

## Subcontractor Lien Rights Protection Checklist

| Alert  | Action  | Timing    | Done |
|--|---|-----------|------|
| <b>Contract signing</b><br><a href="#">Form: Preliminary notice, Private</a>   | Serve Preliminary Notice (Private – <a href="#">Civil Code §§ 8200-8216</a> ; Public – <a href="#">Civil Code §§ 9300-9306</a> )  | Immediate |      |
|  | <a href="#">Form: Preliminary notice, Public</a><br>File Preliminary Notice with County Recorder’s Office ( <a href="#">Civil Code § 8214</a> ) (Obligates County Clerk to send recorded notice of completion or notice of cessation)   | Immediate |      |
| <b>Open invoice reaches 60 days</b>  | Consider serving notice of intent to serve stop payment notice, or serve stop payment notice (Private – <a href="#">Civil Code §§ 8500-8560</a> ; Public – <a href="#">Civil Code §§ 9350-9510</a> )  | Immediate |      |
| <b>When you serve stop payment notice</b><br><a href="#">Form: Stop Payment Notice, Private</a><br><a href="#">Form: Stop Payment Notice, Public</a> | Send copy of Stop Notice to attorney  | Immediate |      |
|  | Calendar earliest date for filing lawsuit to enforce stop payment notice, from date of notice (Private – <a href="#">Civil Code § 8550</a> ; Public – <a href="#">Civil Code §9502</a> )  | + 10 days |      |
|  | Calendar last date for filing lawsuit to enforce stop payment notice, from last date to serve stop payment notice, which is same as last date to record lien (Private – <a href="#">Civil Code §§ 8550</a> and <a href="#">8508</a> ; Public – <a href="#">Civil Code §§ 9502</a> and <a href="#">9356</a> )        | +90 days  |      |
|  | For public works, send request and \$10 to public entity when serving stop payment notice, and entity must give notice of time for filing lawsuit on stop payment notice ( <a href="#">Civil Code §9362</a> )   |           |      |
| <b>Last day of your installing materials (need to determine date of GC’s work completion)</b>  | 1. Calendar last date (this will be accurate only if you are last trade working on the job--lien time begins upon completion of entirety of your GC's contract) for recording lien (private only) or serving stop notice (Private – <a href="#">Civil Code § 8412</a> ; Public – <a href="#">Civil Code §9356</a> ) | +90 days  |      |
|  | 2. Calendar 30-day reminder to review lien or stop payment notice due date (per #1, above)  | +60 days  |      |
|  | 3. Calendar last date for filing payment bond lawsuit   | +180 days |      |

(Private – 6 months after completion, if bond recorded – Civil Code § [8610](#); Public — 6 months after stop payment notice due date Civil Code § [9558](#))

- |    |   |                  |
|----|---|------------------|
| 4. | Calendar 30-day reminder to review bond lawsuit due date (per #3, above)  | +150 days        |
| 5. | Begin monitoring project for completion (to determine accurate time for recording lien)                               |                  |
| a. | Request notice of completion from public entity by recording preliminary notice ( <a href="#">Civil Code § 8214</a> ) | Contract signing |
| b. | Contact GC for proof of installation of last materials and ID of last trade installing materials                      | Immediate        |
| c. | Contact last trade for date of completion   | Immediate        |
| d. | Project drive-by/visits   | Bi-Weekly        |

**Receipt of Notice of Completion**

Calendar due date for recording lien ([Civil Code § 8414](#)) or stop payment notice (Private – [Civil Code § 8508](#) and Public – [Civil Code § 9356](#)) (Lien and stop payment notice time starts on date of recording of notice of completion or cessation--not mailing or receipt)

+30 days

or

**Notice of Cessation**

Consider issuing stop payment notice

Immediate

Calendar due date for filing payment bond lawsuit (Private – 6 months after completion, if bond recorded – Civil Code §§ [8610](#); Public — 6 months after stop payment notice due date [9558](#))

+180 days

**When you record lien**

1. Must serve notice of lien on or before date of recording lien ([Civil Code § 8416](#)).

Immediate

[Form: Mechanic's Lien - Claim of Lien](#)

2. Send copies of lien and notice to attorney
3. Calendar date when attorney must “perfect” lien by filing foreclosure action (from date of recording of lien) ([Civil Code § 8460](#))

Immediate

+90 days

**Open invoice reaches 5 months after completion**

Consider having attorney file payment bond lawsuit

Immediate