

Notice of Nonpayment

(Form 9)

1. After stopping or completing furnishing of labor or materials on a bonded project, accurately complete.
2. Serve by certified mail return receipt requested to general contractor and bonding company (surety).

LEGEND FOR FILLING IN THE BLANKS

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

B. Surety / bonding company. In this section the bonding company name and address as well as the certified mail number by which this notice of nonpayment is being transmitted should be put in this space.

C. Your customer. The name of the company or individual with whom you contracted or who gave you the order.

D. Description of labor, services or materials. Just as in the notice to owner a general description denoting the labor, services or materials must be placed in this blank. (For example, concrete, carpeting, electrical etc.)

E. Last date claimant supplied labor, services or materials. The last date should not include punch-out work but instead should include any work in furtherance of completion of the contract.

F. Legal description of property. In this space you 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.

G. Name of owner(s). 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.

H. Amount owing. 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 paid. 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.

I. Retainage. This space is to be provided with an amount of retainage withheld as of the date of service of the notice.

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.

L. Position of person executing notice of nonpayment. If the claimant is Jeb Bush, who is claiming as a sole proprietor in his own name, then a designation of capacity is not necessary. However, most bond claims are by business entities such as corporations and as such an agent of the corporation signing the notice of nonpayment should put his title in this blank. For example, if the president of the corporation is signing the notice of nonpayment, he should put president in this blank.

Notice of Nonpayment

(Date)

TO: (A) General Contractor
Certified Mail No. _____

(B) Surety
Certified Mail No. _____

In accordance with the provisions of the bond at issue herein, Section 255.05 , Section 337.18, Section 713.23, or Section 713.245 of the Florida Statutes, the undersigned, as authorized agent, hereby gives notice that pursuant to a contract with (C) _____, the undersigned has furnished the following labor, services and materials:

(D) _____

_____, the last was furnished on (E) _____, for the improvement on the following described real property: (F) _____

_____, owned by (G) _____, on which you are the general contractor.

Undersigned has not been paid (or has not been paid in full) and is owed (H) _____ dollars of which (I) _____ dollars is retainage. In accordance with Florida law, the undersigned is looking directly to you for payment of this amount, and to the surety bond executed to insure payment on said project pursuant to Section 255.05, Section 337.18, Section 713.23, or Section 713.245, Florida Statutes or Florida Common Law.

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. Please provide said information to the undersigned.

(J) _____
(Company Name)

By: _____
(K)

Its: _____
(L)

(Company Address)