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Attorney Service, Inc.

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Orange County
840 N. BIRCH STREET
SANTA ANA, CA 92701
(714) 953-9451 Fax (714) 953-2840

OC

3014239

FIRM: HINE SMITH CARPER
3000 BRISTOL ST #400
COSTA MESA CA 92626

DATE: 1/22/08

COURT: Riverside County

BRANCH: Recorder's Office

CASE #:

CASE TITLE: (GP) v. G Companies - Murrieta 453

DOCUMENTS:

① Mechanic's Lien

For J&J use only

To:

Date:

Client # 3144

Route # 0000

PHONE: (714) 953-9451

FAX #: (714) 953-2840

CONTACT: Yen

ATTY FILE #: K. Agbayani

INSTRUCTIONS:

- ☐ FILE ☐ CONFORM
☐ ISSUE ☐ COPY
☒ RECORD ☐ CERTIFY
☐ OTHER (PLEASE SPECIFY):
☒ ADVANCE FEES
☐ CHECK ATTACHED \$ _____



SERVE
PER ATTACHED INSTR.



DO TODAY
ADD. CHARGE MAY APPLY

LAST DAY
TO FILE:

PLEASE NOTE ANY SPECIFIC OR TIMELY FILING REQUIREMENTS

RECEIVED

JAN 22 2008

JOC-EI

APPEARANCE FEES PAID ON: _____

UPCOMING HEARINGS

(VERY IMPORTANT): DATE _____ TIME _____ DEPT. _____

REPORT/NOTES:

ITEM	CHARGE
RUSH FILING	
OUT OF AREA SPECIAL	
COPY WORK/ RESEARCH	
RECORDING	
COURT SERVICE	
FAX	
FEE ADVANCE	\$11.5
CHECK #	2097

☒ **ASSIGNMENT COMPLETED BY:** _____ DATE _____

☐ **REJECTED**

☐ **CLIENT CALLED SPOKE TO** _____ DATE _____

☒ **BILLING TO FOLLOW**

MEMBER - CALIFORNIA ASSOCIATION OF PHOTOCOPIERS AND PROCESS SERVERS FOUNDING MEMBER - NATIONAL ASSOCIATION OF PROFESSIONAL PROCESS SERVERS
JANNEY COPY

01/23/2008

01/4000

RECEIPT # 119077

LETT, W. WARD
Riverside Council
Clerk and Recorder
1714 Gatewood Drive
Riverside, CA 92507
951-486-7000
www.Riverside-NCN.com

FROM :

BY : AMELIA

Recording on this Receipt:
1000-0025014 thru 1000-0025094

1 1000-0025594 STANDARD 11.00

TOTAL FOR ---- 11.00
Amount Received ---- 00

CHANGE ----- 0.00

Check Received

Check #22917

*** RECEIPT ***

Recording Requested By:

Marc S. Hines, Esq.
Katherine S. Agbayani, Esq.
HINES SMITH CARDER
3080 Bristol Street, Suite 540
Costa Mesa, California 92626

DOC # 2008-0035594
01/23/2008

Conformed Copy

Has not been compared with original

Larry W Ward
County of Riverside
Assessor, County Clerk & Recorder

When recorded Mail to:
Marc S. Hines, Esq.
Katherine S. Agbayani, Esq.
HINES SMITH CARDER
3080 Bristol Street, Suite 540
Costa Mesa, California 92626

Space above this line for recorder's use only

**MECHANIC'S LIEN
(Claim of Lien)**

(To be recorded in the county recorder's office in the county in which the property is located.)

NOTICE IS HEREBY GIVEN that GATEWAY PLASTERING, INC.

as the Claimant, claims a lien for labor, service, equipment, or materials under Section 3082 *et. seq.* of the *Civil Code* of the State of California, upon the premises hereinafter described, and upon every estate or interest in such structures, improvements and premises held by any party holding any estate therein.

Said labor, service, equipment or materials, were furnished for the construction of those certain buildings, improvements, or structures, now upon that certain parcel of land situated in the City of Murrieta, County of Riverside, State of California, said land described as follows:

LEGAL DESCRIPTION: Buildings 1(B), 2(D), 3(E), 4(F) 5(G), 7(C) and 8(A) of the Murrieta 453/Village Walk Project in the City of Murrieta, County of Riverside, State of California.

Said lien is claimed for the following labor, services, equipment and/or materials: **SUPPLY AND INSTALLATION OF LATH AND PLASTER.**

After deducting all just credits and offsets, the amount due is \$632,148.30, plus interest at the legal rate.

