

FINAL PAYMENT AFFIDAVIT AND LIEN WAIVER

DATE: _____

SUBCONTRACTOR/SELLER: _____

PROJECT: John and Sue McCoy House

OWNER: Austin Presbyterian Theological Seminary

CONTRACTOR: AMERICAN CONSTRUCTORS HOLDING CO.

DESCRIPTION OF PROPERTY: 103 East 30th Street, Austin, Texas 78705

The undersigned representative of Subcontractor/Seller makes the following statement under oath for and on behalf of Subcontractor/Seller:

Contractor has fully paid all obligations to Subcontractor/Seller that pertain in any way to the Project.

All work/material to be done/furnished on the Project by Subcontractor/Seller or at its expense has been fully completed in a good-workmanlike manner in accordance with all applicable agreements, plans and specifications. Subcontractor/Seller has fully and finally paid for all its obligations to all parties for labor or other services, materials or equipment provided to the Project under an agreement with or at the order or request of Subcontractor/Seller. In all other respects, Subcontractor/Seller has fully performed all its obligations under all contracts and subcontracts to which it is a party and which pertain in any way to the Project.

All information at any time provided to Contractor or Owner by Subcontractor/Seller that Contractor or Owner may use to determine amounts to be paid to Subcontractor/Seller, such as invoices, statements, estimates, delivery receipts or work records, are true and correct.

Subcontractor/Seller waives any and all liens on the Property and all claims and causes of action that pertain in any way to the Project which Subcontractor/Seller would otherwise have against Contractor or Owner.

Subcontractor/Seller makes this affidavit with the intention and understanding that Contractor and Owner will rely on it when calculating, approving or making payments to Subcontractor/Seller. Subcontractor/Seller agrees and acknowledges that it will be liable to Contractor and Owner for any losses that either of them suffer as a direct or indirect result of such reliance.

SUBCONTRACTOR/SELLER:

Company: _____

By: _____

Print Name: _____

Title: _____

SUBSCRIBED AND SWORN TO BEFORE ME, by _____ of the above named Subcontractor/Seller, this _____ day of _____, 20____, to certify which witness my hand and seal of office.

Notary Public, State of Texas

SUBCONTRACTOR/SELLER'S EXECUTION AND DELIVERY OF THIS AFFIDAVIT AND WAIVER IS CONDITIONED UPON CONTRACTOR'S PAYMENT OF \$_____ TO SUBCONTRACTOR/SELLER FOR WORK DONE ON THE PROJECT OR MATERIALS DELIVERED TO THE PROJECT BY OR AT THE EXPENSE OF SUBCONTRACTOR/SELLER.