**STOP PAYMENT NOTICE – PUBLIC WORKS**

(Civil Code Section 9352)

**LEGAL NOTICE TO WITHHOLD CONSTRUCTION FUNDS**

**TO:**

|  |  |
| --- | --- |
| **PUBLIC ENTITY (Name):** | **Address:** |
| **DIRECT CONTRACTOR (Name):** | **Address:** |
| **CONSTRUCTON LENDER, if any (Name):** | **Address:** |

**YOU ARE HEREBY NOTIFIED THAT**

|  |  |
| --- | --- |
| **CLAIMANT (Name):** | **Address:** |
| **Relationship of Claimant to the parties (e.g. subcontractor to \_\_\_\_\_\_\_\_\_\_\_, or supplier to \_\_\_\_\_\_\_\_\_\_\_):** |

**HAS FURNISHED WORK, LABOR, SERVICES, EQUIPMENT, OR MATERIAL OF THE FOLLOWING GENERAL DESCRIPTION:**

|  |
| --- |
|  |

**TO THE FOLLOWING PERSON OR FIRM:**

|  |  |
| --- | --- |
| **(Name):** | **Address:** |

**AT THE FOLLOWING SITE OR LOCATION (Address or description sufficient for identification):**

|  |
| --- |
|  |
| **THE TOTAL ESTIMATED VALUE OF LABOR, SERVICES, EQUIPMENT, AND/OR MATERIALS TO BE FURNISHED:** | **$**  |
| **THE TOTAL ESTIMATED VALUE OF LABOR, SERVICES, EQUIPMENT, AND/OR MATERIALS FURNISHED TO DATE IS:** | **$**  |
| **CLAIMANT HAS BEEN PAID THE SUM OF:** | **$**  |
| **THE UNPAID BALANCE OWING TO CLAIMANT (AFTER ALL JUST CREDITS AND OFFSETS) IS:**  | **$**  |
| **TOGETHER WITH INTEREST AT THE RATE OF:** | \_\_\_\_\_\_\_% **FROM AND AFTER** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **UNDER CALIFORNIA CIVIL CODE § 9358 YOU ARE REQUIRED TO SET ASIDE SUFFICIENT FUNDS TO SATISFY THIS CLAIM WITH INTEREST, COURT COSTS AND REASONABLE COSTS OF LITIGATION, AS PROVIDED BY LAW. YOU ARE ALSO NOTIFIED THAT CLAIMANT CLAIMS AN EQUITABLE LIEN AGAINST ANY CONSTRUCTION FUNDS FOR THIS PROJECT WHICH ARE IN YOUR HANDS.** |
| **Dated:**  | **For Claimant, By:**  |

**ATTACH PROOF OF NOTICE DECLARATION**

**VERIFICATION**

I, the undersigned, state: I am the ,

(“Agent of”, “President of”, “A Partner of”, “Owner of”, etc.)

the owner identified in the foregoing Stop Payment Notice – Public; I have read said document and know the contents thereof, and I certify that the same is 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.

|  |  |
| --- | --- |
| Dated:  | By:  |
|  | Name (print)  |



State of California
County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_} *ss*.

On \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_ (date), before me, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, notary public (name and title of officer) personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

*(seal)*

Witness my hand and official seal. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signature of Notary

**PROOF OF MAILING AFFIDAVIT**

(Civil Code Section 8416(a)(8) and (c))

I, the undersigned, declare that:

 I am a citizen of the United States and am over the age of 18 years. On this date, I caused to be served the following:

**STOP PAYMENT NOTICE – PUBLIC**

prepaid, via [check all that apply]:

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_ | Certified Mail, Return Receipt Requested |
| \_\_\_\_\_\_\_ | Registered Mail |
| \_\_\_\_\_\_\_ | First Class Mail |
| \_\_\_\_\_\_\_ | Express Service Carrier for Overnight Delivery |
| \_\_\_\_\_\_\_ | Delivery in Person |

On the following person or persons [list all persons served]:

|  |  |
| --- | --- |
| Name: |  |
| Title (if known): |  |
| Address: |  |

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

Dated: By:

 Print Name:

Per California Civil Code section 8118:

(b) If the notice is given by mail, the declaration shall be accompanied by one of the following:

 (1) 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.

 (2) Documentation provided by an express service carrier showing that payment was made to send the notice using an overnight delivery service.

 (3) 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.

 (4) A tracking record or other documentation provided by an express service carrier showing delivery or attempted delivery of the notice.