

THE LAW FIRM FOR THE CONSTRUCTION INDUSTRY
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CARLIN LAW GROUP

A Professional Corporation



FIRST STEP TO SECURE REMEDIES

PRIVATE WORKS	PRELIMINARY NOTICE	Serve on property owner of record, direct contractor, and construction lender, if any. Recovery limited to labor, services, equipment, and/or materials provided to the jobsite after 20 days prior to service. See Civil Code § 8102-8202 for content and service requirements for preliminary notice.
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AFTER PRELIMINARY NOTICE IS FILED

PRIVATE WORKS PAYMENT REMEDIES	LIEN CLAIM by General Contractor	Record lien in county where property is located within 60 days from recordation of <i>Notice of Completion</i> or <i>Cessation</i> . If no recorded <i>Notice of Completion</i> or <i>Cessation</i> , record lien within 90 days of completion of entire work of improvement. (Civil Code § 8412). If cessation of labor, but no recorded <i>Notice of Cessation</i> , record lien within 150 days from cessation. See Civil Code § 8180-9200.
	LIEN CLAIM by Subcontractor or Material Supplier	If recorded <i>Notice of Completion</i> or <i>Cessation</i> , record lien in county where property is located within 30 days from recordation of NOC. (Civil Code §8414) However, time is extended on projects other than 4 or less residential units if you served Preliminary Notice and owner does not certified mail you the Notice of Completion. (Civil Code § 8102, 8202). If no recorded <i>Notice of Completion</i> or <i>Cessation</i> , record lien within 90 days of completion of entire work of improvement. (Civil Code § 8414). If cessation of labor, but no recorded <i>Notice of Cessation</i> , record lien within 150 days from cessation. See Civil Code § 8180-9200.
	Complaint to Foreclose Lien	File complaint in proper court within 90 days after date of recordation of lien. Filing must occur in court located in county and judicial district where property is located to be effective. (Civil Code § 8460). File Lis Pendens in county where property is located to give prospective purchasers notice of lien and foreclosure action. (Civil Code § 8461).
	Lien Release Bond	If mechanic's lien release bond is issued, lien claimant must commence action on the bond within six months of the recording of the release bond. (Civil Code § 8424).
	Bonded Stop Notice	To be effective against an existing loan, a stop notice to a construction lender must be bonded. See Civil Code § 8532, 8534, 8536. If owner financed, no need for a bond. Stop Notice and Bond (where necessary) via certified mail to construction lender and owner prior to expiration of lien claim period. (Civil Code §8508).
	Complaint to Enforce Bonded Stop Notice	File in proper court after 10 days from service of <i>Stop Notice</i> and within 90 days from expiration of lien recording period. (Civil Code §8550).
	Notice to Principal & Surety on Payment Bond	Serve the 20 day preliminary notice by certified mail to principal and surety within 15 days after recordation of <i>Notice of Completion</i> or, if no such Notice is recorded, then 75 days after completion. (Civil Code §8612).