

## **MOLD RELEASE**

January 5, 2021 Update

## **INSTRUCTIONS FOR USE**

(This form is not to be given to customers.)

*DISCLAIMER: Our standardized contracts, forms, and instructions ("Material") are for general information purposes only and are not intended to be legal advice. Seek the advice of a licensed attorney in all legal matters, including verification of the fitness of this Material for your particular purpose. Edward H. Cross is licensed to practice law only in the States of California and Hawaii. The Material in this package are based on California law and is not for use outside California. The user receives our Material with the understanding that we are not rendering legal, accounting, or other professional services. Although we may periodically furnish updates, the law changes rapidly and without notice, so we do not attempt to distribute updates each time the law changes. Thus, we cannot warrant that any Material complies with current law. We do not warrant that the accuracy of the presentations, materials or communications, or represent them to be completely free of errors when delivered. Those who use the Material do so at their own risk. Verify statements before relying on them. The use of this material confirms the user's agreement to these terms. If you do not agree, do not use these forms.*

**Introduction:** This form has aggressive legal terms and is designed to release the Contractor from liability for mold-related damage and injury except in the case of gross negligence of the contractor. This Release is not for use where the essence of the Contractor's scope of duty is to prevent, control or remediate mold. It may be unenforceable in some jurisdictions and should be used **sparingly**. It contains all the principal terms of the Mold Notice & Disclaimer, so pick one or the other to suit your situation. When in doubt, or if the project includes mold remediation, use the Notice & Disclaimer.

**Notice:** The form has a secondary purpose to inform building occupants of the basic facts about mold and reduce hysteria. It provides links to sources for additional information about mold, from the California Department of Health Services and United States Environmental Protection Agency. This form is optional and is not required by the law of any state.

**Execution:** The most important paragraph is the last paragraph in bold. Make sure the customer or agent reads that paragraph, as well as the rest of the document. Explain the nature of the release before presenting it to the customer, following the script provided with this package. Be sure to check the box for "Customer" or "Customer's Agent" *before* requesting the signature. Do not expect the customer or agent to check one of the boxes. You have a variety of options if the customer declines to sign, depending on the circumstances. Call Cross & Associates at (760) 773-4002 or send an email to [EdCross@EdCross.com](mailto:EdCross@EdCross.com) to discuss your options.