

COUNTERAFFIDAVIT AND DECLARATION BY STOP PAYMENT NOTICE CLAIMANT

(CA Civil Code § 9400 et seq., 8100 et seq.)

TO: **DIRECT CONTRACTOR** **PUBLIC ENTITY**

Name: _____
Address: _____

I, _____ (Name of Stop Payment Notice Claimant), **STATE:**

I HAVE FURNISHED WORK, LABOR, SERVICES, EQUIPMENT AND/OR MATERIAL OF THE FOLLOWING GENERAL DESCRIPTION:

FOR THE BUILDING, STRUCTURE OR OTHER WORK OF IMPROVEMENT LOCATED AT:

Address/Description: _____

THE PERSON OR FIRM WHO CONTRACTED FOR THE PURCHASE OF SUCH WORK, LABOR, SERVICES, EQUIPMENT AND/OR MATERIAL IS:

Name, Title & Address: _____

I GAVE A PRELIMINARY NOTICE (PUBLIC WORK) TO _____ (Name of Public Entity) ON _____, _____ (Date), IN ACCORDANCE WITH CA CIVIL CODE § 9300 et seq. I ALSO FILED A STOP PAYMENT NOTICE WITH _____ ON _____, _____ (Date), IN ACCORDANCE WITH CA CIVIL CODE SECTION 9350 et seq. THE AMOUNT OF \$ _____ WHICH IS DUE AND OWING FOR THE ABOVE DESCRIBED WORK, LABOR, SERVICES, EQUIPMENT AND/OR MATERIAL, REMAINS UNPAID. I CONTEST AND REBUT THE ALLEGATIONS OF THE AFFIDAVIT DATED _____, _____ (Date), FILED BY _____, AS THE DIRECT CONTRACTOR ON SAID WORK OF IMPROVEMENT, FOR THE FOLLOWING REASONS:

(IDENTIFY ATTACHMENT IF ATTACHMENT WILL BE USED)

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS DECLARATION WAS EXECUTED ON _____, _____ (Date), AT _____ (City), _____ (State).

(Signature of Claimant)

(Name of Firm)

(Title)

(Telephone)

(Street or PO Box)

(Contractor's License No.)

(City, State, Zip)

PROOF OF SERVICE DECLARATION

(CA Civil Code §§ 8100-8118)

I, _____, declare that I served copies of the above **COUNTERAFFIDAVIT AND DECLARATION BY STOP PAYMENT NOTICE CLAIMANT**, (check appropriate box):

- a. By personally delivering copies to _____ (name(s) and title(s) of person served) at _____ (address), on _____, _____ (date), at _____, _____m. (time)
- b. By Registered or Certified Mail, Express Mail or Overnight Delivery by an express service carrier, addressed to each of the parties at the address shown above on _____, _____ (date).
- c. By leaving the notice and mailing a copy in the manner provided in § 415.20 of the California Code of Civil Procedure for service of Summons and Complaint in a Civil Action.

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

Executed on _____, _____ (date), at _____ (City), _____ (State).

(Signature of Person Making Service)