

[Lien Claimant Letterhead]

[Date]

Notice to Make Payment Directly to Dairy Cattle Supply
Lien Claimant
(Cal. Food and Ag. Code Section 57413)

To: [Creamery]

Lien Debtor:

Secured Parties:

Please Take Notice that _____ (“Lien Claimant”) asserts a lien pursuant to the Dairy Cattle Supply Lien law (Cal. Food & Agricultural Code section 57401 et. seq.) on proceeds of milk and milk products owed to the Lien Debtor identified above. The lien secures a claim in the amount of \$_____. Lien Debtor is in default of his/her/its obligations to Lien Claimant, and Lien Claimant is entitled to exercise all rights and remedies provided by the Dairy Cattle Supply Lien law.

Please Take Further Notice that, pursuant to Section 57413 of the California Food and Agricultural Code, Lien Claimant demands that, no later than the date payment is otherwise due to Lien Debtor but in no event earlier than 15 days prior to the date of this notice, _____ make payment to Lien Claimant in the lesser of (i) amounts owed to Lien Debtor for milk or milk products provided by Lien Debtor or (ii) \$_____ (representing the amount secured by Lien Claimant’s lien.) Payment should be made as follows:

If you have any questions, please feel free to contact the undersigned.

Printed Name: _____

Title: _____

Proof of Service

I, _____, declare:

At the time of service, I was over 18 years of age. I am employed by _____ and my business address is _____.

On _____, I served true copies of the following document, a copy of which is attached:

Notice to Make Payment Directly to Dairy Cattle Supply Lien Claimant (Cal. Food and Ag. Code Section 57413) dated _____, _____.

on the following persons or entities:

[Insert addresses from above]

I enclosed the document identified above in a sealed envelope or package addressed to the persons at the addresses listed below and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with _____ [Lien Claimant]'s practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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

Executed on _____, at _____, California.

Signature: _____

Printed Name: _____

Title: _____

Instructions for Preparation and Service of Form

This notice is used if the Lien Claimant decides to enforce the Dairy Cattle Supply Lien utilizing the non-judicial remedy of Section 57413(a)(2).

Prior to Preparation and Service of the Notice

- a. *If the Lien Debtor is an entity (corporation, limited partnership or limited liability company), identify the registered agent for service of process by conducting a search of the records of the Secretary of State.*
- b. *Complete a lien search on the Lien Debtor with the California Secretary of State*
- c. *If the Lien Debtor is an entity, conduct a lien search with the Secretary of State of the state in which such entity is organized, if different than California.*

Preparation of the Notice

1. *The Notice should be printed on the Lien Claimant's letterhead.*
2. *Date. The Notice should contain the actual date that the Lien Claimant serves the notice.*
3. *Name of Creamery or Handler. The Notice should be directed to the creamery or handler that owes milk proceeds subject to the Lien Claimant's lien. This information should be set forth on the Lien Perfection and Enforcement Information Sheet.*
4. *Name of Lien Debtor. The Notice must set forth the exact legal name of the Lien Debtor and its last known address. This information should be set forth on the Lien Perfection and Enforcement Information Sheet.*
5. *Secured Parties. The Notice should set forth the name and address of other secured creditors claiming a lien or interest in the milk proceeds. These names and secured creditors will be listed on the lien search obtained on the Lien Debtor, as discussed above.*
6. *Amount. The Notice contains an area for setting forth the amount of the lien. In general, the amount is the lesser of (i) the unpaid amount owed by the Lien Debtor, or (ii) the amount of reasonable or agreed charges for feed for a 60-day period.*
7. *Payment Information. The Notice should contain payment directions for the creamery or handler to direct payment.*
8. *Signature. The Notice should be signed.*
9. *Proof of Service. A proof of service will constitute evidence that the form was properly served on necessary persons. The proof of service should contain the name and signature of the individual mailing the notice and the names of the parties being served. The original should be retained in the Lien Claimant's files.*