



The One-Page Guide to **Texas Lien Waivers**

What Is a Lien Waiver?

A lien waiver is a document from a potential lien claimant (such as a contractor or other hired party) to the construction project stating that they waive future lien rights against the property improved to the extent set forth in the waiver. When used properly, a lien waiver acts as a receipt of funds. It protects all parties involved, increases project stakeholder visibility, and keeps the payment process fair.

Is Notarization Required?

Yes, notarizing Texas lien waivers is required. Texas is one of just three states, including Wyoming and Mississippi, that require lien waivers to be notarized.

Texas is very strict when it comes to lien waivers. Failure to notarize your Texas lien waiver could result in the waiver being invalid.

Conditional Waivers in Texas

A conditional waiver waives the signor's lien rights conditioned upon the occurrence of some other event (generally actual receipt of payment).

There are two types of conditional waiver: waivers for progress/partial payment (which apply to a portion of the contract value) and waivers for final payment (which apply to the entire contract value).

Unconditional Waivers in Texas

An unconditional waiver goes into effect as soon as it is signed, even if payment has not yet been made.

Just like conditional waivers, there are two types of unconditional waivers for progress/partial payment and waivers for final payment. Unconditional waivers are permissible in Texas, so it is very important to be cautious when signing away lien rights.

Learn how Levelset takes the stress out of lien waivers for you and the people you work with.



Tips for Safe Waiver Practices



LEVELSET

CONDITIONAL LIEN WAIVERS ARE GOOD FOR EVERYONE

The party making payment can ensure that they won't be subjected to double payment, and parties receiving payment maintain lien rights until payment is in their hands.

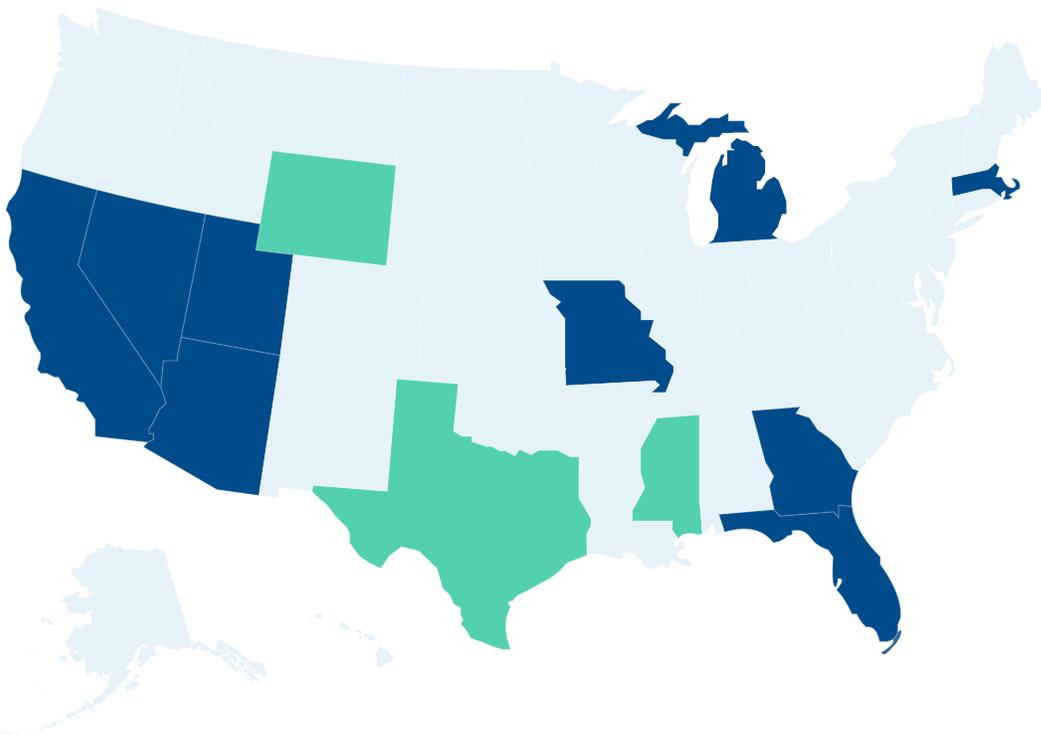
MAKE SURE TO READ LIEN WAIVERS CAREFULLY

Especially in states without statutorily required forms. Often, the amount stated in the lien waiver matters more than the amount actually received.

INSTITUTE A LIEN WAIVER HANDLING POLICY

To review and approve waivers in a consistent and thorough manner. This helps avoid risk and ensure a fair payment process.

Texas Requires Specific Waiver Forms



Require Specific Forms

- Arizona
- California
- Florida
- Georgia
- Massachusetts
- Michigan
- Missouri
- Nevada
- Utah

Require Specific Forms and Notarization

- Mississippi
- Texas
- Wyoming

Texas is not only one of the 12 states that require statutory forms, but also one of 3 states that require notarization to be considered valid and enforceable. Any waiver that does not comply with the statutory provisions, despite written or oral consent, will be void.

The Texas lien statute provides four lien waiver templates.

- Partial Conditional
- Final Conditional
- Partial Unconditional
- Final Unconditional