

APPLICATION FOR PAYMENT NO. 3 (RETAINAGE)

To: Hidalgo County (OWNER)

From: The 5125 Company (CONTRACTOR)

Contract: C-CAP-08-009-05-13-LRM

Project: Hidalgo County Precinct No. 3 - Border Colonia Access Program - Casa De Los Vecinos Subdivision  
Drainage Improvements

OWNER'S Contract No. C-CAP-08-009-05-13-LRM

For Work Accomplished through the date of: November 4, 2008

1. Original Contract Price:	<u>\$237,492.00</u>
2. Net Change by Change Orders and Written Amendments (+):	<u>\$ 8,930.00</u>
3. Current Contract Price (1 and plus 2):	<u>\$246,422.00</u>
4. Total complete and stored to date:	<u>\$ 246,422.00</u>
5. Retainage (per Agreement):	
<u>0</u> % of completed Work:	\$ _____
_____ % of stored material:	\$ _____
Total Retainage:	<u>\$ 0.00</u>
6. Total complete and stored to date less retainage (4 minus 5):	<u>\$246,422.00</u>
7. Less previous Application for Payments:	<u>\$221,779.80</u>
8. DUE THIS APPLICATION (6 MINUS 7):	<u>\$ 24,642.20</u>

Accompanying Documentation:

CONTRACTOR'S Certification:

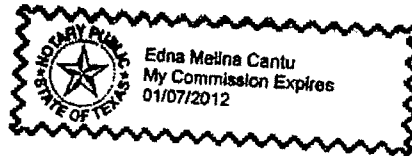
The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR's legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 3 inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated 2/2/09

Pat Espericueta  
By: Pat Espericueta, President  
The 5125 Company

State of Texas  
County of Hidalgo  
Subscribed and sworn to before me this 2nd  
day of February, 2008

Edna Melina Cantu  
Notary Public  
My Commission expires: 01/07/2012



Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 2/19/09

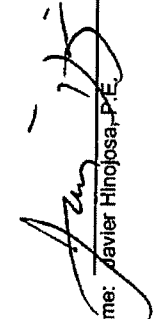
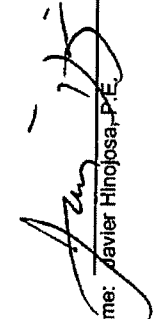
Javier Hinojosa  
By: Javier Hinojosa, P.E.  
JAVIER HINOJOSA ENGINEERING

VOICE RECEIVED BY:  
Marcus Jackson ON 2/19/09  
GOODS/SERVICES RECEIVED BY:  
Marcus Jackson ON 2/19/09

The 5125 Company Contractor Name  
 6/19/2008 Starting Date  
 11/4/2009 Project Ending Date  
 0% Retainage Percent

Application No.: 3 (RETAINAGE)  
 Application Date: 2/2/2009  
 Period To: 11/4/2009  
 Engineer Firm: Javier Hinojosa Engineering

CSJ #	CSJ Name	Schedule Value	Work Previously Completed	This Period	Total Complete to Date	Balance To Finish	Retainage	Net	Payments to Date	Payment Due
2C-1080-141	Casa De Los Vecinos Subdivision Drainage Imps.	\$ 246,422.00	\$ 246,422.00	\$ -	\$ 246,422.00	\$ -	\$ -	\$ 246,422.00	\$ 221,779.80	\$ 24,642.20
		\$ 246,422.00	\$ 246,422.00	\$ -	\$ 246,422.00	\$ -	\$ -	\$ 246,422.00	\$ 221,779.80	\$ 24,642.20

Prepared and Checked By:  Date: 2/19/09  
 Signature:   
 Printed Name: Javier Hinojosa, P.E.

The 5125 Company  
06/19/08

Contractor Name  
Starting Date

Project Ending Date

Casa De Los Vecinos Subdivision Drainage Imps. Engineer's / County Project Description

Application No.: 3 (RETAINAGE)  
Application Date: 01/27/09  
Period To: 10/31/08  
Engineer's / County Project No: 2C-1080-141

