

# Petition to Remove Mechanics' Lien

Owners of real estate sometimes find that a contractor has recorded a mechanics lien on their property, and failed to remove it. Contractors and subcontractors can record mechanics' liens against a piece of real property for work they do on that property. Although the lien automatically becomes invalid if the claimant does not foreclose within 90 days of recording, the lien will still appear on the title until it is released in writing or by court order.

## Templates and Forms

- [Demand Letter to Release Mechanics' Lien Template – RTF](https://saclaw.org/wp-content/uploads/2023/04/sbs-petition-to-release-demand.rtf) (https://saclaw.org/wp-content/uploads/2023/04/sbs-petition-to-release-demand.rtf)
- [Civil Case Cover Sheet \(CM-010\)](https://www.courts.ca.gov/documents/cm010.pdf) (https://www.courts.ca.gov/documents/cm010.pdf)
- [Notice of Petition to Release Mechanics' Lien Template – RTF](https://saclaw.org/wp-content/uploads/2023/04/sbs-petition-to-release-notice.rtf) (https://saclaw.org/wp-content/uploads/2023/04/sbs-petition-to-release-notice.rtf)
- [Petition to Release Mechanics' Lien Template – RTF](https://saclaw.org/wp-content/uploads/2023/04/sbs-petition-to-release-petition.rtf) (https://saclaw.org/wp-content/uploads/2023/04/sbs-petition-to-release-petition.rtf)
- [Order to Release Mechanics' Lien Template – RTF](https://saclaw.org/wp-content/uploads/2023/04/sbs-petition-to-release-order.rtf) (https://saclaw.org/wp-content/uploads/2023/04/sbs-petition-to-release-order.rtf)
- [Proof of Service of Petition to Remove Mechanics' Lien Template – RTF](https://saclaw.org/wp-content/uploads/2023/04/sbs-petition-to-release-pos.rtf) (https://saclaw.org/wp-content/uploads/2023/04/sbs-petition-to-release-pos.rtf)

If, after 90 days, the contractor or subcontractor does not release the lien upon request, the owner of the property may petition the court for a release order (also called expunging the lien). [California Civil Code \(CC\) §§ 8480-8488](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CIV&division=4.&title=2.&part=6.&chapter=4.&article=7) (http://leginfo.legislature.ca.gov/faces/codes\_displayText.xhtml?lawCode=CIV&division=4.&title=2.&part=6.&chapter=4.&article=7). The court will award the prevailing party his or her reasonable attorneys' fees, so you may wish to hire an attorney to do this. [CC § 8488\(c\)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=8488). (http://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?lawCode=CIV&sectionNum=8488.)

If you choose to file this *Petition* without an attorney, or cannot find an attorney to take the case, this Guide will help you do it yourself. It outlines the steps, and includes sample forms.

### I need the lien gone right away!

You can obtain release of a lien right away by recording a lien release bond, guaranteeing payment if the claimant later prevails in court. [CC § 8424](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=8424)

([http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CIV&sectionNum=8424](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=8424)).

Contact your general contractor, if any, or a surety bond agent for information.

For more info, see §10.60 of *California Civil Practice: Real Property Litigation*, KFC 140 .Z9 .C34.

## Related Step by Step Guides

- [Serving Documents by Mail](https://www.saclaw.org/resource_library/serving-documents-by-mail/) (https://www.saclaw.org/resource\_library/serving-documents-by-mail/)

- [Personal Service](https://www.saclaw.org/resource_library/personal-service/)  
([https://www.saclaw.org/resource\\_library/personal-service/](https://www.saclaw.org/resource_library/personal-service/))

## Step by Step Instructions

1

### Ask the claimant to release the lien

Mail the lien claimant a written demand to remove the lien. Send the request by registered or certified mail, express mail, or overnight delivery. Send it to the claimant's address as shown on any of the following: (1) the preliminary 20-day notice, (2) the records of the Contractor State License Board, (3) the contract on which the lien is based, or (4) the claim of lien itself. CC § 8482.

A customizable template for the Demand for Release may be downloaded from this link:

- [Demand for Release of Mechanics' Lien](https://www.saclaw.org/wp-content/uploads/2023/04/sbs-petition-to-release-demand.rtf) (<https://www.saclaw.org/wp-content/uploads/2023/04/sbs-petition-to-release-demand.rtf>)

You may want to include a blank [Release of Mechanics' Lien](https://www.saclaw.org/wp-content/uploads/2023/04/form-release-of-mechanics-lien.pdf) (<https://www.saclaw.org/wp-content/uploads/2023/04/form-release-of-mechanics-lien.pdf>) to make it easy for the claimant to fill out and record.

