



**Texas Association of Builders**

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Dear Contracts Package Purchaser:

Thank you for purchasing the Texas Association of Builders Contracts<sup>®</sup>, *Version 10.0* with an effective date of September 1, 2023. This version contains certain modifications to the documents that were contained in previous versions, which first became available in June of 2005. If you purchased any earlier version then you should disregard the documents in that version and begin using *Version 10.0* documents immediately.

Please note that your use of any of the form documents contained in *Version 10.0*, **for any reason**, constitutes your agreement to the terms and conditions set forth in this document. If you do not agree to the terms and conditions set forth in this document, then **you do not have permission to use any of the documents**.

The form documents included in *Version 10.0* have been largely prepared at the request of the Texas Association of Builders (TAB) for the sole use of its members. You hereby agree that you will not use, modify, change, alter, reproduce, assign, transfer, copy or otherwise distribute the form documents for any purpose other than in connection with a transaction or proposed transaction to which you are or may be a party. The purchase of this *Version 10.0* carries a limited license for use by the named, purchasing builder member only, from September 1, 2023 through August 31, 2025. Violation of these terms will result in TAB pursuing any and all available legal remedies.

Also, by using the form documents, you acknowledge and agree that the contracts and other forms contained in *Version 10.0* are intended to encompass a variety of transactions that are typical in the field of residential construction and remodeling in the State of Texas. You acknowledge that every transaction has unique attributes and variations that may require modification and/or supplementation of these documents. Furthermore, you may have your own individual business practices that may require modification and/or supplementation of these form documents. Therefore, prior to the use, modification, or supplementation of these forms, you recognize that you should seek the advice of your legal counsel concerning the applicability of the form documents to your particular business practices, or any particular transaction.

You also recognize and acknowledge that the residential construction industry is subject to a variety of laws concerning contract formation, disclosure of information, creation of laws to enforce payment obligations and similar matters. These laws may be modified by legislation or by court decisions interpreting such laws from time to time. These form documents have been prepared with consideration to the present state of law, present lending practices and common practices in the residential construction industry. It is, however, anticipated that changes will occur in the future which will impact the efficiency of these form documents. Therefore, you recognize that periodic review of these form documents by your legal counsel should be undertaken to ensure compliance with any changes in the law and revisions to your business practices.

**TAB makes no representations or warranties as to the sufficiency, accuracy, or adequacy of the documents, and hereby waives and disclaims any and all express or implied warranties, including but not limited to suitability, merchantability and fitness for a particular purpose with respect to these documents.**

Finally, you acknowledge that the form documents included in this package are not intended to be a substitute for legal advice and are not and have not been tailored to your individual needs.

Thank you again for purchasing TAB Contracts, *Version 10.0*.

- \* ***TAB encourages all purchasers to attend your local Association's seminar (as available) of the new and updated forms presented by James Rudnicki, Tyler Hood and Don Shelton of Bush Rudnicki Shelton, P.C. This presentation is key to your proper usage of the forms and outlines the important and numerous changes from this legislative session. You can contact the firm at 817-274-5992 for current scheduling of the seminars or contact your local Association's Executive Officer for dates and times, or click on the following link for the current schedule: <https://www.texasbuilders.org/membership/local-associations.html>.***