XYZ Construction

ADDENDUM FOR MATCHING EXISTING FINISHES, MATERIALS, AND CONDITIONS

XYZ Construction
"When you need it done right!"
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Owner's Name:		Owner's Address	
JOHN Q. CUSTOMER		949 GRANT STREET	

Owner's City	Owner's Zip Code	Owner's Home Phone	Owner's Work Phone
BENICIA	94510	707-747-4735	800-820-5656

Project Address	Project City	Project Zip Code	Project Phone	Date
747 BOEING ST, SUITE 757	CONCORD	CONCORD	510-015-1111	8-10-03

This Addendum For Matching Existing Finishes, Materials, and Conditions, hereinafter referred to as "Addendum", is made and entered into between XYZ Construction and the property owner named above hereinafter referred to as "Owner". This is an addendum to that specific Contract between XYZ Construction and Owner dated ____8-10-03____ which becomes a part of that Contract.

MATCHING EXISTING FINISHES, MATERIALS, AND CONDITIONS: Whenever XYZ Construction's work involves matching any existing finishes, materials, and conditions, XYZ Construction will use it's best efforts to do so. **However, an exact match is not guaranteed by XYZ Construction.** There are many factors that will effect the results of XYZ Construction's work towards matching an existing finish, material, and condition. Factors such as the lack of availability of a particular item due to the discontinuation of a product line, changes in colors and in the appearance of an item or surface that occur in the normal course of aging, differences in one dye lot from another, out of plumb and out of square existing conditions, and the simple fact that some finishes, colors, textures and other characteristics of an item or surface are, by nature, unable to be matched perfectly, make it impossible for XYZ Construction to guarantee a perfect match on any existing finish, material, and condition.

If Owner specifies an exact match in a particular area, when possible, XYZ Construction will provide a material sample or test patch prior to performing the actual work that would involve matching of existing finishes in that area. Owner must inform XYZ Construction of their requirement for an exact match within five (5) days of signing this Addendum. Owner must inspect the sample or test patch and give XYZ Construction their approval or disapproval within one (1) day after the sample or test patch is provided. XYZ Construction will provide the first two test patches free of any labor charge to Owner but Owner agrees to pay for any material costs. If Owner rejects the first two samples or test patches, XYZ Construction will submit all further test patches, materials, or any removal and replacement of materials already installed as a test patch or material sample, strictly as Extra Work on a time and materials basis only.

Owner understands that custom milling of materials has not been included in this contract unless it is specifically stated in the contract scope of work and specifications. Unless custom milling of materials is specified in the plans, specifications or Scope of Work or any other contract documents, any materials not commonly available at local lumberyards or building material suppliers is not included in this contract.

Owner understands that an out of square and/or an out of plumb condition in the existing structure may require some of the same in the new construction to properly mask the existing out of square and/or out of plumb condition. Owner will not hold Contractor liable for any out of square and/or out of plumb construction that Contractor must build so as not to cause undue attention to the out of square and/or out of plumb condition of the existing structure.

Comments: Owner requests samples of all paint colors for his approval before application. Also Owner requests samples of exterior siding for his approval before application.

I agree to all of the terms, conditions, and comments contained in this Addendum.

X_____ _____   X_____ _____
Contractor or Contractor's Agent sign here   date   Owner sign here   date