Keep a copy of your Demand for Release of Mechanics' Lien and the certified, registered, or other receipt as proof of your request. You will attach this to your Petition if the claimant does not voluntarily remove the lien.

You must wait at least 10 days after mailing before filing your Petition, to give the lien claimant time to comply. CC § 8482.

2

### Obtain a certified copy of the lien

You will need to attach this to your Petition. You can obtain a certified copy at the county recorder's office. In Sacramento this is located at 3636 American River Drive, Ste. 110, Sacramento, 916-874-6334.

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### Prepare the required court documents

There is no Judicial Council form for this procedure. Instead, the relevant documents must be typed on 28-line pleading paper. Customizable templates may be downloaded from these links:

- [Petition for Release of Property from Lien](https://saclaw.org/resource_library/petition-to-remove-mechanics-lien/sbs-petition-to-release-petition/) (https://saclaw.org/resource\_library/petition-to-remove-mechanics-lien/sbs-petition-to-release-petition/)
- [Notice of Hearing](https://saclaw.org/resource_library/petition-to-remove-mechanics-lien/sbs-petition-to-release-notice/) (https://saclaw.org/resource\_library/petition-to-remove-mechanics-lien/sbs-petition-to-release-notice/)
- [Proposed Order](https://saclaw.org/resource_library/petition-to-remove-mechanics-lien/sbs-petition-to-release-order/) (https://saclaw.org/resource\_library/petition-to-remove-mechanics-lien/sbs-petition-to-release-order/)
- [Proof of Service of Petition to Release Mechanics Lien by Mail](https://saclaw.org/resource_library/petition-to-remove-mechanics-lien/sbs-petition-to-release-pos/) (https://saclaw.org/resource\_library/petition-to-remove-mechanics-lien/sbs-petition-to-release-pos/)

In addition, one Judicial Council form is required for all new cases, including this *Petition*:

- [Civil Case Cover Sheet \(CM-010\)](https://www.courts.ca.gov/documents/cm010.pdf) (https://www.courts.ca.gov/documents/cm010.pdf)

Sample filled-in forms with instructions are available at the end of this guide.

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## Copy and assemble the documents

Make four (4) copies of your documents. One of these copies is to be served on the claimant; the original and the other three copies are to be filed with the court. Staple each of the copies, but leave the original unstapled. Sacramento County Superior Court uses an electronic filing system in which documents are scanned electronically. Stapled originals are not accepted because the staple will jam in the scanner, damaging both the document and the scanner.

Note: You will have exhibits attached to your Petition (a certified copy of the Claim of Lien and a copy of the Demand for Release with proof of mailing).

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## File your documents, pay filing fee, and ask clerk for hearing date

File your documents at the filing window at 813 Sixth Street (Hall of Justice) in downtown Sacramento. While you are there, the clerk will assign you a department and a hearing date within the next 30 days ([CC § 8486](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=8486.&lawCode=CIV) (https://leginfo.ca.gov/faces/codes\_displaySection.xhtml?sectionNum=8486.&lawCode=CIV)). Because the clerk may have a number of dates available, be sure to bring your schedule with you so you can choose a date that works for you. Fill this in on all copies of the Notice of Hearing and file the original and three copies of that as well. Make sure that you receive a stamped copy of each document to serve on the lien claimant, and a copy for yourself.

As of the date of this guide there is a \$435 filing fee, unless your fees are waived. Current fees can be found on the [Sacramento County Court Fee Schedule](https://www.saccourt.ca.gov/fees/docs/fee-schedule.pdf) (https://www.saccourt.ca.gov/fees/docs/fee-schedule.pdf). If you qualify for a fee waiver, you may file a request with the court. For more information, see our step-by-step guide on "[Fee Waivers](https://www.saclaw.org/resource_library/fee-waiver/) (https://www.saclaw.org/resource\_library/fee-waiver/)."

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## Have the Petition and other documents served

At least 15 court (business) days before the hearing: Have someone (NOT YOU) serve a court-stamped copy of all documents on the lien claimant, either in person or by certified or registered mail (return receipt requested). You can use any of these addresses: (1) the address on the preliminary 20-day notice, (2) the records of the Contractor State License Board, (3) the address on the contract on which the lien is based, or (4) the claim of lien itself.