The name of the person or company by whom Claimant was employed, or to whom Claimant furnished the labor, services, equipment or materials is: G Companies Construction, Inc., 1105 Quail Street, Newport Beach, California 92660.

The name and address of the owner or reputed owner of the real property is: Murrieta Village Walk, LP, 1105 Quail Street, Newport Beach, California 92660.

Dated: January 18, 2008

Name of Claimant: **GATEWAY PLASTERING, INC.**

By:


Katherine S. Agbayani, Esq.
HINES SMITH CARDER
Attorneys and Authorized Agent of Claimant

Verification

I, the undersigned, declare: I am the agent of the Claimant named in the foregoing claim of mechanics' lien and am authorized to make this verification for the Claimant. I have read the foregoing claim of mechanic's lien and know the contents thereof, and the same is true of my own knowledge.

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

Executed on January 18, 2008, at Costa Mesa, California.



Signature of Claimant or Authorized agent

EXHIBIT "D"

STOP NOTICE (PRIVATE WORK)
[CC §§3103, 3158, 3159]

BONDED STOP NOTICE

To: BANK OF THE WEST
3000 Oak Road, Suite 400
Walnut Creek, California 94597

This is to notify you that the undersigned claimant, GATEWAY PLASTERING, INC. ("Claimant"), located at 966 North Amelia Avenue, San Dimas, CA 91773, furnished to G COMPANIES CONSTRUCTION, INC., labor, services and materials for installation of lath and plaster to be used and actually used in Buildings 1(B), 2(D), 3(E), 4(F) 5(G), 7(C) and 8(A) of the Murrieta 453 Village Walk Project in the construction of the work of improvement for that certain real property located in the City of Murrieta, County of Riverside, State of California, and more particularly described as:


Murrieta 453 Village Walk
Buildings 1(B), 2(D), 3(E), 4(F) 5(G), 7(C) and 8(A), in the City of Murrieta
County of Riverside, State of California

The contract price for the labor, services and materials is the sum of \$1,865,397.00. After application of all applicable payments and credits, there remains now presently due and owing to Claimant, for the reasonable value of the labor, services and materials provided to the project the sum of \$632,148.30. This sum has not been paid to date.

The name and address of the owner or reputed owner of the real property is Murrieta Village Walk, LP, 1105 Quail Street, Newport Beach, California 92660.

WHEREFORE, Claimant claims the benefit of the law given to laborers and materials men under and by virtue of Civil Code sections 3156 *et seq.* and requests that you withhold funds to satisfy this claim.

Dated: January 31, 2008


KATHERINE S. AGBAYANI, ESQ.
HINES SMITH CARDER
Attorney and Agent for Gateway Plastering, Inc.

VERIFICATION

I am the attorney and agent for Gateway Plastering, Inc., Claimant on the foregoing stop notice, and am authorized to make this verification for and on behalf of said Claimant. I have read the foregoing stop notice and know the contents of the stop notice, containing among other things, a correct statement of Claimant's demands after deducting all just credits and offsets, to be true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 31, 2008, at Costa Mesa, California.


KATHERINE S. AGBAYANI, ESQ., Declarant

Notes Use of form: A stop notice can be given to the owner by anyone entitled to a mechanics' lien except the original contractor. [CC § 3158] Anyone entitled to a mechanics' lien, including the original contractor, can give a stop notice to the construction lender. [CC § 3159] Service of a stop notice is effective only if the claimant has already given the 20-day preliminary notice in accordance with CC § 3097. [CC § 3160] To compel the withholding of funds, the claimant must file a bond in the amount of one and one quarter the amount of the claim. [CC § 3083] Required contents and service of stop notice: The stop notice must contain all of the following information: (1) a description of the kind of labor, services, equipment or materials furnished or agreed to be furnished by the claimant; (2) the name of the person to whom the labor, services, equipment or materials were furnished; (3) the amount in value of the work done or furnished; and (4) the name and address of the claimant. [CC § 3103] The stop notice must be served in accordance with CC § 3103.

