

THE LAW FIRM FOR THE CONSTRUCTION INDUSTRY
www.CarlinLawGroup.com 619-615-5325

CARLIN LAW GROUP

A Professional Corporation



FIRST STEP TO SECURE REMEDIES

PUBLIC WORKS	PRELIMINARY NOTICE	If no contract with direct contractor, serve on public owner and direct contractor. 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.
---------------------	---------------------------	--

AFTER PRELIMINARY NOTICE IS FILED

PUBLIC WORKS PAYMENT REMEDIES	Stop Notice	Serve via Certified mail to public agency before 30 days after recordation of <i>Notice of Completion, Acceptance, or Cessation</i> if recording is timely. If <i>Notice of Completion</i> or <i>Cessation</i> not timely recorded serve before 90 days after actual completion or 150 days after cessation since actual completion deemed 60 days after cessation. Civil Code § 9200
	Complaint on Stop Notice	File in proper court after 10 days from service of <i>Stop Notice</i> and before 90 days from expiration of period within which <i>Stop Notices</i> must be served as per Civil Code § 9356 (above). (May be combined with complaint on Payment Bond.) (Civil Code § 9502).
	Notice to Principal & Surety on Payment Bond	IF preliminary notice not properly or timely given claimant can get 'second bite at the apple' under limited circumstances. Give Notice of Claim via certified mail to direct contractor and surety before 15 days after recordation of <i>Notice of Completion</i> or 75 days after completion. (Civil Code § 9560). Not effective if direct contractor has already paid out all undisputed amounts.
	Complaint on Payment Bond	File in proper court before 6 months after the period within which <i>Stop Notices</i> must be served as per Civil Code § 9356. (Civil Code § 9558).

FEDERAL PAYMENT REMEDY	90 Day Federal Bond Notice a.k.a Notice of Claim	Subcontractors/Material Suppliers who do not have a direct contract with prime contractor must send Notice of Claim to prime contractor within 90 days of its last performance or furnishing of labor, equipment or materials accurately stating the amount claimed and the name of the party with whom they have a contract. (40 U.S.C. § 3133).
	Service of Notice of Claim	Notice of Claim must be delivered by any means that provides written, third-party verification of delivery to the contractor at any place the contractor maintains an office or conducts business or at the contractor's residence.
	Complaint on Payment Bond	File in proper federal court after 90 days from your last performance or furnishing of labor, equipment or materials and within 1 year therefrom. (40 U.S.C. § 3133).

ALL	Complaint on Contractor's License Bond or Deposit	File in proper court within 2 years after expiration of license period during which the violation, act or omission occurred. (Bus. & Prof. Code §§7071.11(b), 7071.12(d)).
------------	--	---