated in the attached statement(s) or progress payment request(s), except for unpaid retention, pending modifications and changes, or other items furnished.

The signer warrants that the signer has already paid or will use the funds received from this final payment to promptly pay in full all of the signer's laborers, subcontractors, materialmen, and suppliers for all work, materials, equipment, or services provided for or to the above referenced project up to the date of this waiver and release.

[COMPANY NAME]

By: _____

Name: _____

Title: _____

Date: _____

[Form 15]

CONDITIONAL WAIVER AND RELEASE ON FINAL PAYMENT
(FINAL LIEN WAIVER – CONDITIONED ON RECEIPT OF PAYMENT)

Project _____

Job No. _____

On receipt by the signer of this document of a check from [maker of check] in the sum of \$_____ payable to [Company] when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to release any mechanic's lien right, any right arising from a payment bond that complies with a state or federal statute, any common law payment bond right, any claim for payment, and any rights under any similar ordinance, rule, or statute related to claim or payment rights for persons in the signer's position that the signer has on the property of _____ [Owner] located at _____ [Property Address] ("Property") to the following extent: _____ [Job Description]

This release covers the final payment to the signer for all labor, services, equipment, or materials furnished to the Property or to _____ (person with whom signer contracted).

Before any recipient of this document relies on this document, the recipient should verify evidence of payment to the signer. The signers warrants that the signer has already paid or will use the funds received from this progress payment to promptly pay in full all of signer's laborers, subcontractors, materialmen, and suppliers for all work, materials, equipment, or services provided for or to the above referenced project up to the date of this waiver and release.

[COMPANY NAME]

By: _____

Name: _____

Title: _____

Date: _____

[Form 16]

NOTICE: THIS DOCUMENT WAIVES RIGHTS UNCONDITIONALLY AND STATES THAT YOU HAVE BEEN PAID FOR GIVING UP THOSE RIGHTS. IT IS PROHIBITED FOR A PERSON TO REQUIRE YOU TO SIGN THIS DOCUMENT IF YOU HAVE NOT BEEN PAID THE PAYMENT AMOUNT SET FORTH BELOW. IF YOU HAVE NOT BEEN PAID, USE A CONDITIONAL RELEASE FORM.

UNCONDITIONAL WAIVER AND RELEASE ON FINAL PAYMENT
(FINAL LIEN WAIVER – NOT CONDITIONED ON RECEIPT OF PAYMENT)

Project _____

Job No. _____

The signer of this document has been paid in full for all labor, services, equipment, or materials furnished to the property or to _____ (person with whom signer contracted) on the property of [Owner] _____ located at _____ [Address] _____ to the following extent: : _____ [Job

Description] _____

The signer therefore waives and releases any mechanic's lien right, any right arising from a payment bond that complies with a state or federal statute, any common law payment bond right, any claim for payment, and any rights under any similar ordinance, rule, or statute related to claim or payment rights for persons in the signer's position.

The signer warrants that the signer has already paid or will use the funds received from this final payment to promptly pay in full all of the signer's laborers, subcontractors, materialmen, and suppliers for all work, materials, equipment, or services provided for or to the above referenced project up to the date of this waiver and release.

[COMPANY NAME]

By: _____

Name: _____

Title: _____

Date: _____

[Form 17]

**SUB -SUBCONTRACTOR'S NOTICE LETTER TO OWNER REGARDING
SPECIALLY FABRICATED MATERIALS***

COMPANY LETTERHEAD

[Date]

*Certified Mail No.
Return Receipt Requested
And First Class Regular Mail*

Owner's Name
Owner's Address
City, State, Zip Code

RE: [Description of Project]

Gentlemen:

[Company Name] has received and accepted an order from [Subcontractor Name] for specially fabricated [brief description of materials] to be delivered to your Project after they are manufactured. The price of the specially fabricated order is \$_____. Pursuant to Section 53.058 of the Texas Property Code, this notice is sent to you in compliance with the mandatory provisions of Texas law regarding receipt of orders for specially fabricated materials. This is not intended as a comment in any way on [Subcontractor Name], but is merely sent in compliance with the state law.

Very Truly Yours,

[Company Name]

By: _____

cc: *Certified Mail No.
Return Receipt Requested
And First Class Regular Mail*
[General Contractor's Name]
[General Contractor's Address]
[City, State, Zip Code]

***If you are a subcontractor then you will use General Contractor's name in body of letter.**