BOND NO. 7597733
\$ 6,451.00 premium is for
a term of one (1) year(s)

**BOND UNDER CIVIL CODE 3083 ACCOMPANYING
STOP-NOTICE UNDER CIVIL CODE 3159 — PRIVATE WORK**

KNOW ALL MEN BY THESE PRESENTS,

That we, Gateway Plastering, Inc.
as Principal, and the Fidelity and Deposit Company of Maryland
a Corporation organized and existing under the laws of the State of Maryland
and duly licensed to transact surety business in the State of California, as Surety, are held and
firmly bound unto Bank of the West as
Obligee, in the sum of Seven Hundred Ninety Thousand One Hundred Eighty Six and 00/100's

Dollars (\$ 790,186.00), for the payment whereof, well and truly to be made, we hereby bind
ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly
by these presents.

WHEREAS, the above named Principal has furnished materials, equipment or services or
performed labor in connection with that work of improvement described as Buildings 1(B), 2(D),
3(E), 4(F), 5(G), 7(C) and 8(A) of the Murrieta 453 Village Walk

and located at Murrieta 453 Village Walk, Buildings 1(B), 2(D), 3(E), 4(F), 5(G), 7(C) and 8(A) in the
City of Murrieta, County of Riverside, State of California and

WHEREAS, the said Principal has filed or is about to file or is filing concurrently with this
bond a stop-notice pursuant to Civil Code 3159 covering said materials, equipment, services or
labor and has requested, or is by stop-notice now about to request, the Obligee, who is holding
building funds, to withhold said funds, and in connection with said section, said Principal is required
to file a bond as defined in Civil Code 3083 in the sum stated above, being one and one quarter
times the amount claimed in said stop-notice.

NOW, THEREFORE, the condition of the obligation is such that if no payment bond is
recorded pursuant to Civil Code 3159 and the defendant recovers judgement in an action brought
on said stop-notice (verified claim), or on the lien filed by the above-named Principal, the above-
named principal will pay all costs and all damages named and set forth in Civil Code 3083, not
exceeding the sum specified in this bond, then this obligation shall be null and void, otherwise it
shall remain in full force and effect.

SIGNED AND SEALED this 21st day of January, 2008
YEAR

Fidelity and Deposit Company of Maryland

Gateway Plastering, Inc.

Julia R. Gladding

Attorney-in-Fact

Principal

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of RIVERSIDE

On JAN 21 2008

before me, MICHELE M. QUALLS

Here Insert Name and Title of the Officer

personally appeared JULIA B. GLADDING

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Michele M. Qualls

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

BOND NO. 7597733

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by M. P. HAMMOND, Vice President, and GERALD F. HALEY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint Julia B. GLADDING and Kenneth A. COATE, both of Riverside, California, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as aforesaid, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings, in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Julia B. GLADDING, dated September 13, 2007.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 18th day of September, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gerald F. Haley

Gerald F. Haley Assistant Secretary

By:

M. P. Hammond

M. P. Hammond Vice President

State of Maryland }
City of Baltimore } ss:

On this 18th day of September, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came M. P. HAMMOND, Vice President, and GERALD F. HALEY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Dennis R. Hayden

Dennis R. Hayden

Notary Public

My Commission Expires: February 1, 2009

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bank of the West
3000 Oak Road, Suite 400
Walnut Creek, CA 94597

2. Article Number

(Transfer from service label)

7007 1490 0003 9017 1029

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Essie Taide*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

ESSIE TAIDE

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

G Companies Construction, Inc.
P.O. Box 2990
Newport Beach, CA 92658

2. Article Number

(Transfer from service label)

7007 1490 0003 9017 1036

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Refin*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Refin

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Murietta Village Walk, LP
1105 Quail Street
Newport Beach, CA 92660

2. Article Number

(Transfer from service label)

7007 1490 0003 9017 1043

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *David*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

David

C. Date of Delivery

- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Hines Smith Carder
ATTORNEYS AT LAW
3080 BRISTOL STREET, SUITE 540
COSTA MESA, CA 92626

GPV @Compares (GP)

1-31-08



UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Hines Smith Carder
ATTORNEYS AT LAW
3080 BRISTOL STREET, SUITE 540
COSTA MESA, CA 92626

GPV @Compares (GP)

1-31-08

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Hines Smith Carder
ATTORNEYS AT LAW
3080 BRISTOL STREET, SUITE 540
COSTA MESA, CA 92626

GPV @Compares (GP)

1-31-08



U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent to: Frank West
Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2006 See Instructions for Instructions

7007 1490 0003 9017 1036

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent to: B. C. Curpene
Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2006 See Instructions for Instructions

7007 1490 0003 9017 1043

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent to: M. C. Curpene
Street, Apt. No.,
or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2006 See Instructions for Instructions