If you serve by mail, you are required to serve the notice 15 *court* days before the hearing, plus five *calendar* days for mail time. If you do not, the court will deny your petition.

The person who is serving your papers for you must complete a customizable Proof of Service of Petition to Release Mechanics Lien by Mail. You can download a template of this form from the link in Step 3, above.

Photocopy the certified or registered mail receipt. Write “Exhibit A” on the bottom of the copy, and staple the copy to the Proof of Service. Make at least two copies.

File the original Proof of Service, and two copies, with the Court. Make sure this is done at least a few days before the hearing.

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## Tentative Ruling: Review ruling at 2 pm, request hearing before 4 pm if needed

Pursuant to [Local Rule 1.06](http://www.saccourt.ca.gov/local-rules/docs/chapter-01.pdf) (<http://www.saccourt.ca.gov/local-rules/docs/chapter-01.pdf>), the judge in Dept. 53 or 54 reads the papers ahead of time and posts a tentative ruling by 2:00 p.m. the **court day before the hearing**. **You then have two hours to request oral argument**, if you choose to do so. Unless one party requests oral argument, the tentative ruling will automatically become the actual ruling.

You may read the tentative ruling online, or may call Department 53 (916-874-7858) or Department 54 (916-874-7848) to hear it. For more information, see the [Sacramento County Superior Court’s Tentative Ruling Information](https://saccourt.ca.gov/civil/docs/cv-190.pdf). (<https://saccourt.ca.gov/civil/docs/cv-190.pdf>)

Closely review the tentative ruling. Since you are asking the Court to issue an order removing the lien, you are looking for your Petition to be “GRANTED.” If the court does not grant your request, your Petition will be “DENIED.” Even if your Petition is granted, be sure to read the tentative ruling very carefully, since it may contain other important information or instructions.

**If you are not happy with the tentative ruling**, and wish to present oral argument in front of the judge, you must call all opposing counsel and/or self-represented parties, and also call the Law and Motion Oral Argument Request Line at (916) 874-2615 before 4:00 p.m. that same day. State that you are requesting oral argument

on the motion. **If you do not do this, your hearing will be canceled.** Be aware that the judges very rarely change their tentative rulings.

**If you are happy with the tentative ruling**, you do not need to do anything unless the tentative ruling orders you to appear, or the other side calls you and the court before 4:00 p.m. that same day to request oral argument. If that happens, you should go to the court hearing and be prepared to argue your case. If neither party requests oral argument by 4:00 p.m., the court will simply make the tentative ruling the order of the court, and no oral argument will be permitted. If a party requests oral argument, the court will make its ruling after the oral arguments, either in court or by mail a few days later.

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### **Attend the hearing, if necessary**

If you or the other party notify each other and the court that they plan to attend the hearing, you have the option of attending in person or by video or telephone using Zoom.

***In person:*** Go to 813 Sixth St., in downtown Sacramento, in plenty of time to arrive before your hearing starts. Leave early if you will need to find parking, since the courthouse does not have a parking lot. The nearest pay lot is at the corner of 7th and G, at least a 5-minute walk away. When you arrive at the Hall of Justice, go to the second floor and enter the courtroom (Dept. 53/54). Check in with the staffer seated by the door.

***Using Zoom:*** instructions are listed on your tentative ruling. Be sure to log on a bit early.

***What to expect:*** Since you are the petitioning party, the judge will ask you to explain your request first, then ask the opposing party to respond. The judge will usually decide immediately whether whether to grant the motion or not, but may “take it under consideration” and mail out their ruling a few days later.

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### **Record the signed order releasing the lien at the County Recorder’s office**

If the judge signs the Order, obtain a certified copy from the court clerk. Record the certified copy at the County Recorder’s office. This extinguishes the lien.

## **For More Information**

### **On the Web**

The Contractors’ State License Board offers a number of useful and informative guides, pamphlets, and forms for consumers, including “[What if a Mechanics Lien is Filed on Your Property?](https://www.cslb.ca.gov/Consumers/Legal_Issues_For_Consumers/Mechanics_Lien/If_A_Mechanics_Lien_Is_Filed_Against_You.aspx)”

([https://www.cslb.ca.gov/Consumers/Legal\\_Issues\\_For\\_Consumers/Mechanics\\_Lien/If\\_A\\_Mechanics\\_Lien\\_Is\\_Filed\\_Against\\_You.aspx](https://www.cslb.ca.gov/Consumers/Legal_Issues_For_Consumers/Mechanics_Lien/If_A_Mechanics_Lien_Is_Filed_Against_You.aspx)).

