

# 20 Facts about California's 20-Day Preliminary Notice



The general rule, when supplying materials or services to a construction project in California, is to serve the preliminary notice within 20 days from first furnishing.



## Supplying to a California Public Project?

1 When contracting directly with the prime contractor, no notice is required

2 When contracting with all others, serve notice upon the prime contractor and the public entity within 20 days from first furnishing materials or services.

3 You may serve a late notice, but the stop notice or bond claim will only be effective for materials and services provided 20 days prior to serving the notice and thereafter.

## Supplying to a California Private Project?

4 When contracting directly with the owner, serve the notice upon the lender within 20 days from first furnishing materials or services.

5 When contracting with all others, serve the notice upon the owner, prime contractor and lender within 20 days from first furnishing materials or services.

6 You may serve a late notice, but the lien, stop notice or bond claim will only be effective for materials and services provided 20 days prior to serving the notice and thereafter.

## Wait, the notice isn't required?

7 Correct, there may be circumstances when the preliminary notice may not be required. But, just because you don't have to do something, doesn't mean you shouldn't. A great best practice is to serve a notice, regardless of your position in the ladder of supply – it's better for everyone to know you are supplying to the project.

Serving the notice upon all parties is a good idea, but if you are contracting with the owner on a public project, you do not have bond claim or stop notice rights.



## What info should appear within the CA 20-Day Notice?

- 8 The name and address of the owner (or reputed owner)
- 9 The name and address of the direct contractor
- 10 The name and address of the construction lender
- 11 The name, address and relationship of the parties in the contractual chain
- 12 The name and address of the claimant (the entity serving the notice)
- 13 The name of the claimant's customer
- 14 The project address
- 15 A general description of the materials or services being provided, the contract amount and the claim amount
- 16 The statutorily worded Notice to Property Owner

According to California Civil Code (Title 1, Chapter 2 Notice 8100-8118), the above information should be included in the notice.



## 17 Don't just throw a stamp on the envelope & drop it in the mail!

In California, the notice should be served via "...registered or certified mail, express mail, or overnight delivery by an express service carrier." – (8110)

18 Conservatively, NCS recommends you calculate your mechanic's lien/stop notice deadlines based on your last furnishing date. In California, statute dictates these deadlines are calculated based on the date of Completion or the date a Notice of Completion is filed, unfortunately, not all project owners file this notice when the project is completed.

19 The owner must notify the prime contractor and any claimant who has served a 20-day notice that a notice of completion or cessation has been filed within 10 days of its filing (commercial projects). The mechanic's lien/ private stop notice period will not be shortened by the filing of the notice of completion or cessation if the owner fails to notify you.

## hello sunshine!

When supplying materials or services to a federal project, regardless of the state in which the project is located, there is no required preliminary notice.



## Need to send a preliminary notice in California?

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