

STOP PAYMENT NOTICE—PRIVATE WORKS

Legal Notice to Withhold Construction Funds

(California Civil Code Section 8502 et seq.)

TO:

Owner or Reputed Owner, or Owner's or Reputed Owner's Architect

(name) _____

(address) _____

Construction Lender Holding Construction Funds

(name) _____

(address) _____

Please take notice that Claimant

(name) _____

(address) _____

(relationship to the parties, eg. Direct Contractor, Subcontractor, Supplier, etc. _____)

has furnished the following labor, service, equipment or material:

to the work of improvement located at (description of the site sufficient for identification, including the street address of the site, if any): _____

The direct contractor (person or business who contracted for the labor, services, equipment or material described above) is:

(name) _____

(address) _____

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

The value of the labor and materials furnished to date \$ _____

Claimant has been paid the sum of \$ _____

Due, owing and unpaid is 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 California Civil Code sections 8522 and 8536. You are also notified that claimant claims an equitable lien against any construction funds for this project which are in your hands.

VERIFICATION

I, _____, am the: _____
("owner," "president," "authorized agent," "partner," etc) of claimant on the foregoing Stop Payment Notice, and am authorized to make this verification for and on its behalf. I have read the foregoing Stop Payment Notice and know the contents of the Stop Payment Notice to be 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.

Executed on _____, 20____ at _____, California.

Signature

PROOF OF SERVICE DECLARATION

(CA Civil Code §§ 8100-8118)

I, _____ declare that I served copies of the above Stop Payment Notice—Private Works

- by personally delivering copies to _____
(name and title of person served) at _____
(address) on _____ (date), at _____ (time).
- by first-class registered or certified mail, express mail, or overnight delivery, postage prepaid, addressed to each of the parties at the address shown above on _____ (date). Attached to this declaration is (attach one):
 - Documentation provided by the United States Postal Service showing that payment was made to mail the notice using registered or certified mail, or express mail.
 - Documentation provided by an express service carrier showing that payment was made to send the notice using an overnight delivery service.
 - A return receipt, delivery confirmation, signature confirmation, tracking record, or other proof of delivery or attempted delivery provided by the United States Postal Service, or a photocopy of the record of delivery and receipt maintained by the United States Postal Service, showing the date of delivery and to whom delivered, or in the event of nondelivery, by the returned envelope itself.
 - A tracking record or other documentation provided by an express service carrier showing delivery or attempted delivery of the notice.
- by leaving the notice and mailing a copy in the manner provided in Section 415.20 of the Code of Civil Procedure for service of summons and complaint in a civil action, on _____ (date).

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

Signature: _____

Signed at _____, California on _____, 20____.