The California Land Title Association has a series of “Consumer Library” articles on its website, including one on mechanics’ liens: “[Title Reporter Series #7: Mechanics’ Liens](https://www.clta.org/reporter7.html) (https://www.clta.org/reporter7.html).”

## **At the Law Library**

**California Forms of Pleading and Practice** KFC 1010 .A65 C3 (Ready Reference)

Sections 361.32 and 361.163 deal with petitions for the release of mechanics liens.

Electronic Access: On the Law Library’s computers, using Lexis Advance.

# Samples

## Civil Case Cover Sheet

CM-010  
FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)  
ORFAMAY OWNER, IN PRO PER  
123 Main St.  
Sacramento, CA 95814

TELEPHONE NO: 916-555-1212 FAX NO:  
ATTORNEY FOR (Name): IN PRO PER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF  
STREET ADDRESS: 720 9TH ST.  
MAILING ADDRESS:  
CITY AND ZIP CODE: SACRAMENTO, CA 95814  
BRANCH NAME:

CASE NAME:  
OWNER V SUBCONTRACTOR

**CIVIL CASE COVER SHEET**

Unlimited (Amount demanded exceeds \$25,000)  Limited (Amount demanded is \$25,000 or less)

Counter  Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

Check below for the case type that best describes this case:

<p><input type="checkbox"/> Uninsured motorist (46)</p> <p><b>Other PIP/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <p><input type="checkbox"/> Asbestos (04)</p> <p><input type="checkbox"/> Product liability (24)</p> <p><input type="checkbox"/> Medical malpractice (45)</p> <p><input type="checkbox"/> Other PIP/PD/WD (23)</p> <p><b>Non-PIP/PD/WD (Other) Tort</b></p> <p><input type="checkbox"/> Business tort/unfair business practice (07)</p> <p><input type="checkbox"/> Civil rights (08)</p> <p><input type="checkbox"/> Defamation (13)</p> <p><input type="checkbox"/> Fraud (16)</p> <p><input type="checkbox"/> Intellectual property (19)</p> <p><input type="checkbox"/> Professional negligence (25)</p> <p><input type="checkbox"/> Other non-PIP/PD/WD tort (35)</p> <p><b>Employment</b></p> <p><input type="checkbox"/> Wrongful termination (36)</p> <p><input type="checkbox"/> Other employment (40)</p>	<p><b>Contract</b></p> <p><input type="checkbox"/> Breach of contract/warranty (06)</p> <p><input type="checkbox"/> Rule 3.740 collections (09)</p> <p><input type="checkbox"/> Other collections (09)</p> <p><input type="checkbox"/> Insurance coverage (18)</p> <p><input type="checkbox"/> Other contract (37)</p> <p><b>Real Property</b></p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)</p> <p><input type="checkbox"/> Wrongful eviction (33)</p> <p><input type="checkbox"/> Other real property (26)</p> <p><b>Unlawful Detainer</b></p> <p><input type="checkbox"/> Commercial (31)</p> <p><input type="checkbox"/> Residential (32)</p> <p><input type="checkbox"/> Drugs (38)</p> <p><b>Judicial Review</b></p> <p><input type="checkbox"/> Asset forfeiture (05)</p> <p><input type="checkbox"/> Petition re: arbitration award (11)</p> <p><input type="checkbox"/> Writ of mandate (02)</p> <p><input type="checkbox"/> Other judicial review (39)</p>	<p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b></p> <p><input type="checkbox"/> Antitrust/Trade regulation (03)</p> <p><input type="checkbox"/> Construction defect (10)</p> <p><input type="checkbox"/> Mass tort (40)</p> <p><input type="checkbox"/> Securities litigation (28)</p> <p><input type="checkbox"/> Environmental/Toxic tort (30)</p> <p><input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)</p> <p><b>Enforcement of Judgment</b></p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p><b>Miscellaneous Civil Complaint</b></p> <p><input type="checkbox"/> RICO (27)</p> <p><input type="checkbox"/> Other complaint (not specified above) (42)</p> <p><b>Miscellaneous Civil Petition</b></p> <p><input type="checkbox"/> Partnership and corporate governance (21)</p> <p><input checked="" type="checkbox"/> Other petition (not specified above) (43)</p>
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1. Check "is not complex."  
2. Check "nonmonetary; declaratory or injunctive relief."  
3. Enter "1" for number of causes of action.  
4. Check "is not a class action suit."

