CALIFORNIA PRELIMINARY NOTICE

(PRIVATE WORKS OF IMPROVEMENT)

THIS IS NOT A LIEN. THIS NOTICE IS GIVEN PURSUANT TO CIVIL CODE SECTIONS 8100-8118, 8200-8216

DATE _____

YOU ARE HEREBY NOTIFIED THAT THE UNDERSIGNED HAS FURNISHED OR WILL FURNISH LABOR, WORK, SERVICES, EQUIPMENT OR MATERIAL OF THE FOLLOWING DESCRIPTION:

Person Furnishing Labor, Work, Services, Equipment Or Material (Claimant)

_____
(Name of Claimant Giving This Notice)

_____
(Address)

_____
(City, State & Zip)

Email _____

To: Owner (Or Reputed Owner)

_____
(Name)

_____
(Address)

_____
(City, State & Zip)

Email _____

To: Direct Contractor (Or Reputed Direct Contractor)

_____
(Name)

_____
(Address)

_____
(City, State & Zip)

Email _____

To: Construction Lender (Or Reputed Construction Lender)

_____
(Name)

_____
(Address)

_____
(City, State & Zip)

Email _____

☐ **IF THIS BOX IS CHECKED, THE NAMES AND ADDRESSES OF ANY LABORERS TO WHOM EMPLOYER PAYMENTS ARE DUE AS OF THE DATE OF THIS NOTICE ARE CONTAINED ON ATTACHMENT "A," WHICH IS INCORPORATED HEREIN AND MADE A PART HEREOF.**

X _____ _____
(Signature) (Date)

_____
(Title Of Claimant, Ex. Subcontractor, Material Supplier, Etc.)

General Description Of Labor, Work, Services, Equipment Or Material Supplied/Provided Or To Be Supplied/Provided:

_____

_____

_____

An Estimate Of The Total Price Of The Labor, Work, Services, Equipment Or Material Provided Or To Be Provided Is: $ _____

Name And Address of Person Or Firm That Contracted To Purchase The Labor, Work, Services, Equipment Or Materials Is:

_____
(Name)

_____
(Address)

_____
(City, State & Zip)

Email _____

Description of Jobsite (Street And Legal Description, If Known):

_____
(Name)

_____
(Address)

_____
(City, State & Zip)

Trust Funds To Which Supplemental Fringe Benefits Are Payable

_____
(Name)

_____
(Address)

_____
(City, State & Zip)

(Only Subcontractors Are Required To Identify The Trust Fund)

_____ _____
(Name of Person Signing) (Title)

NOTICE TO PROPERTY OWNER

EVEN THOUGH YOU HAVE PAID YOUR CONTRACTOR IN FULL, IF THE PERSON OR FIRM THAT HAS GIVEN YOU THIS NOTICE IS NOT PAID IN FULL FOR LABOR, SERVICE, EQUIPMENT, OR MATERIAL PROVIDED OR TO BE PROVIDED TO YOUR CONSTRUCTION PROJECT, A LIEN MAY BE PLACED ON YOUR PROPERTY. FORECLOSURE OF THE LIEN MAY LEAD TO LOSS OF ALL OR PART OF YOUR PROPERTY. YOU MAY WISH TO PROTECT YOURSELF AGAINST THIS BY (1) REQUIRING YOUR CONTRACTOR TO PROVIDE A SIGNED RELEASE BY THE PERSON OR FIRM THAT HAS GIVEN YOU THIS NOTICE BEFORE MAKING PAYMENT TO YOUR CONTRACTOR, OR (2) ANY OTHER METHOD THAT IS APPROPRIATE UNDER THE CIRCUMSTANCES. THIS NOTICE IS REQUIRED BY LAW TO BE SERVED BY THE UNDERSIGNED AS A STATEMENT OF YOUR LEGAL RIGHTS. THIS NOTICE IS NOT INTENDED TO REFLECT UPON THE FINANCIAL CONDITION OF THE CONTRACTOR OR THE PERSON EMPLOYED BY YOU ON THE CONSTRUCTION PROJECT. IF YOU RECORD A NOTICE OF CESSATION OR COMPLETION OF YOUR CONSTRUCTION PROJECT, YOU MUST WITHIN 10 DAYS AFTER RECORDING, SEND A COPY OF THE NOTICE OF COMPLETION TO YOUR CONTRACTOR AND THE PERSON OR FIRM THAT HAS GIVEN YOU THIS NOTICE. THE NOTICE MUST BE SENT BY REGISTERED OR CERTIFIED MAIL. FAILURE TO SEND THE NOTICE WILL EXTEND THE DEADLINE TO RECORD A CLAIM OF LIEN. YOU ARE NOT REQUIRED TO SEND THE NOTICE IF YOU ARE A RESIDENTIAL HOMEOWNER OF A DWELLING CONTAINING FOUR OR FEWER UNITS.

