

30545

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KNOW ALL MEN BY THESE PRESENTS: The undersigned, hereinafter called the claimant, did on the 15th day of May, 1976, enter into a contract with the owner of the improvement named below for the performance of labor, transporting or furnishing materials to be used in or renting equipment used in the construction of said improvement known as DON'S SUPER VALU:

said improvement is situated upon certain land in the County of Klamath, State of Oregon, (which is the site of said improvement), described as follows:

Klamath Falls FAIRVIEW Number 2, all of Block 20.

The address of said land, if known, is (if unknown, so state) 1315 Oregon Avenue

in said county and state.

The name of the owner or reputed owner of said land is Don Morrison, et ux

the name of the owner or reputed owner of said improvement is Don Morrison, et ux

the person or persons just named, at all times herein mentioned, had knowledge of the construction of said improvement.

Claimant was employed to furnish said labor, materials and equipment and to perform said contract by the said owner of said improvement. Claimant commenced his performance of said contract on April 26, 1976,

provided and furnished all labor, materials and equipment required by said contract and actually used in the construction of said improvement and fully completed his said contract on May 11, 1977,

after which he ceased to provide labor, materials or equipment for said improvement.

The following is a true statement of claimant's demand after deducting all just credits and offsets to-wit:

Contract price \$ 136,347.00

Said price includes the reasonable rental value of said equipment which is \$

If no contract price, the reasonable value of claimant's labor, materials and equipment is:

Labor \$ 15,000.00

Materials \$

Equipment \$

Preparation of this claim of lien (ORS 87.910) \$ 10.00

Recording fees \$ 6.00

Total \$ 151,363.00

Less all just credits and offsets \$ 145,853.06

Balance due claimant \$ 5,509.94

Claimant claims a lien for the amount last stated upon the said improvement and upon the site, to-wit: the land upon which said improvement is constructed, together with the land that may be required for the convenient use and occupation of the improvement constructed on the said site, to be determined by the court at the time of the foreclosure of this lien.

For the time and place of recording to make this lien a valid claim, see quotation from ORS 87.035 on next page.

— OVER —

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In construing this instrument, the masculine pronoun means and includes the feminine and the neuter, and the singular includes the plural, as the circumstances may require.

Dated June 2, 1977.

*Jack Baker*

Claimant

STATE OF OREGON, County of Klamath ss.

I, JACK BAKER, being first duly sworn, depose

and say: That I am the claimant named in the foregoing instrument; that I have knowledge of the facts therein set forth; that all statements made in said instrument are true and correct, as I verily believe.

Subscribed and sworn to before me this 2nd day of June, 1977.

*John B. Parks Jr.*  
Notary Public for Oregon. My Commission expires 7-9-79

(SEAL)

NOTICE TO THE OWNER of the land described in the attached copy of claim of lien:

Please be advised that the original claim of lien of which the attached is a true copy was filed and recorded in the office of the recording officer of Klamath County, Oregon, on June 2, 1977.

By *Jack Baker* Claimant

Note: The foregoing lien is created by subsection 1 of ORS 87.010. Section ORS 87.035 provides: "Every person claiming a lien under subsection (1) or (2) of ORS 87.010 shall file the claim not later than 90 days after he has ceased to provide labor, rent equipment or furnish materials or 60 days after completion of construction, whichever is earlier." Also that the lien claim "shall be filed for recording with the recording officer of the county or counties in which the improvement, or some part thereof, is situated."

Note: ORS 87.039 provides:

"A person filing a claim for a lien as provided by ORS 87.035 shall deliver to the owner a notice in writing that the claim has been filed. The notice shall be delivered not later than 20 days after the date of filing."

**CLAIM OF  
CONSTRUCTION LIEN  
ORIGINAL CONTRACTOR**  
(Form No. 123)

Lien Claimant

vs.

Lien Debtor

AFTER RECORDING RETURN TO

**DEL PARKS**  
ATTORNEY AT LAW  
207 BOVIN BUILDING  
KLAMATH FALLS, OREGON 97601  
(803) 882-6331

(SPACE RESERVED  
FOR  
RECORDER'S USE.)

**STATE OF OREGON**

County of Klamath ss.

I certify that the within instrument was filed in my office on the 3rd day of June, 1977, at 4:45 o'clock PM, and recorded in book M77 on page 9752 or as file/reel No. 30545 of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.

Wm. D. Milne  
By *Glenn D. Milne* Recording Officer  
Deputy

*file 4/6/80*