

California Lien Waiver Cheat Sheet

The four statutory forms (§§8132–8138). What each waives. When to sign. What never to sign.

The four statutory forms

§8132

Conditional Waiver and Release on Progress Payment

When: Use BEFORE the GC has paid the progress draw, when you're willing to release lien rights only IF the payment clears.

Waives: Lien rights for work performed THROUGH the through-date — but only after the payment actually clears.

Danger: Through-date past your last invoice → you release future work.

§8134

Unconditional Waiver and Release on Progress Payment

When: Use AFTER you've actually been paid for the progress invoice (check cleared, ACH settled).

Waives: Lien rights for work performed THROUGH the through-date, immediately and irrevocably.

Danger: Signing before payment clears = lien rights gone with no recourse.

§8136

Conditional Waiver and Release on Final Payment

When: Use BEFORE the GC pays the final retention/holdback, when you're willing to release lien rights only IF that final payment clears.

Waives: ALL lien rights for the project — but only after the final payment actually clears.

Danger: Once it triggers, you can't come back to lien for any unpaid items.

§8138

Unconditional Waiver and Release on Final Payment

When: Use AFTER the final payment has actually cleared.

Waives: ALL lien rights for the entire project, immediately and irrevocably.

Danger: Highest-stakes form. Signing before final payment clears ends your lien rights for the project.

Six things to check before you sign

- 1 Confirm the form matches one of the four §§8132–8138 statutory templates word-for-word.
- 2 Check whether it says "Conditional" or "Unconditional" — sign Unconditional only after payment has cleared.
- 3 Verify the through-date is on or before your last paid invoice date.
- 4 Confirm the dollar amount matches the invoice you expect to be paid for.
- 5 Watch for non-statutory clauses (broad indemnity, choice-of-law, dispute waivers) — those are not enforceable in a lien waiver.
- 6 If the form is "Final" (§§8136 or 8138), confirm you have NO outstanding change orders or extras.

PaidWrite reviews any California lien waiver in 30 seconds — flagging non-statutory forms, unconditional language signed before payment, and through-date errors. Visit paidwrite.app to scan your next document free.