STOP PAYMENT NOTICE

LEGAL NOTICE TO WITHHOLD CONSTRUCTION FUNDS

(Public or Private Work) - (Per California Civil Code Sections 8044, 8502, 9352 & 9354)

TO: _____
(Name of owner, public body or construction fund holder)

_____
(Address. If directed to a bank or savings and loan assn., use address of branch holding fund)

_____
(City, State and Zip)

Email _____

PROJECT: _____
(Name)

_____
(Address)

_____
(City, State and Zip)

Email _____

TAKE NOTICE THAT _____
(Name of the person or firm claiming the Stop Payment notice. Licensed contractors MUST use the name under which contractor's license is issued)

whose address is _____
(Address of person or firm claiming Stop Payment notice)

_____ has performed labor and furnished materials as the _____
(Relationship of the Claimant)

for the work of improvement described as follows: _____

_____
(Name and location of the project where works or materials were furnished)

The labor and materials furnished by claimant are of the following general kind _____
(General description of labor, services, equipment or materials agreed to be furnished)

The labor and materials furnished to or for the following party: _____
(Name of party who ordered the work or materials)

Total value of the whole amount of labor and materials agreed to be furnished is: ..... $ _____

The value of labor and materials furnished to date is: ..... $ _____

Claimant has been paid the sum of: ..... $ _____

And there is due, owing and unpaid the sum of: ..... $ _____

You are required to set aside sufficient funds to satisfy this claim with interest, court costs and reasonable costs of litigation, as provided by law. You are also notified that claimant claims an equitable lien against any construction funds for this project which are in your hands.

Firm Name: _____
(Name of Stop Payment notice claimant)

X _____
(Owner or agent of Stop Payment notice claimant MUST sign here and verify below)

VERIFICATION

I, the undersigned, say: I am the _____ the claimant name in the foregoing Stop Payment Notice;
("President of ", "A Partner of", "Owner of", "Agent of", etc.)

I have read said Stop Payment Notice and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

_____, _____, at _____, California.
(Date this document was signed) (Name of city where Stop Payment notice was signed)

X _____
(Personal signature of the individual who is swearing that the contents of the Stop Payment Notice are true)

REQUEST FOR NOTICE OF ELECTION (Private Works Only) - (Per California Civil Code Section 8536, 8538 or 8522)

If an election is made not to withhold funds pursuant to this stop payment notice by reason of a payment bond having been recorded in accordance with Sections 8600 & 8538 please send notice of such election and a copy of the bond within 30 days of such election in the enclosed pre addressed stamped envelope. This information must be provided by you under Civil Code Sections 8536,8538 & 8522. Claimant MUST enclose self-addressed stamped envelope.

X _____
(Claimant's Signature)

COST OF NOTIFICATION (FOR PUBLIC WORKS ONLY)

Pursuant to Civil Code section 9362, enclosed is claimant's check or money order in the amount of TEN DOLLARS ($10.00) to cover the cost of notification of completion or cessation. You are required to notify claimant of the time within which an action to enforce payment of the claim stated in the Stop Payment Notice within ten (10) days of the completion of a public works contract, whether by acceptance or cessation or the recordation of a notice of cessation or completion.

X _____
(Claimant's Signature)

PROOF OF SERVICE AFFIDAVIT (CIVIL CODE § 8118)

I, _____, declare that I served the copies of the _____ by:
(Name of Form)

Check appropriate box(es)

☐ Certified Mail, Return Receipt Requested, Postage Paid ☐ Express Mail, postage paid ☐ Registered Mail, postage paid
☐ Overnight Delivery By Express Service Carrier, postage ☐ Personally delivering copies
☐ Leaving the Notice and Mailing a Copy Per Code of Civil Procedures §415.20 for the service of a Summons and Complaint in a Civil Action

To: _____ At: _____
(Name and Title of Person Served) (Address)

_____ _____
(Name and Title of Person Served) (Address)

To each of the parties at the address(es) shown above on _____ at _____
(Date) (Time)

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 _____, _____ X _____
(City) (Date) (Signature of the Person Making Service)

SAMPLE

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ADDITIONAL INFORMATION ABOUT STOP PAYMENT NOTICE

Stop payment notice may be served by registered or certified mail with same effect as by personal service.

In the case of a **public job**, a stop payment notice shall be filed in the office of the controller, auditor or other public disbursing officer whose duty it is to make payments under the prime contract, or with commissioners, managers trustees, officers, board of supervisors, boards of trustees: Civil Code §§ 8500-8560.

In case of a **private job (other than public work)** a stop payment notice shall be delivered to the owner or to the responsible officer or person at office or branch of construction lender administrating funds.

A stop payment notice is good only following the filing of a preliminary notice 20 days after a claimant first furnishes work or materials to the jobsite. Rules on preliminary notices for public and private works vary, consult an attorney if you are uncertain that you have complied with the notice requirements.

A bond for one and one-quarter times the amount of the stop payment notice claim must accompany a stop payment notice served on a construction lender on private jobs - a bond is not required on public jobs or on a stop payment notice served on an owner for private jobs.

Once a stop payment notice is served, there are strict legal statutes of limitation dictating when a lawsuit to enforce the stop payment notice must be filed. Consult your attorney for the limitations that apply to your situation.

SAMPLE

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