No.	Item Code	Description	Unit	Rate	Schedule Value		Work Previously Completed		This Period		Total Completed		Balance To Finish	
					Quan.	Dollars	Quan.	Dollars	Quan.	Dollars	Quan.	Dollars	Quan.	Dollars
1	530	Driveway (ASPH-CONC-PAV) (PB-1)	SY	\$ 16.00	560.00	\$ 8,960.00	560.00	\$ 8,960.00	0.00	\$ 0.00	560.00	\$ 8,960.00	0.00	\$ 0.00
2	530	Driveway (Concrete 3000 PSI)	SY	\$ 30.00	46.00	\$ 1,380.00	46.00	\$ 1,380.00	0.00	\$ 0.00	46.00	\$ 1,380.00	0.00	\$ 0.00
3	556	15" RCP Culvert Pipe	LF	\$ 20.00	472.00	\$ 9,440.00	472.00	\$ 9,440.00	0.00	\$ 0.00	472.00	\$ 9,440.00	0.00	\$ 0.00
4	556	18" RCP Culvert Pipe	LF	\$ 22.00	1176.00	\$ 25,872.00	1,176.00	\$ 25,872.00	0.00	\$ 0.00	1,176.00	\$ 25,872.00	0.00	\$ 0.00
5	556	24" RCP Culvert Pipe	LF	\$ 28.00	1456.00	\$ 40,768.00	1,456.00	\$ 40,768.00	0.00	\$ 0.00	1,456.00	\$ 40,768.00	0.00	\$ 0.00
6	556	30" RCP Culvert Pipe	LF	\$ 40.00	464.00	\$ 18,560.00	464.00	\$ 18,560.00	0.00	\$ 0.00	464.00	\$ 18,560.00	0.00	\$ 0.00
7	556	36" RCP Culvert Pipe	LF	\$ 48.00	56.00	\$ 2,688.00	56.00	\$ 2,688.00	0.00	\$ 0.00	56.00	\$ 2,688.00	0.00	\$ 0.00
8	556	42" RCP Culvert Pipe	LF	\$ 64.00	1160.00	\$ 74,240.00	1,160.00	\$ 74,240.00	0.00	\$ 0.00	1,160.00	\$ 74,240.00	0.00	\$ 0.00
9	556	Type"CC" Inlets	EA	\$ 2,000.00	16.00	\$ 32,000.00	16.00	\$ 32,000.00	0.00	\$ 0.00	16.00	\$ 32,000.00	0.00	\$ 0.00
10	556	5' Dia. Manhole	EA	\$ 2,000.00	4.00	\$ 8,000.00	4.00	\$ 8,000.00	0.00	\$ 0.00	4.00	\$ 8,000.00	0.00	\$ 0.00
11	556	Concrete Down Drain (Poured in Place)	EA	\$ 3,500.00	1.00	\$ 3,500.00	1.00	\$ 3,500.00	0.00	\$ 0.00	1.00	\$ 3,500.00	0.00	\$ 0.00
12	556	Patch Paving	LF	\$ 15.00	400.00	\$ 6,000.00	400.00	\$ 6,000.00	0.00	\$ 0.00	400.00	\$ 6,000.00	0.00	\$ 0.00
13	556	Silt Fencing On Inlets	EA	\$ 200.00	16.00	\$ 3,200.00	16.00	\$ 3,200.00	0.00	\$ 0.00	16.00	\$ 3,200.00	0.00	\$ 0.00
14	556	Safety End Treatments	EA	\$ 1.00	4884.00	\$ 4,884.00	4,884.00	\$ 4,884.00	0.00	\$ 0.00	4,884.00	\$ 4,884.00	0.00	\$ 0.00
14		Replace Caliche On Road	LF	\$ 7.00	990.00	\$ 6,930.00	990.00	\$ 6,930.00	0.00	\$ 0.00	990.00	\$ 6,930.00	0.00	\$ 0.00
16														
17														
18														
19														
20														
21														
22														
23														
24														
25														
					\$ 246,422.00	\$ 246,422.00	\$ 246,422.00	\$ 246,422.00	\$ 0.00	\$ 0.00	\$ 246,422.00	\$ 246,422.00	\$ 0.00	\$ 0.00

Prepared and Checked By:  Signature:   
Printed Name: Javier Hinojosa, P.E. Date: 2/19/09

# THE COMPANY

*DBE CERTIFIED UTILITY CONTRACTOR*

1008 Doherty  
Mission, TX 78572

Office: (956) 583-5125  
Fax: (956) 585-1633

E-mail: [pe5125@aol.com](mailto:pe5125@aol.com)

January 28, 2009

Javier Hinojosa Engineering  
Attn.: Javier Hinojosa, P.E.  
416 East Dove Avenue  
McAllen, TX 78504

RE: Casa de los Vecinos Subdivision Drainage Improvements  
Material Suppliers

Dear Mr. Hinojosa,

The following is a list of material suppliers for the above referenced project. Please let me know if you have any questions.

1. Río Valley Pipe, Ltd.  
7301 W. Expressway 83  
Mission, TX 78572  
956-584-5770

Respectfully,



Pat Espericueta  
President

**FINAL WAIVER OF LIEN**

**THE STATE OF TEXAS**

**COUNTY OF HIDALGO**

The undersigned contracted with THE 5125 COMPANY to furnish Casa Los Vecinos Subdivision in connection with certain improvements to real property located in Hidalgo County, Texas, and owned by Hidalgo County Precinct #3

Which improvements are described as follows:

CASA LOS VECINOS DRAINAGE IMPROVEMENTS

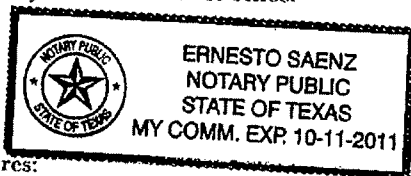
In consideration of Pay Estimate No. FINAL in the amount of ZERO DOLLAR(\$ 0.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, the undersigned does hereby waive and release any mechanic's lien or material men's lien or claims of lien that the undersigned has or hereafter has on the above mentioned real property on account of any labor performed or materials furnished or to be furnished or labor performed and materials furnished by the undersigned pursuant to the above mentioned contract or any constitutional lien that the undersigned may have.