Check "Other petition."

Print name and date  
Signature

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use  
Judicial Council of California  
CM-010 (Rev. July 1, 2007)

CIVIL CASE COVER SHEET

Page 1 of 2  
Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740,  
Cal. Standards of Judicial Administration, std. 3.10  
www.courtinfo.ca.gov

Civil Case Cover Sheet (CM-010) (1 Page)

## Notice of Hearing

1 ORFAMAY OWNER  
2 123 Main St.  
3 Sacramento, CA 95814  
4 916-555-1212  
5 ORFAMAY OWNER, IN PRO PER

10 In the Matter of ) Case No.: 34-14-00005555  
11 ORFAMAY OWNER, ) NOTICE OF HEARING ON PETITION  
12 Petitioner, ) FOR RELEASE OF PROPERTY FROM  
13 vs. ) LIEN  
14 SAMUEL SUBCONTRACTOR, ) Date: April 15, 2014  
15 Respondent. ) Time: 9 a.m.  
 ) Dept: 54  
 ) Judge: Christopher E. Krueger  
 ) Date Action Filed: March 10, 2014

Respondent Samuel Subcontractor:  
Please take notice that on April 15, 2014, at 9 a. m., in Department 54 of the above-  
d Court, located at 813 6th Street, Third Floor, Sacramento, California, Petitioner will  
and request that the honorable court order the release of the Mechanics' Lien on  
property located at 123 Main Street, Sacramento, California.

21 This request will be based on the Petition for Release of Property from Lien attached to this  
22 Notice of Hearing, and on the evidence and arguments to be introduced in the hearing.

- 1 -  
NOTICE OF HEARING ON PETITION FOR RELEASE OF PROPERTY FROM LIEN

Notice of Hearing (Page 1)



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 ^^	<p>Pursuant to Local Rule 1.06 (A), the court will make a tentative ruling on the merits of this matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the department may be downloaded off the court's Web site. If the party does not have online access, they may call the dedicated phone number for the department as referenced in the local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held.</p> <p>Dated: <span style="border: 1px solid red; padding: 2px 20px;">Date</span></p> <p style="margin-left: 300px;">By: <span style="border: 1px solid red; padding: 2px 20px;">Signature</span></p> <p style="margin-left: 300px;">Signature ORFAMAY OWNER In Pro Per</p> <hr style="width: 50%; margin-left: auto; margin-right: auto;"/> <p style="text-align: center;">- 2 - NOTICE OF HEARING ON PETITION FOR RELEASE OF PROPERTY FROM LIEN</p>	
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Notice of Hearing (Page 2)

## Petition for Release of Lien

1	ORFAMAY OWNER	
	123 Main St.	
2	Sacramento, CA 95814	
3	916-555-1212	
4	ORFAMAY OWNER, IN PRO PER	
		SUPERIOR COURT OF THE STATE OF CALIFORNIA
		FOR THE COUNTY OF SACRAMENTO
10	In the Matter of	) Case No.: 34-14-00005555
11	ORFAMAY OWNER,	) PETITION FOR RELEASE OF
	Petitioner,	) PROPERTY FROM LIEN
12	vs.	) Date: April 15, 2014
13	SAMUEL SUBCONTRACTOR,	) Time: 9 a.m.
	Respondent.	) Dept: 54
		) Judge: Christopher E. Krueger
		) Date Action Filed: March 10, 2014
	Petitioner alleges:	
	1. Petitioner is the owner of real property ("the property") located at 123 Main Street,	
	Sacramento, California and described as follows:	
18	Lot 14 of Blackacre Addition to the City of Sacramento, as delineated on the map of	
	said addition, recorded January 30, 1965, in Book 625, Page 013065 .	
	2. At all times relevant herein, Respondent Samuel Subcontractor was, and now is,	
21	an individual residing in Sacramento County engaged in the business of su	
22	roofer and claims to have contributed to the work of improvement on the p	
23		
	- 1 -	
	PETITION FOR RELEASE OF PROPERTY FROM LIEN	

This section tells all parties when and where to be for the hearing. You should get this information from the clerk when you reserve your hearing date.

State whether you are the owner of the property or whether you have some other interest (life estate, tenancy, etc.).

This "legal description" can be found on the deed to your property.

Identify the lien claimant's form of business and county of residence, if an individual.

