

AFFIDAVIT AND DECLARATION FOR RELEASE OF STOP PAYMENT NOTICE FUNDS

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

TO: PUBLIC ENTITY

Name: _____

Address: _____

I, _____ (Name of Direct Contractor Seeking Release of Funds), STATE:

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

FOR THE PUBLIC ENTITY IDENTIFIED ABOVE AT THE BUILDING, STRUCTURE OR OTHER WORK OF IMPROVEMENT ("PROJECT") LOCATED AT:

Address/Description: _____

I AM SEEKING THE RELEASE OF FUNDS WITHHELD BY THE PUBLIC ENTITY AS A RESULT OF THE STOP PAYMENT NOTICE SERVED ON THE PUBLIC ENTITY BY THE FOLLOWING STOP PAYMENT NOTICE CLAIMANT AS TO THE PROJECT.

(Name of Stop Payment Notice Claimant).
THE STOP PAYMENT NOTICE WAS DATED: _____, _____ (Date of Stop Payment Notice).

THE RELATIONSHIP OF THE STOP PAYMENT NOTICE CLAIMANT TO ME IS THAT THEY ARE A:

(SUBCONTRACTOR, SUPPLIER, SUBCONTRACTOR TO SUBCONTRACTOR, SUPPLIER TO SUBCONTRACTOR, ETC.)

UNDER CALIFORNIA CIVIL CODE SECTION 9400, I CONTEST THE ALLEGATIONS OF THE STOP PAYMENT NOTICE FILED BY THE STOP PAYMENT NOTICE CLAIMANT AND DEMAND RELEASE OF FUNDS WITHHELD, EITHER FULLY OR PARTIALLY (if partially, explain) IN THE FOLLOWING AMOUNT WHICH I REQUEST BE RELEASED \$ _____ 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)

(City, State, Zip)

PROOF OF SERVICE DECLARATION

(CA Civil Code §§ 8100-8118)

I, _____, declare that I served copies of the above AFFIDAVIT AND DECLARATION FOR RELEASE OF STOP PAYMENT NOTICE FUNDS, (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)

[SERVE ONE ORIGINAL AND ONE COPY ON PUBLIC ENTITTY]