

# CALIFORNIA PRELIMINARY NOTICE

## Instructions

### 1. When Given:

Must be given within 20 days after claimant first furnishes labor, services, equipment or material to the job site (CC Sec. 3097c). Claimant may also give notice at any time during the job, in which case the claimant will be entitled to file a lien or stop notice or claim on a Payment Bond, for labor, services, equipment or materials furnished 20 days prior to the notice and at any time after the notice. (CC Sec. 3097d).

### 2. By Whom Given: Private Work

All persons claiming a lien or stop notice or claim on a Payment Bond except the original contractor and wage claimants (persons performing labor for wages) must give the notice (CC Sec. 3097a,b). (See Also 3-C below).

### 2A. By Whom Given: Public Work

All persons claiming a stop notice or claim on a Payment Bond, except anyone dealing directly with the original contractor and wage claimants, (persons performing labor for wages) must give the notice (CC Sec. 3098).

### 3. To Whom Given: Private Work

Everyone\*, except those dealing directly with the owner/builder, must give the notice to:

- Owner or reputed owner;
- Original contractor or reputed contractor; and
- Construction lender or reputed construction lender (CC Sec. 3097a). \* A subcontractor, material supplier or anyone dealing directly with an owner-builder when there is no original contractor must give the notice to the construction lender or reputed construction lender. (CC Sec. 3097b).

### 3A. To Whom Given: Public Work

Everyone, except those dealing directly with the original contractor, must give the notice to:

- Public Body;
- Original contractor or reputed contractor (CC Sec. 3098a)

### 4. Where Given:

The notice may be served at one of the following locations of the person to be served if that person resides in California:

- Residence;
- Place of business;
- Address shown on building permit; or,
- Address shown on construction trust deed (CC Sec. 3097f[1]).

If the person to be notified resides outside California, service may be made in the same manner as for a person residing in California, but if the person cannot be so served, then the notice may be addressed to the construction lender or the original contractor. (CC Sec. 3097f[2]).

### 5. How Given:

- Personal service;
- Registered mail; or
- Certified Mail.

NOTE: When the Notice is sent via registered or certified mail, service is deemed complete when mailed; therefore, this method of service is recommended. (CC Sec. 3097f[3]).

### 6. How Many Given:

Only one notice need be given for each job on which the claimant has furnished labor, services, equipment or materials, unless the claimant contracts with more than one subcontractor. In that case, the claimant must give a notice for each subcontractor. (CC Sec. 3097g).

### 7. Proof of Service of Preliminary Notice:

- If served by mail, then by proof of service affidavit accompanied by the return receipt of certified or registered mail or a photocopy of the record of delivery and receipt maintained by the post office showing the date of delivery and to whom delivered or, in the event of non-delivery, the return envelope itself.
- If served personally, then by proof of service affidavit.

## CALIFORNIA PRELIMINARY NOTICE

*In accordance with sections 3097 and 3098, California Civil Code. THIS IS NOT A LIEN.  
This is NOT a reflection on the integrity of any contractor or subcontractor.*

You are hereby notified that

**Your Company Name**

has furnished or will furnish labor, service, equipment or material of the following general description:

**Description of Materials or Services**

for the project located at

**Job Description**

The name of the person or firm who contracted for the purchase of such labor, services, equipment or material furnished is:

**Your Customer Name**

An estimate of the total price of the labor, services, equipment or material is: \$ **Dollar Estimate**

Attn: Subcontractors

Section 3097 requires that if you give this notice and you have failed to pay all compensation due to your laborers on the job, this notice shall also contain the identity and address of any laborer and any express trust fund to whom employer payments are due.

### NOTICE TO PROPERTY OWNER

If bills are not paid in full for the labor, services, equipment or materials furnished or to be furnished, a mechanics' 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 or (2) any other method or devise that is appropriate under the circumstances.

Date: **Date Executed**

Signature: **Your Signature**

Telephone: **Your Phone number**

### REPUTED CONSTRUCTION LENDER

**Name and Address of the Reputed Construction Lender (Must be the branch location where funds are disbursed)**

### REPUTED OWNER(S)/PUBLIC BODY

**Name and Address of the Reputed Property Owner(s)**

**Additional Owners may be the Tenant(s)**

### REPUTED ORIGINAL CONTRACTOR

**Name and Address of the Reputed Original Contractor (The contractor whom has a direct contract with the Owner/Public Body/Tenant of the Property)**