

Amend CSHB 1456 (house committee printing) as follows:

(1) On page 2, line 5, strike "this subchapter" and substitute "Section 53.284".

(2) On page 2, strike lines 15-16 and substitute the following:

(1) the statement is in writing and substantially complies with a form prescribed by Section 53.284;

(3) Strike page 2, line 20, through page 3, line 8, and substitute the following:

(A) in a written original contract or subcontract for the construction, remodel, or repair of a single-family house, townhouse, or duplex or for land development related to a single-family house, townhouse, or duplex; and

(B) made before labor or materials are provided under the original contract or subcontract.

(b) The filing of a lien rendered unenforceable by a lien waiver under Subsection (a)(3) does not violate Section 12.002, Civil Practice and Remedies Code, unless:

(1) an owner or original contractor sends a written explanation of the basis for nonpayment, evidence of the contractual waiver of lien rights, and a notice of request for release of the lien to the claimant at the claimant's address stated in the lien affidavit; and

(2) the lien claimant does not release the filed lien affidavit on or before the 14th day after the date the owner or the original contractor sends the items required by Subdivision (1).

(c) Subsection (a)(3) does not apply to a person who supplies only material, and not labor, for the construction, remodel, or repair of a single-family house, townhouse, or duplex or for land development related to a single-family house, townhouse, or duplex.

(4) On page 5, lines 17-19, strike "This document may be enforceable against you if you sign it, even if you have not been paid."

(5) On page 5, line 19, strike "unlawful" and substitute "prohibited".

(6) On page 8, lines 25-27, strike "This document may be

enforceable against you if you sign it, even if you have not been paid."

(7) On page 8, line 27, strike "unlawful" and substitute "prohibited".

(8) On page 10, line 16, strike "(a)".

(9) On page 10, strike lines 21-23 and substitute the following:

Sec. 53.287. CERTAIN AGREEMENTS EXEMPT. This subchapter does not apply to a written agreement to subordinate, release, waive, or satisfy all or part of a lien or bond claim in:

(1) an accord and satisfaction of an identified dispute;

(2) an agreement concerning an action pending in any court or arbitration proceeding; or

(3) an agreement that is executed after an affidavit claiming the lien has been filed or the bond claim has been made.

(10) On page 10, line 25, strike "September 1, 2011" and substitute "January 1, 2012".

(11) On page 10, line 26, strike "September 1, 2011" and substitute "January 1, 2012".

(12) On page 11, line 2, strike "September 1, 2011" and substitute "January 1, 2012".