

# Mortgage+Care

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## UNCONDITIONAL WAIVER AND RELEASE UPON PROGRESS PAYMENT

[Civil Code ss3262(d)(2)]

The undersigned has been paid and has received a progress payment in the sum of \$ \_\_\_\_\_ for labor, services, equipment or material furnished to \_\_\_\_\_ on the job of \_\_\_\_\_ located at \_\_\_\_\_  
(Your Customer) (Job Description)

and does hereby release pro tanto 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 retention or items furnished after that date.

Tax I.D. # \_\_\_\_\_

Dated \_\_\_\_\_  
By \_\_\_\_\_  
(Company Name)  
(Title)

**NOTICE: THIS DOCUMENT WAIVES THE 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 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.

USE REVERSE SIDE AS RELEASE FOR INDIVIDUALS PERFORMING LABOR FOR WAGES

### ss484(b) OF THE CALIFORNIA PENAL CODE PROVIDES IN PART AS FOLLOWS:

"Any person who receives money for the purpose of obtaining or paying for services, labor, materials or equipment and willfully fails to apply such money for such purpose by either willfully failing to complete the improvements for which funds were provided or willfully failing to pay for services, labor materials or equipment provided incident to such construction, and wrongfully diverts the funds to a use other than that for which the funds were received, shall be guilty of a public offense and punishable by a fine not exceeding five thousand dollars (\$5,000.), or by imprisonment in the state prison not exceeding five years, or in a county jail not exceeding one year, or by both such fine and such imprisonment."

### ss484(c) OF THE CALIFORNIA PENAL CODE PROVIDES AS FOLLOWS:

"Any person who submits a false voucher to obtain construction loan funds and does not use the funds for the purpose for which the claim was submitted is guilty of embezzlement."

### ss206.5 OF THE CALIFORNIA LABOR CODE PROVIDES:

"No employer shall require the execution of any release of any claim or right on account of wages due, or to become due, or made as an advance on wages to be earned, unless payment of

such wages has been made. Any release required or executed in violation of the provisions of this section shall be null and void as between the employer and the employee and the violation of the provisions of this section shall be a misdemeanor."

### ss532(e) OF THE CALIFORNIA PENAL CODE PROVIDES AS FOLLOWS:

"Any person who receives money for the purpose of obtaining or paying for services, labor, materials or equipment incident to constructing improvements on real property and willfully rebates any part of the money to or on behalf of anyone contracting with such person, for provision of the services, labor materials or equipment for which the money was given, shall be guilty of a misdemeanor; provided, however, that normal trade discount for prompt payment shall not be considered a violation of this section."