Petition for Release of Lien (Page 1 of 7)

1 3. On **October 1, 2013**, in the Official Records of **Sacramento** County, California,  
Respondent recorded a claim of mechanics lien against the property. The lien was recorded  
in the official records of the County Recorder in book number **1203**, page number **100113**.  
The claim of lien was in the amount of **\$5645.92** for labor, services, equipment, or materials  
furnished by Respondent for a work of improvement. A certified copy of the claim of lien with  
proof of mailing is attached here marked Exhibit A and incorporated by reference.

2 The info in this paragraph is on the Claim of Lien.  
To attach the claim of lien, photocopy it and write "Exhibit A" on the bottom of the page.

3 4. Respondent failed to bring an action to enforce the lien within 90 days after the  
recording of the claim of lien, as required by Civil Code § 8460. No action has been filed  
to foreclose the lien; no extension of credit has been recorded; and the time period during  
which a lawsuit can be brought to foreclose the lien has expired.

4 Check the appropriate boxes, or erase any part of the paragraph that does not apply.

5 5. Respondent is  unable or  unwilling execute a release of the lien or  cannot  
be found with reasonable diligence.

6 6. On **February 20, 2014**, Petitioner sent Respondent a written demand to remove  
the lien by  registered or certified mail;  express mail; or  overnight delivery. The  
demand was sent to the Respondent's address as shown on  the preliminary 20-day  
notice;  the records of the Contractor State License Board;  the contract on which the  
lien is based; or  the claim of lien itself. A true and correct copy of the written demand is  
attached here marked Exhibit B and incorporated by reference.

7 Check the appropriate boxes, or erase any part of the paragraph that does not apply.  
Attach a copy of the written demand and proof of mailing as "Exhibit B."

8 7. Respondent  did not respond  responded as follows:  
**On February 23, 2014, Respondent telephoned Owner and stated that since he had not been paid, he would not remove the lien.**

9 Describe the lien claimant's response to the Written Demand for Release of Lien.

- 2 -  
PETITION FOR RELEASE OF PROPERTY FROM LIEN

Petition for Release of Lien (Page 2 of 7)

1	8. Petitioner has not filed for relief under any law governing bankruptcy, and there
2	exists no other restraint to prevent Respondent from filing to foreclose the lien.
3	WHEREFORE, Petitioner prays for judgment against Respondent as follows:
4	1. That the real property described above be released from Respondent's claim of
5	lien;
6	2. Costs; and
7	3. Such other relief as may be just.
8	Dated: _____
9	By: _____
10	Signature
11	Orfamay Owner
12	In Pro Per
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	- 3 - PETITION FOR RELEASE OF PROPERTY FROM LIEN

Petition for Release of Lien (Page 3 of 7)

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VERIFICATION

I, **Orfamay Owner**, am the petitioner in this proceeding. I have read the foregoing petition and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and, as to those matters, I believe it to be true.

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

**Date** \_\_\_\_\_ **Signature** \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

Fill in your name, and date and sign the Verification section. This indicates that you are swearing under penalty of perjury that the facts stated in the petition are true.

- 4 -  
PETITION FOR RELEASE OF PROPERTY FROM LIEN

Petition for Release of Lien (Page 4 of 7)

County recorder stamp

Recording Requested By and When Recorded Must Be:

[CONTRACTOR/SUBCONTRACTOR NAME]

[STREET ADDRESS]

[CITY, STATE, ZIP]

Space above this line for recorder's use only

**MECHANICS' LIEN**  
(Claim of Lien)

(To be recorded in the county recorder's office in the county in which the property is located.)

NOTICE IS HEREBY GIVEN that Claimant: [CONTRACTOR/SUBCONTRACTOR] (legal name), claims a lien for labor, services, equipment, or materials under Section 9402 et. Seq. of the Civil Code of the State of California, upon the premises hereinafter described, and upon every estate or interest in such structures, improvements and premises held by any party holding any estate therein. Said labor, service, equipment or materials, were furnished for the construction of these certain buildings, improvements, or structures, now upon that certain parcel of land situated in the County of [COUNTY] (County Name), and more particularly described as follows: [DESCRIBE THE PROPERTY] (Legal Description of Property)

STREET ADDRESS: \_\_\_\_\_  
and/or \_\_\_\_\_  
LEGAL DESCRIPTION: \_\_\_\_\_ (Title Report)

Said lien is claimed for the following labor, services, equipment or materials: [DESCRIBE THE SERVICES, ETC], Claimant is owed \$ [AMOUNT DUE] for labor, services, equipment or materials furnished to the work of improvement, after deducting all just credits and offsets, plus interest at the legal rate from the date of this lien.

