CALIFORNIA PRELIMINARY NOTICE

(PUBLIC WORKS OF IMPROVEMENT)

THIS IS NOT A LIEN. THIS NOTICE IS GIVEN PURSUANT TO CIVIL CODE SECTIONS 8100-8118, 9300-9306

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, Reputed Owner or Public Agency

_____
(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 _____

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)

SAMPLE

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, Certi ied Mail, Express Mail or overnight delivery by an Express Service Carrier 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)

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

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

This form is for Public 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.

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 a Preliminary Notice within 20 days after you first furnish labor, services, equipment or supplies on a Public Work may prevent the government entity from withholding funds from the contractor.

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 Public Works, hand the Preliminary Notice to the contracting officer of the public agency, and the direct contractor, reputed or original contractor.

Service by mail of a Preliminary Notice for a Public 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 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 the 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.

In the case of a Public Work, the direct contractor or reputed direct contractor with whom you contracted, may be served at his/her office, home or place where he/she conducts business. The contracting officer can be served at the address of the agency.

To serve a Preliminary Notice for a work constructed by the Department of Public Works or the Department of General Services of the State, either personally deliver or mail in the same manner as above, the Preliminary Notice to the disbursing officer of the department in charge of the project.

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.

SAMPLE