PROOF OF SERVICE AFFIDAVIT

I, _____ , declare that I served copies of the above PRELIMINARY NOTICE (check appropriate box).

(a) ☐ By personally delivering copies to _____
(Name and title of Person Served)

at _____ on _____ at _____.
(Address) (Date) (Time)

(b) ☐ By Registered Mail, Certified Mail, Express Mail or overnight delivery by an Express Service Carrier with a return receipt, postage prepaid, addressed to each of the parties at the address shown above on _____.
(Date)

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.
Signed at _____, California, on _____, _____.

[ATTACH RECEIPTS OF CERTIFIED OR REGISTERED MAIL WHEN RETURNED] X _____
(Signature of Person Making Service)

SAMPLE

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Instructions for Completion and Service of the Preliminary Notice — Private Works

Because of Legislation, we are recommending that Contractors serve a different Preliminary Notice for Private Works than for Public Works.

This form is for Private Works only. In the event that you have any doubt as to whether your project is a Public Works or Private Works project, particularly if you are doing work where public funds are involved (as an example HUD projects), you may want to use both forms.

If you are a subcontractor, and on the date that you serve the Preliminary Notice you owe any amounts to your workers, then you must provide an attachment that includes the names and addresses of all your laborers to whom employer payments are due. There is a check box on the front of the form to indicate that the attachment is provided.

It is also important that your estimate of the total price of the labor, work, services, equipment or materials to be furnished is an accurate estimate, either based upon purchase orders from your contractor, or based upon your experience dealing with the particular type of project and your relationship with your customer. You should not merely guess just to fill in a number.

Service of the Preliminary Notice is most important. Failure to serve the notice properly will most likely result in a determination that the Preliminary Notice was served improperly and keep you from recording a valid Mechanics Lien on a Private Work.

Preliminary Notices are generally served in one of two ways. The first is by personal service and the second is by First Class, Certified or Registered Mail with a return receipt. Whether you choose the first method or the second method, a Proof of Service Affidavit must be filled out by all persons and/or entities who serve the Preliminary Notice. The Proof of Service Affidavit is found on the bottom of the Preliminary Notice.

To personally serve a Preliminary Notice for a Private Work you must actually hand the Preliminary Notice to the following three persons or entities: 1) owner, reputed owner; 2) the direct contractor or reputed direct contractor; 3) the construction lender or reputed construction lender.

Service by mail of a Preliminary Notice for a Private Work must be done by First Class, Certified or Registered Mail with a return receipt. The law provides that you must mail in this manner. The notice, if sent by mail, must be addressed to the person to whom notice is to be given at his or her residence or place of business address or at the address shown by the building permit on file with the authority issuing a building permit for the work, or at an address recorded pursuant to securing a construction loan. The law does not provide that the mailing must be accepted by the recipient. Therefore, if the certified or registered mail envelope is refused, you should take the return envelope and put it in your job file and keep it there sealed. Service is complete at the time of the deposit of that registered or certified mail. If you choose to serve by mail, you must serve every person and/or entity referred to in the Preliminary Notice and then attach the receipts of the Certified or Registered Mail to your copy of the Preliminary Notice when returned.

You may also "file" this Preliminary Notice with the County Recorder where the site is located. The Recorder should then send you a postcard if a Notice of Cessation or Notice of Completion is recorded on the project.

If there is a bond on the project, you should also serve this notice on the bonding company in lieu of serving a separate bond notice.

REMEMBER YOU SHOULD SERVE YOUR PRELIMINARY NOTICE WITHIN 20 DAYS OF WHEN YOU FIRST PROVIDE LABOR OR SUPPLY MATERIALS TO THE JOBSITE. SERVING THE NOTICE AFTER THIS TIME WILL RESULT IN YOUR LIEN OR STOP PAYMENT NOTICE RIGHTS TO APPLY ONLY TO THE PERIOD OF TIME STARTING 20 DAYS PRIOR TO THE TIME YOU SERVED THE PRELIMINARY NOTICE.

Consult a lawyer if you doubt the form's fitness for your purpose and use.

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