

# Express Lien

California Lien Punchlist (Private)

## **NOTICE REQUIREMENTS**

California requires that all parties (except laborers) who did not contract with the property owner to send a 20-Day Preliminary Notice to preserve lien rights.

- Must be sent to Property Owner, Prime Contractor and the Construction Lender (if any);
- Must send, and keep an affidavit of delivery.
- Must be sent within 20 days from when Labor or Materials first delivered to the project.
- If sent after this 20-day period, notice only preserves party's right to lien for labor or materials furnished within 20 days of the notice's delivery.
- Must be sent by anyone working on a construction project who did not contract with the property owner.

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## **THE MECHANICS LIEN**

- Referred to as "Claim of Lien"
- When Notice of Cessation or Notice of Completion is filed, Prime Contractors must file Lien within 60 days from the filing, and all others must file within 30 days from the filing.
- If Notice of Cessation or Notice of Completion is not filed, all parties have 90 days after completion of the work of the improvement to file the Lien.
- Action to enforce the lien must be instituted within 90 days from the filing of the lien.
- Filed with County Recording Office
- If you don't foreclose on your lien, you are required to release it. Failing to do so can subject you to statutory penalties of up to \$2000.00 for the property owner's legal costs in getting the lien removed.

## **TERMINOLOGY**

**Notice of Cessation** is an instrument filed & signed by an owner that stipulates when work was discontinued on a project.

**Notice of Completion** is an instrument filed & signed by an owner that stipulates when work was completed on a project.

**Completion of the Work** is defined by §3086 as the actual completion of work signified by (1) occupation or use of work and a cessation of labor; (2) acceptance by owner of work; (3) stop of labor for 60 continuous days.

**Prime Contractor** is the party who contracts directly with the property owner.

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