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Did You Know?

How Do You File A Lien In A Construction Payment Dispute?



Ethan Solove, Esq.

How Do You File A Lien In A Construction Payment Dispute?

Contractors, subcontractors, and suppliers deserve to be paid for the work they complete and the supplies they provide. All too often, however, they are not adequately or promptly paid and find themselves in a payment dispute. Fortunately, the law gives those in the construction industry a legal tool called a “mechanic’s lien” to use to secure their right to proper payment.

Can a Lien be Filed?

The first step is to determine whether the individual is eligible to file a lien in California. Our state only recognizes liens filed by individuals who are in a contract directly with the property owner, a contractor, a subcontractor, or anyone who is a legal agent of those parties. If there is no contract with the owner of the property, the individual is required to provide a Preliminary Notice to the owner and other required parties no more than 20 days after labor or supplies are first provided. Any work performed prior to the 20-day window will not be protected. There is also specific language that this notice must contain in order to qualify to file a lien.

How to Prepare a Lien

The lien document is called a Claim of Lien and must include very specific elements and language. Some elements of a proper mechanic’s lien include identifying information of the property owner and who hired the individual, a description of the property and services, a demand statement, a description of why a lien is being filed, additional statutory language, and more. When preparing a lien, you should always seek out an experienced transactional attorney.

How to Deliver and File the Lien

The lien must be signed and verified and the individual must use certified mail to send a copy to the property owner. The original lien will need to be filed with the county recorder’s office, along with an affidavit stating that a copy was mailed to the property owner. The lien must be recorded within the following time frame, whichever is earlier:

60 days from filing a Notice of Completion or Abandonment of the project; or
90 days from actual completion or abandonment of the project

It is often best to deliver the lien to the recorder’s office personally or by courier to ensure it is recorded in a timely manner. Hopefully, once a lien is filed, the property owner will be more responsive to collection attempts. However, if the property owner still refuses to pay, a legal claim can be filed to enforce the lien within 90 days of the lien’s initial filing date.



Success Story

One of SLG’s clients had a customer who fell behind substantially in making payments. Given the magnitude of the work, that meant receivables in the millions of dollars. SLG’s attorneys pursued the matter and escalated the pressure as the other side raised every possible reason not to pay. SLG’s attorneys stayed vigilant and focused on the claim while negating the other side’s defenses. The matter proceeded to judgment and SLG’s attorneys succeeded in obtaining a judgment for in excess of 95% of the amount claimed!

Stock Purchase Agreement For A California Corporation



Gokalp Gurer, Esq.

There are a variety of ways for a corporation to sell its assets without compromising its structural integrity or otherwise damaging the business. One common method by which California corporations can sell assets is a stock purchase agreement. For example, if an investor (which can even be a company) wants to buy stock in a company, the executing instrument is typically a stock purchase agreement. The stock purchase agreement allows a business to sell its assets – and sometimes, certain voting and management rights – without actually selling the business itself. In order to protect the assets at issue and protect the legal interests of the companies involved, a California corporate transactional attorney can help businesses effectively negotiate and execute stock purchase agreements.

What is a Stock Purchase Agreement?

A California stock purchase agreement is simply a type of business contract that allows a company to sell its stock to an individual or other company. At a bare bones level, the stock purchase agreement will simply sell stock, but some agreements may give additional rights associated with the stock. For instance, a stock purchase agreement may provide

particular voting and/or management rights, in addition to the stock. Or, the stock purchase agreement may grant a seat on the selling company's board of directors, such that the buyer will have a say in, for instance, hiring managers. In a situation where a stock purchase agreement grants more than just stock, the agreement must be carefully crafted in order to plan for future contingencies, such as voting proxies or removal from the board of directors. Furthermore, stock purchase agreements can cover a significant amount of corporate assets, especially for publicly-traded companies. Regardless of the value of the assets being transferred, both the buyer and seller face certain risks inherent to the transaction.

