

THE LAW FIRM FOR THE CONSTRUCTION INDUSTRY  
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# CARLIN LAW GROUP

A Professional Corporation



## FIRST STEP TO SECURE REMEDIES

<b>PUBLIC WORKS</b>	<b>PRELIMINARY NOTICE</b>	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.
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## AFTER PRELIMINARY NOTICE IS FILED

<b>PUBLIC WORKS PAYMENT REMEDIES</b>	<b>Stop Payment Notice</b>	Serve via Certified mail to public agency before <b>30 days</b> 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 <b>90 days</b> after actual completion or <b>150 days</b> after cessation since actual completion deemed 60 days after cessation. Civil Code § 9200
	<b>Complaint on Stop Notice</b>	File in proper court after <b>10 days</b> from service of <i>Stop Payment Notice</i> and before <b>90 days</b> 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).
	<b>Notice to Principal &amp; Surety on Payment Bond</b>	<b>IF</b> 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 <b>15 days</b> after recordation of <i>Notice of Completion</i> or <b>75 days</b> after completion. (Civil Code § 9560). Not effective if direct contractor has already paid out all undisputed amounts.
	<b>Complaint on Payment Bond</b>	File in proper court before <b>6 months</b> after the period within which <i>Stop Notices</i> must be served as per Civil Code § 9356. (Civil Code § 9558).

<b>FEDERAL PAYMENT REMEDY</b>	<b>90 Day Federal Bond Notice a.k.a Notice of Claim</b>	Subcontractors/Material Suppliers who do not have a direct contract with prime contractor must send Notice of Claim to prime contractor within <b>90 days</b> 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).
	<b>Service of Notice of Claim</b>	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.
	<b>Complaint on Payment Bond</b>	File in proper federal court after <b>90 days</b> from your last performance or furnishing of labor, equipment or materials and within <b>1 year</b> therefrom. (40 U.S.C. § 3133).

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