

CALIFORNIA PRELIMINARY 20-DAY NOTICE (PRIVATE OR PUBLIC WORK)
THIS IS NOT A LIEN. THIS NOTICE IS GIVEN PURSUANT TO CIVIL CODE SECTIONS 3097 AND 3098.

NOTICE TO PROPERTY OWNER

IF BILLS ARE NOT PAID IN FULL FOR THE LABOR, SERVICES, EQUIPMENT, OR MATERIALS FURNISHED OR TO BE FURNISHED, A MECHANIC'S LIEN LEADING TO THE LOSS, THROUGH COURT FORECLOSURE PROCEEDINGS, OF ALL OR PART OF YOUR PROPERTY BEING SO IMPROVED MAY BE PLACED AGAINST THE PROPERTY EVEN THOUGH YOU HAVE PAID YOUR CONTRACTOR IN FULL. YOU MAY WISH TO PROTECT YOURSELF AGAINST THIS CONSEQUENCE BY (1) REQUIRING YOUR CONTRACTOR TO FURNISH A SIGNED RELEASE BY THE PERSON OR FIRM GIVING YOU THIS NOTICE BEFORE MAKING PAYMENT TO YOUR CONTRACTOR, (2) REQUIRING YOUR CONTRACTOR TO FURNISH A RECEIPT TO ESTABLISH THAT YOU PAID THE CONTRACTOR IN FULL AND RECORDING NO LATER THAN 30 DAYS FROM RECEIPT OF THIS PRELIMINARY NOTICE AN AFFIDAVIT THAT YOU PAID THE CONTRACTOR IN FULL, OR (3) ANY OTHER METHOD OR DEVICE THAT IS APPROPRIATE UNDER THE CIRCUMSTANCES.

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

PERSON FURNISHING LABOR, SERVICES EQUIPMENT OR MATERIAL

(NAME)		
(ADDRESS)		
(CITY)	(STATE)	(ZIP)

TO: OWNER, REPUTED OWNER, OR PUBLIC AGENCY (See over)

TO: PRIME, REPUTED, OR ORIGINAL CONTRACTOR

TO: CONSTRUCTION LENDER OR REPUTED CONSTRUCTION LENDER

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.

(Signature) (Date)

DESCRIPTION OF LABOR, SERVICES, EQUIPMENT OR MATERIAL SUPPLIED, OR TO BE SUPPLIED

THE NAME AND ADDRESS OF PERSON CONTRACTING FOR THE ABOVE (YOUR CUSTOMER) IS:

JOB SITE (STREET AND LEGAL DESCRIPTION (IF KNOWN):

AN ESTIMATE OF THE TOTAL PRICE OF THE LABOR, SERVICES, EQUIPMENT OR MATERIALS FURNISHED OR TO BE FURNISHED IS:

\$	
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TRUST FUNDS TO WHICH SUPPLEMENTAL FRINGE BENEFITS ARE PAYABLE

(NAME AND ADDRESS)

(ONLY SUBCONTRACTORS ARE REQUIRED TO IDENTIFY THE TRUST FUND)

(Name of Person Signing) (Title)

PROOF OF SERVICE AFFIDAVIT (CIVIL CODE § 3097.1)

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 _____ (Address) on _____ (date), at _____ (time).

(b) By First Class Certified or Registered Mail service, postage prepaid, addressed to each of the parties at the address shown above on _____.

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]

 SIGNATURE OF PERSON MAKING SERVICE

SERVICE OF 20-DAY PRELIMINARY NOTICE

NOTICE: The recent amendment by the Legislature to the Preliminary Notice Statute includes a requirement that a person serving an owner with a Preliminary Notice also provide the owner with an affidavit form and a "Notice of Rights," both of which are supposedly provided for by Civil Code section 3155. However, the Legislature did not pass the statute which would have added Section 3155 and thus there is no Affidavit form or Notice of Rights to provide to the owner. Nevertheless, you should use this modified Preliminary Notice form which includes a revised "Notice to Property Owner." Any contact by an owner pertaining to the Affidavit should probably be referred to that person's State Assembly Member or Senator.

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 Mechanic's Lien on a private work. 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 a Private Work you must actually hand the Preliminary Notice to the following three persons or entities: 1) owner, reputed owner; 2) the prime contractor or reputed or original contractor; and 3) the construction lender or reputed construction lender.

To personally serve the Preliminary Notice for Public Work, hand the Preliminary Notice to the contracting officer of the public agency, and the prime contractor, or reputed or original contractor.

Service by mail of a Preliminary Notice for a Private Work or a Public Work must be done by 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. If you choose to serve by mail, you must serve every person and/or entity referred to above 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 prime, or reputed or original 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, deliver or mail the Preliminary Notice to the disbursing officer of the department in charge of the project.

You may also "file" this Preliminary Notice with the County where the site is located. The Recorder will then send you a postcard if a Notice of Cessation 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 the time period in which you should serve your 20-Day Preliminary Notice is within twenty (20) days of when you first provide labor or supply materials to the job site.