

### THIRD MONTH NOTICE

(reference Texas Government Code § 2253.041)

[This header is for your convenience and may be deleted from the actual notice letter]

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[claimant's letterhead]

[date]

VIA CERTIFIED MAIL, RETURN

RECEIPT REQUESTED # \_\_\_\_\_

[insert name of surety]

[insert address]

AND

VIA CERTIFIED MAIL, RETURN

RECEIPT REQUESTED # \_\_\_\_\_

[insert name of prime contractor]

[insert address]

RE: [insert name and/or description of project and address of project]

Dear [\_\_\_\_\_]:

[insert name of claimant], ("Claimant") has a claim of \$[insert claim amount] for labor and/or materials provided to the above-referenced project. The labor and/or materials provided are generally described as [insert a general description of the labor and materials] [OR] [attach as a referenced exhibit the contract or purchase orders or invoices]. Such labor and materials were provided to [insert name of contractor whom you have contact with] under the terms of a [state whether the contract is "written" or "oral"] contract [OR] [written purchase order, etc. as applicable]. [If your agreement is not in writing, see Instructions for additional information required in this Notice.]

The following Sworn Statement of Account is provided as required by Chapter 2253 of the Texas Government Code.

**SWORN STATEMENT OF ACCOUNT**

BEFORE ME THE UNDERSIGNED AUTHORITY on this day personally appeared [insert name of client's authorized affiant], who, after being by me duly sworn did depose and say:

1. “My name is [insert name of person signing notice] I am the [insert the title of person signing notice] of [insert name of claimant] (“Claimant”) and am over the age of 18 and authorized to make this affidavit and the statements contained herein and they are within my personal knowledge and are true and correct.

2. “Claimant has an outstanding and unpaid claim in the amount of \$[insert claim amount] for labor and/or materials provided during the months of [insert months labor and/or materials made the basis of claim were provided], 20 to [insert name of party with whom you have your contract].

3. “The amount of Claimant’s unpaid account for which this claim is filed is just and correct and all lawful offsets, payments and credits known to the undersigned have been allowed.

4. “Claimant’s total contract amount is \$[insert the total contract amount]. The above amount includes contractual retainage in the amount of \$[insert amount of retainage due] [which is now due] [OR] [is not yet due pursuant to the terms of Claimant’s contract].

5. [OPTIONAL: “Attached hereto are true and correct copies of the original invoices or [statements] on which the above-described claim is based.]

[name of claimant]

By: \_\_\_\_\_  
[name] [title]

SUBSCRIBED AND SWORN TO BEFORE me on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

Enc. - Invoices [OPTIONAL]

cc: [OPTIONAL : owner], via certified mail # \_\_\_\_\_,  
return receipt requested

cc: [party with whom Claimant has contract, if not prime contractor]  
via certified mail # \_\_\_\_\_,  
return receipt requested