How a Transactional Attorney Can Protect Legal Interests

The first step in a successful corporate transaction is for an attorney to perform thorough and accurate due diligence investigations. SLG's attorneys are highly experienced in evaluating and assessing transactions to identify all potential sources of liability, and to then strategize on how to avoid such situations. Finally, our attorneys ensure that the agreements are executed in accordance with California law and that no other legal impediments can prohibit their enforcement.

Popular New Years Resolutions

Things to Watch For in 2018

Happy
New Year



1. Get healthy
2. Get organized
3. Live life to the fullest
4. Learn a new hobby
5. Spend more time with family
6. Travel more
7. Read more books
8. Spend less, save more
9. Start exercising
10. Donate to charity



1. NASA will launch 3 exploration vessels into space.
2. Saudi Arabia to give women the right to drive.
3. The 2nd capsule of The Helium Centennial Time Columns Monument to be opened after 50 years.
4. Russia to host 2018 FIFA World Cup in July.
5. Pyeongchang, South Korea will host the 2018 Winter Olympics.

Structure Law Group welcomes new attorney, Julie Bonnel-Rogers!



Julie Bonnel-Rogers Esq.

Structure Law Group, LLP, is pleased to announce Julie Bonnel-Rogers has joined the firm as our newest litigation attorney. “We are excited to have Julie because she is a ferocious fighter who never backs down from a challenge. Julie brings a ton of experience to the table and we are incredibly excited to have her in our clients’ corner here at Structure Law”, said SLG attorney Ethan Solove.

Julie Bonnel-Rogers has several years of civil litigation and trial experience. The scope of her career has included representation of business and property owners in a large variety of disputes in the tech, biotech, construction, and gas and oil industries. Ms. Bonnel-Rogers is involved in all aspects of the litigation process, from advising clients on pre-lawsuit demands, filing and responding to lawsuits, pleadings, handling discovery, law and motion matters, settlement negotiations, and trial. Julie has been recognized for her advocacy on behalf of small and mid-sized businesses and their financial and

legal exposure to technological risks and security breaches.

Ms. Bonnel-Rogers received her J.D. from the University of San Francisco School of Law. Prior to entering law school, Julie taught English on the Island of Saipan in the Northern Marianas Islands as a volunteer through the Jesuit Volunteer Corps in 1989-1990. While in law school, she participated on the Law School’s Moot Court Competition Team, and graduated with advocacy honors including the 1993 USF School of Law 1st Place “Advocate of the Year” title. “Structure Law provides a great resource to clients whose diverse needs include both transactional expertise and litigation reinforcement. I am excited to begin the next chapter of my career working with the Structure litigation team.”



SLG Welcomes New Babies

Employment Corner

Welcome to the world,
Bryce Gus Martin Penhallegon
Congratulations to Ryan Penhallegon
and his family!



Welcome to the world,
James Aleksander Mezek
Congratulations to Katya Mezek
and her family!

-- IMPORTANT EMPLOYER INFORMATION --

Existing law imposes various restrictions on employers with respect to applications for employment. AB 168 changes the hiring process in a multitude of ways.

- An employer shall not rely on the salary history of an applicant for employment as a factor in determining whether to offer employment or how much salary to offer.
- An employer shall not, orally or in writing, personally or through an agent, seek salary history information about an applicant for employment, including compensation and benefits.
- An employer, upon reasonable request, shall provide the pay scale for a position to an applicant applying for employment.
- This section applies to all employers, including state and local government employers and the Legislature.



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DID YOU KNOW?

- An apple in the morning will keep you more awake than a cup of coffee.
- The average person spends only 10 minutes a day talking.
- Travelling decreases risk of heart attack and depression and supports brain health.
- Sea Otters hold hands while they sleep so they don't drift away from each other.
- There are more English speakers in China than in the United States.



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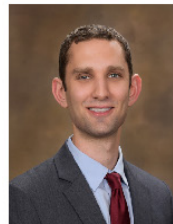
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Check out our blog! www.SanJoseBusinessLawyersBlog.com
We appreciate your referrals!