The name of the person or company by whom Claimant was employed, or to whom Claimant furnished the labor, services, equipment and/or materials is: [PERSON OR COMPANY YOU CONTRACTED WITH]

The name(s) and address(es) of the owner(s) or reputed owner(s) of the real property is/are: [OWNER NAME AND ADDRESS]

Name of Claimant: [SUB/CONTRACTOR]

Date: [DATE] By: \_\_\_\_\_  
[SIGNER'S NAME AND POSITION]  
Print Name & Authorized Capacity

**Verification**

I, the undersigned, declare: I am the [SIGNER'S POSITION] (authorized capacity/title), for the Claimant named in the foregoing claim of mechanic's lien; I am authorized to make this verification for the Claimant; I have read the foregoing claim of mechanic's lien and know the contents thereof, and the same is true to my knowledge. I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ California.

Ex. A

CAD Form - revised Oct. 2010 - form effective as of Jan 1, 2011

Petition for Release of Lien (Page 5 of 7)

**DEMAND FOR RELEASE OF CLAIM OF LIEN**  
(California Civil Code Section 8482)

To Lien Claimant: \_\_\_\_\_  
 (Name)  
 \_\_\_\_\_  
 (Address)  
 \_\_\_\_\_  
 (City, State, Zip Code)

From Owner: \_\_\_\_\_  
 (Name)  
 \_\_\_\_\_  
 (Address)  
 \_\_\_\_\_  
 (City, State, Zip Code)

This notice serves as a demand that you execute and record a release of the claim of Mechanics' Lien recorded on \_\_\_\_\_, 20\_\_\_\_, as Instrument No. \_\_\_\_\_ and/or in Book/Reel \_\_\_\_\_, Page/Image \_\_\_\_\_, in the official records of \_\_\_\_\_ County, California. A Release of Lien form is included with this notice for your convenience.

This demand is based on the grounds that the time for foreclosure on the mechanics lien has expired and that you are therefore obligated to release the lien and clear the title to the property.

If the lien is not removed \_\_\_\_\_ to expunge the lien. If this becomes necessary, \_\_\_\_\_ fees under California Civil Code § 884.

**Make an Exhibit page for the Written Demand and proof of mailing by photocopying them and writing "Exhibit B" on the bottom of the first page.**

**Project information**

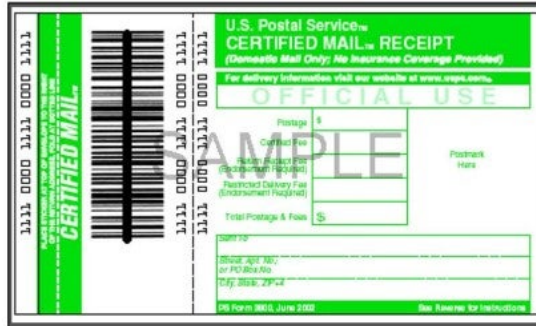
Location of work of improvement (description of the site sufficient for identification, including the street address of the site, if any):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Relationship of owner to parties (e.g. Owner hired Direct Contractor, which hired Claimant)  
 \_\_\_\_\_  
 \_\_\_\_\_

<p><u>Direct Contractor</u></p> <p>Name: _____</p> <p>Address: _____</p> <p>City, State, Zip: _____</p>	<p><u>Lender Holding Construction Funds, If Any</u></p> <p>Name: _____</p> <p>Address: _____</p> <p>City, State, Zip: _____</p>
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Ex.B

1



Number exhibit pages if more than 1

2

Petition for Release of Lien (Page 7 of 7)



## Proof of Service

1	ORFAMAY OWNER	
2	123 Main St.	
3	Sacramento, CA 95814	
4	916-555-1212	
	ORFAMAY OWNER, IN PRO PER	
		SUPERIOR COURT OF THE STATE OF CALIFORNIA
		FOR THE COUNTY OF SACRAMENTO
10	In the Matter of	) Case No.: 34-14-00005555
11	ORFAMAY OWNER,	) PROOF OF SERVICE OF PETITION FOR
	Petitioner,	) RELEASE OF MECHANICS LIEN BY
12	vs.	) MAIL
13	SAMUEL SUBCONTRACTOR,	) Date: April 15, 2014
	Respondent.	) Time: 9 a.m.
14		) Dept: 54
		) Judge: Christopher E. Krueger
		) Date Action Filed: March 10, 2014
15	Marty Mailer declares:	
16	I am over age 18, not a party to this action, and reside in Sacramento County at 456	
17	Oak Street. On March 12, 2014, I deposited in the United States mail at Sacramento,	
18	California a copy of the following documents:	
19	Petition for Release of Mechanics' Lien	
20	Notice of Hearing	
21	[Proposed] Order Releasing Lien	
22	Civil Case Cover Sheet	
^^		

This section tells all parties when and where to be for the hearing. You should get this information from the clerk when you reserve your hearing date.