Undersigned hereby guarantees that all bids for labor performed and/or materials furnished in the erection and construction of such improvements on the Property have been fully paid and satisfied and Undersigned does further guarantee that if for any reason a lien or liens are filed for material or labor against said Property arising out of any bills for material or labor in connection with the erection or construction of said improvements thereon, Undersigned will obtain a settlement of such lien or liens and a proper release thereof shall be obtained.

Rio Valley Pipe, LLC  
RIO VALLEY PIPE SUPPLIER

By: Edgar Morales A/R  
TITLE

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 29<sup>th</sup> day of JANUARY, 2009, to certify which witness my hand and seal of office.



[Signature]  
NOTARY PUBLIC in and for the State of Texas

My Commission Expires:

10-11-2011

ERNESTO SAENZ

# THE 5125 COMPANY

1008 DOHERTY  
MISSION, TEXAS 78572  
PH. 956-583-5125 \* FAX: 956-585-1633

## CERTIFICATION OF WARRANTY

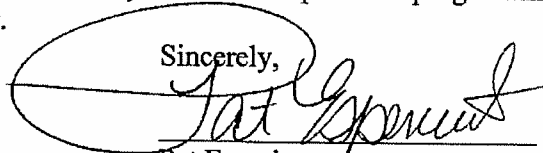
October 31, 2008

**Project Name:** HIDALGO COUNTY PRECINCT #3 - BORDER COLONIA  
ACCESS PROGRAM- CASA DE LOS VECINOS SUBDIVISION  
DRAINAGE IMPROVEMENTS

Dear Sir or Madam:

The 5125 Company guarantees all material and workmanship on the above referenced project to be free of defects for a period of one (1) year from the date of acceptance by the Owner. Upon notice, any defective materials or faulty workmanship developing within this period, will be replaced at no cost to the owner.

Sincerely,



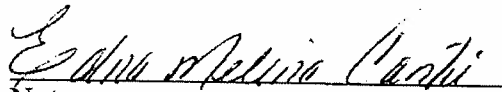
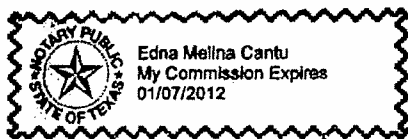
Pat Espericueta  
The 5125 Company

## ACKNOWLEDGEMENT

COUNTY OF HIDALGO

BEFORE ME, a Notary Public in and for Hidalgo County, State of Texas, on this day personally appeared Ms Pat Espericueta, known to be the person whose name is subscribed to the foregoing affidavit and acknowledge to me that she executed the same for the purpose and consideration therein expressed.

Given under my Hand and Seal of Office this the 30 day of January, 2009.



Notary



Printed Name of Notary

Notary Public for the State of Texas  
My Commission expires: 01/07/2012



# THE COMPANY

*DBE CERTIFIED UTILITY CONTRACTOR*

1008 Doherty  
Mission, TX 78572

Office: (956) 583-5125  
Fax: (956) 585-1633  
E-mail: [pe5125@att.net](mailto:pe5125@att.net)

*1/28/2009*

*Javier Hinojosa Engineering  
Attn: Javier Hinojosa, P.E.  
416 E Dove Avenue  
McAllen, TX 78504*

*Re: Casa Los Vecinos Sub – Payroll Record*

*Dear Javier,*

*All payroll records for Casa Los Vecinos Sub, have been submitted to Hidalgo County Precinct No.3 with previous requests for this project. If you have any questions, do not hesitate to call.*

*Sincerely,*



*Pat Espericueta*

# JAVIER HINOJOSA ENGINEERING/Consulting Engineers

February 19, 2009

Commissioner Joe M. Flores  
~~Hidalgo County Precinct 3~~  
724 N. Breyfogle  
Mission, Texas 78572

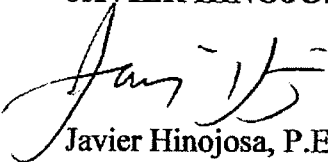
**Re: Colonia Access Program Contract No. C-CAP-08-009-05-13-LRM  
Casa De Los Vecinos Drainage Improvements**

Dear Commissioner Flores,

Attached please find Payment Request No. 3 (Retainage) for the referenced project as submitted by The 5125 Company. This invoice is for work completed for the Casa De Los Vecinos Drainage Improvements Project. All work has been completed as per plans and specifications prepared by my office. We recommend payment of this invoice in the amount of \$24,642.20. If you have any questions or require further information, please feel free to contact me at your convenience.

Sincerely,

**JAVIER HINOJOSA ENGINEERING**

  
Javier Hinojosa, P.E.

cc: Mr. Agapito Vargas, Director, Colonia Access Program

416 E. Dove Avenue

McAllen, Texas 78504

Tel: (956) 668-1588

Fax: (956) 994-8102

S:\Office Documents\JHE2008\LETTERS-2008\PAYMENT REQUEST\PCT#3-CASA DE LOS VECINOS DRAINAGE IMPROV\Flores-Joe-M-02-19-09.doc

javhin@rgv.rr.com