

**STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE**

FROM: _____

TO: **Metropolitan Sewerage District of Buncombe County, N.C.**

REFERENCE: Contract entered into the ____day of _____, 2022, between the Metropolitan Sewerage District, hereinafter called the DISTRICT and _____, hereinafter called the CONTRACTOR, for the **Toxaway Street Sewer Rehabilitation, Project No. 2019004.**

KNOW ALL MEN BY THESE PRESENTS:

1. The CONTRACTOR hereby certifies that there is due and payable under the contract and all change orders and modifications thereof the sum of \$-0- as final payment.
2. The CONTRACTOR further certifies that there are no outstanding or unsettled claims or items in addition to the amount set forth in paragraph one hereof which it claims are just and due and owing by the DISTRICT to the CONTRACTOR.
3. The CONTRACTOR further certifies that all work required under this contract, including work required under all change orders and modifications, has been performed in accordance with the terms thereof, and that there are no claims of laborers, materialmen, mechanics or subcontractors for unpaid monies or wages arising out of the performance of this contract.
4. The CONTRACTOR realizes that this final certificate and release is submitted for the purpose of inducing the DISTRICT to make final payment to CONTRACTOR under circumstances such that there are no outstanding or unsettled claims or items owed or asserted other than or in addition to the amount set forth in paragraph one above and under circumstances such that all work required under the contract identified above, including all change orders and modifications thereof, have been performed in accordance with the terms thereof and such that there are no claims of laborers, materialmen, mechanics, or subcontractors for unpaid monies or wages arising out of the performance of said contract, and CONTRACTOR does hereby agree to indemnify and hold the DISTRICT harmless of and from any and all loss, costs, damage claims, and expense of every kind, including attorney's fees, which DISTRICT shall or may suffer or incur or for which the DISTRICT or its property may become liable in connection with any such claims or items as may arise or may have arisen out of the performance of or failure to perform said contract. This obligation shall not be construed to negate, abridge or otherwise reduce any other right of the DISTRICT or obligation of the CONTRACTOR as would otherwise exist but shall be in addition thereto.
5. Except for the amount stated in paragraph one above, the CONTRACTOR has received from the DISTRICT all sums of money payable to CONTRACTOR under or pursuant to the aforementioned contract and change orders and

Section XXI – Final Certificate and Release

modifications thereof.

- 6. That in consideration of the payment of the amount stated in paragraph one hereof, the CONTRACTOR does hereby release the DISTRICT from any and all claims, demands, rights, claims of lien, damages, suits or causes of action, both legal and equitable, which the CONTRACTOR has, might now have, or that subsequently may accrue to it, arising under, growing out of, or in any wise connected with the Contract above referred to and all change orders and modifications thereof.

IN WITNESS WHEREOF, the CONTRACTOR has caused this Final Certificate and Release to be executed by its duly authorized officers and its seal to be hereunto affixed, all by authority duly given, this _____ day of _____, 2022.

_____(SEAL)
Contractor Name

By: _____

Title: _____

ATTEST:

Secretary

STATE OF _____

COUNTY OF _____

I, a Notary Public of the State of _____, County of _____, do hereby certify that _____ personally appeared before me this day and, being first duly sworn on oath, deposed and said that he/she is _____ of _____ and that he/she has read the foregoing Final Certificate and Release and that the matters and things stated therein are, to the best of his knowledge and belief, true, and that by the authority duly given and as the act of the corporation the foregoing instrument was signed in its name by him as its _____, sealed with its corporate seal, and attested by its Secretary.

WITNESS my hand and Notarial Seal, this _____ day of _____, 2022.

My Commission Expires:

Notary Public