Proof of Service (Page 1 of 3)

1 in a sealed envelope, with postage fully prepaid, return receipt requested, addressed to:  
2 Samuel Subcontractor  
3 789 Industrial Blvd.  
4 Sacramento, CA 95814

5 A copy of the certificate of mailing is attached to this declaration as Exhibit A.

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

8 Dated: \_\_\_\_\_

9 By: \_\_\_\_\_  
10 Marty Mailer

11 This is claimant's address as  
12 shown on any of the following:  
13 (1) the preliminary 20-day  
14 notice, (2) the records of the  
15 Contractor State License  
16 Board, (3) the contract on  
17 which the lien is based, or (4)  
18 the claim of lien itself.

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Proof of Service (Page 2 of 3)

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Make an Exhibit page for the copy of the return receipt or certified mail receipt by photocopying the receipt and writing "Exhibit A" on the bottom of the page.

Exhibit A

- 3 -  
PROOF OF SERVICE OF PETITION FOR RELEASE OF MECHANICS LIEN BY MAIL

Proof of Service (Page 3 of 3)

## Proposed Order

1	Recording requested by:	<div style="border: 1px solid red; padding: 5px;">The area above the horizontal line is for the Recorder's Office to stamp when you record the Order. Insert your name and mailing address on the left.</div>
2	And when recorded, mail to:	
3		
4		RECORDER'S USE ONLY
5	ORFAMAY OWNER	
6	123 Main St.	
7	Sacramento, CA 95814	
8	55-1212	
9	MAY OWNER, IN PRO PER	
10		SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SACRAMENTO
11		
12	In the Matter of ) Case No.: 34-14-00005555	
13	ORFAMAY OWNER, ) [PROPOSED] ORDER RELEASING LIEN	
14	Petitioner, ) Date: April 15, 2014	
15	vs. ) Time: 9 a.m.	
16	SAMUEL SUBCONTRACTOR, ) Dept: 54	
17	Respondent. ) Judge: Christopher E. Krueger	
18	) Date Action Filed: March 10, 2014	
19	The petitioner's petition for an order granting the release of the real property described	
20	below ("the property") from the lien of the respondent was heard on April 15, 2014.	
21	Petitioner appeared in pro per, and respondent appeared <input type="checkbox"/> in pro per <input type="checkbox"/> by counsel	
22	_____ (name). Oral and documentary evidence having	
23	_____ received and considered by the court, and good cause appearing,	
24	_____	
25	- 1 - ORDER RELEASING LIEN	

Proposed Order (Page 1 of 2)

1 THE COURT FINDS:  
2 1. All the allegations of the petition are true;  
3 2. Service of the petition and the order fixing the date for the hearing was made in  
4 compliance with the law.  
5 IT IS ORDERED:  
6 1. The petition is granted.  
7 2. The real property described below is released from the lien of respondent, upon the  
8 production of a certified copy of this order.  
9 3. The lien of respondent was recorded on [October 1, 2013](#).  
10 4. The lien was recorded in the recorder's office of the County of [Sacramento](#), City of  
11 [Sacramento](#).  
12 5. The lien was recorded in the official records of the County Recorder in book number  
13 [1203](#), page number [100113](#).  
14 6. The real property is located at [123 Main Street, Sacramento, California](#) and  
15 described as follows:  
16 [Block 4 of Blackacre Addition to the City of Sacramento, as delineated on the map of said](#)  
17 [addition, recorded January 30, 1965, in Book 625, Page 013065 .](#)  
18  
19 Dated: \_\_\_\_\_  
20 \_\_\_\_\_ Judge: \_\_\_\_\_  
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The info in paragraphs 3, 4, and 5 is in the Claim of Lien.

This "legal description" can be found on the deed to your property.

Leave date and signature area blank for the judge to fill in.

- 2 -  
ORDER RELEASING LIEN

Proposed Order (Page 2 of 2)