**AFFIDAVIT OF COMPLETION AND INDEMNITY**

**Property Code § 53.106**

 **THE STATE OF TEXAS****§**

 **§**

**COUNTY OF** **COUNTY §**

Owner: **HOMEOWNER 1 FULL NAME**,

 **HOMEOWNER 2 FULL NAME,**

Owner's Address: Owner Mailing Address: Street

Owner Mailing Address: City, County, State, Zip

Contractor: **CONTRACT ADMINISTRATOR** ,

Contractor's Address: CA Address: Street,

 CA Address: City, County, State, Zip

Third Party Financier: **TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS,** a public and official agency of the State of Texas

Third Party Financier's Address: 221 E. 11th Street, P.O. Box 13941, Austin, Texas 78711‑3941

Conditional Grant: Evidenced by a HOME Program Homeowner Reconstruction Assistance Program (HRA) Conditional Grant Agreement (“Conditional Grant”) dated   **Month and Day**, **20XX**, in the original sum of **$XX,XXX** and a Memorandum of Conditional Grant Agreement (“Memorandum”) dated  **Month and Day**, **20XX,** and recorded in the Real Property Records of  **COUNTY** County, Texas.

Property: Legal Description of Property, which has the street address of

Property Address: Street,

Property Address: City, County, State, Zip

Improvements: Construction of a single‑family residence and related improvements on the Property described above.

Completion Date: Construction Completion Date

**Affidavit of Completion**

 The persons or entities signing this affidavit (“Affiant”), on oath, swears that the following statements are true and within the personal knowledge of the Affiant:

1. Date of Completion The Improvements to the Property were completed on the Completion Date. For purposes of this affidavit, "completion" means the actual completion of the work,  including any extras or change orders reasonably required or contemplated under the original plans or original contract, other than warranty or repair work.

2. Claims against Retained Funds. NO SUBCONTRACTOR OR OTHER LIEN CLAIMANT MAY HAVE A LIEN ON RETAINED FUNDS UNLESS THE CLAIMANT FILES AN AFFIDAVIT CLAIMING A LIEN NO LATER THAN THE FORTIETH (40TH) DAY AFTER THE WORK UNDER THE ORIGINAL CONTRACT IS COMPLETED.

3. Owner's Statement as to Other Notices. Owner states that he or she has received a written request to receive a copy of an affidavit of completion from the following persons who have furnished labor or materials for the Land, and from no other persons:

Persons Requesting Copy of Affidavit of Completion:

**Texas Department of Housing and Community Affairs**

**Enter Contract Administrator**

**Enter Building Contractor**

**Enter Name of Title Company (if applicable)**

**Enter names of other persons requesting copy of Affidavit of Completion, or "N/A"**

4. Contractor is a  .

5. Affiant signing on behalf of Contractor is  of Contractor and is authorized to make this affidavit on behalf of Contractor.

6. The construction required by the Conditional Grant has been completed in accordance with the requirements of the construction contracts and  the Construction Grant Agreement between Owner, Third Party Financier and Contractor referred to in the Conditional Grant.

7. Contractor has paid each of Contractor’s subcontractors, laborers, and materialmen in full for all labor and materials provided to Contractor for the construction of improvements  on the Property, excepting only the amounts owed to the persons identified below:

 Existing Creditor or Lienholder Approximate Amount

 $

$

$

8. This affidavit is made to induce Owner to accept the construction as completed, to induce Third Party Financier to fund a grant to Owner to pay Contractor all or part of the consideration in the Conditional Grant.

This affidavit has been signed on this day of , 20\_\_.

**AFFIANTS:**

**HOMEOWNER:**

**HOMEOWNER 1 FULL NAME**

**HOMEOWNER 2 FULL NAME**

**THE STATE OF TEXAS §**

 **§**

**COUNTY OF COUNTY §**

 This instrument was acknowledged before me by **HOMEOWNER 1 FULL NAME,** on this day of , 20 .

(Seal)

Notary Public, State of Texas

**THE STATE OF TEXAS §**

 **§**

**COUNTY OF COUNTY §**

 This instrument was acknowledged before me by **HOMEOWNER 2 FULL NAME,** on this day of ,20 .

(Seal)

Notary Public, State of Texas

**CONTRACTOR:**

**CONTRACT ADMINISTRATOR,**

By:

Name: Name of Signer

Title:

**THE STATE OF TEXAS****§**

 **§**

**COUNTY OF COUNTY §**

 SWORN TO, SUBSCRIBED AND ACKNOWLEDGED before me on this day of , 20 , by , of  **CONTRACT ADMINISTRATOR**, .

(Seal)

 Notary Public, State of Texas

Indemnity

For valuable consideration, including Owner’s acceptance of the construction as completed, Third Party Financier’s funding of Owner’s grant to pay Contractor all or part of the consideration in the Conditional Grant, and  Contractor warrants to those parties the truth of this affidavit of completion and agrees to indemnify, defend, and hold Owner and Third Party Financier harmless from all  losses, damages, judgments, and expenses, including attorney’s fees and court and other costs, that any or all of them suffer, incur, or pay because any part of this affidavit of completion is not true or completely correct.

**CONTRACTOR:**

**CONTRACT ADMINISTRATOR,**

By:

Name: Name of Signer

Title: