RESIDENTIAL CONSTRUCTION CONTRACT

With whom are you contracting?

Owner

Is the property homestead?

Yes

To file lien:
1- Must have written contract executed before work begins
2- Signed by both spouses
3- Filed with County Clerk

Contract must contain §41.007 Notice Conspicuous/At least 10 point type or DTPA violation

Contract must contain §27.007 Notice or original contractor subject to $500.00 penalty

Original contractor required to give written disclosure

Original contractor required to give list of subs/vendors and update within 15 days of changes to list

Original contractor required to give Disbursement Disclosure §53.258

Original contractor must give final bills paid affidavit §53.259

No

Other

Specially fabricated materials-Notice by 15th day/2nd month required after date of acceptance of order
Retainage Agreement 15th day/2nd month notice-Owner/Original Contractor from beginning of delivery

15th day/2nd month notice to owner/ original contractor required for each month of provision

Is the property homestead?

No

Yes

To file lien:
1-Must have written contract executed before work begins
2-Signed by both spouses
3-Filed with County Clerk

15th day/2nd month notice must include §53.254(g) notice

Mechanic's Lien filed by 15th day/3rd month after date of accrual. Must copy owner/original contractor within 5 days of filing. However must file lien within 30 days of completion if subcontractor and receive §53.107 notice.
If homestead - must include Notice - "NOTICE: THIS IS NOT A LIEN. THIS IS ONLY AN AFFIDAVIT CLAIMING A LIEN."