

## **RESIDENTIAL CONSTRUCTION CONTRACT**

### **Checklist**

Many issues need attention in the construction of a new home. These issues may impact your legal rights and responsibilities. A lawyer can help the owner with these matters - preferably before the owner and builder sign a Contract. A lawyer can also help to review and advise you about the construction, funding, warranties, title insurance, and other related matters.

You may decide that a lawyer's help is needed for some, but not all, matters involved in the construction. At your first meeting with the lawyer, decide what he/she will handle so that there is no misunderstanding about responsibilities and fees.

Here is a list of common issues in constructing a residence. Some or all of these issues may apply. And different issues arise if the builder owns the land, or if the owner already owns the land on which the home will be constructed:

1. Names and addresses of parties;
2. Legal description and address of property (including verification of lot ownership and lien status);
3. Approved Plans and Specifications attached to Contract;
4. Site plan;
5. Contract Price;
6. Payment terms, including interest for late payment, and loan/disburser's provisions;
7. Proof of availability of funds to pay Contract Price;
8. Allowances;
9. Cost/budget specification sheet with detailed listing of what included in costs and what items have allowances;
10. Choice of subcontractors;
11. Periodic inspections and access by Owner;
12. Change Order procedures and how change Contract Price;
13. Commencement and completion dates/time frame;
14. Liability insurance for Owner and Contractor, worker's compensation, building insurance responsibility;
15. Utility costs responsibility;
16. Tax (sales, use) responsibility;
17. List of Contractor responsibilities;
18. List of Owner responsibilities;
19. Contractor's Warranties;
20. Possession of premises during construction;
21. Hard or expansive soils responsibility;
22. Grading and drainage;

23. Notices;
24. Nonassignability;
25. Default and termination;
26. Arbitration of disputes;
27. Attorney's fees;
28. Signing by Owner and Contractor;

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**MESSAGE:** This Information Sheet is intended to provide general information only. It is not intended to cover all of the legal issues that arise in each situation. It is suggested that none of the documents described above should be signed without first talking to an attorney who is knowledgeable about such matters. This material is dated and the enclosed information may change because of new laws, regulations, or other impacts.

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