

Notice of Nonpayment

- After stopping or completing furnishing of labor or materials on a bonded project, accurately complete the Notice of Nonpayment
- Serve by Certified Mail Return Receipt requested to the general contractor and to each bonding company.
- Each recipient should receive an original notarized Notice of Nonpayment.

LEGEND FOR FILLING IN THE BLANKS

A. General contractor. The name and address of the general contractor as well as the U.S. Postal Service certified mail number by which this notice of nonpayment is being transmitted should be placed in this section.

B. Surety / bonding company. The name and address of the bonding company as well as the U.S. Postal Service certified mail number by which this notice of nonpayment is being transmitted should be placed in this section.

C. Claimant's customer. The name of the company or individual with whom the claimant contracted or who gave the claimant the order.

D. Description of labor, services or materials. A description of the labor, services or materials that you provided must be placed in this blank.

E. Legal description of property. In this space claimant should put the legal description such as the lot and block and not just an address. This information can be obtained from a notice to owner service, building department or the public records of the county in which the project is located.

F. Amount unpaid. This space is to be provided with an amount, including retainage that represents the total value of labor, services or materials provided to the project less any payments previously received. Note: This is not a deduction of payments previously paid from the contract amount but instead a deduction from the total value incorporated into the project.

G. Retainage. This space is to be provided with an amount of retainage withheld from previous payments for completed work as of the date of service of the Notice of Nonpayment.

H. Payments to date. This space is to be provided with the total amount of payments that the claimant has received as of the date of service of the Notice of Nonpayment.

I. Labor, services or materials to be furnished. This space is to be provided with a general description of the labor, services or materials that the claimant expects to provide in the future.

J. Name of claimant. This is the name of the company or individual who is making the claim. When a fictitious name is being used such as ABC Construction, the blank should state John Doe, d/b/a ABC Construction, instead of just John Doe.

K. Name of person executing notice of nonpayment. The name of the person who actually signs the notice of nonpayment goes in this blank with a signature in the blank above it.

L. Title of person executing notice of nonpayment. If the claimant is Jane Doe, who is claiming as a sole proprietor in her own name, then a designation of capacity is not necessary.

STATUTORY NOTICE OF NONPAYMENT

TO: (A) General Contractor
Certified Receipt #: _____

(B) Surety / Bonding Company
Certified Receipt #: _____

The undersigned claimant notifies you that pursuant to a contract with (C) _____:

1) Claimant has furnished (D) _____
(describe labor, services, or materials) for the improvement of the real property identified as:
(property description) (E) _____

The corresponding amount unpaid to date is (F) \$ _____
of which (G) \$ _____ is unpaid retainage.

2) Claimant has been paid to date the amount of (H) \$ _____ for previously furnishing
_____ (describe labor, service, or materials) for this improvement.

3) Claimant expects to furnish (I) _____ (describe labor, service, or materials) for
this improvement in the future (if known), and the corresponding amount expected to become
due is \$ _____ (if known).

The undersigned requests a written statement indicating the following: (1) Whether the project has reached substantial completion, as that term is defined in the contract, or if not defined in the contract, if beneficial occupancy or use of the project has occurred; (2) Whether you have received payment of the undersigned's retainage, and if so, the date the retainage was received by you; and (3) Whether you have sent your final payment request to the owner of the project, and if so, the date on which the final payment request was sent.

I declare that I have read the foregoing Notice of Nonpayment and that the facts stated in it are true to the best of my knowledge and belief.

DATED on _____, 20 _____

(j) (Company Name)
By: _____
(Signature)

(k) (Print Name)
(l) Title: _____

(Company Address)

STATE OF _____
COUNTY OF _____

The foregoing instrument was sworn to (or affirmed) and subscribed before me this _____
day of _____, _____ (year), by means of [] physical presence or [] online notarization, by
_____ (name of signatory).

Notary Public-State of _____
My Commission Expires: _____

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____