

32826

Vol. 77 Page 12945

KNOW ALL MEN BY THESE PRESENTS: The undersigned, hereinafter called the claimant, has performed labor and furnished materials under a contract between claimant and DeGree Construction Co. who was the ☒ original contractor, ☐ subcontractor, ☐ construction agent or ☐ other person (indicate which) having charge of the construction of that certain improvement known as Novak Part Supply situated upon certain land in the County of Klamath, State of Oregon, which is the site of said improvement, described as follows:

Said property description is attached hereto, marked "Exhibit A" and made a part hereof

The address of said improvement, if known (if unknown, so state) is 2935 So. 6th Street, Klamath Falls, in said county and state. The name of the owner or reputed owner of said land is M. Ruth Novak & Swan Lake Moulding, who at all times herein mentioned had knowledge of the construction of said improvement. The name of the person by whom claimant was employed or to whom he furnished said materials and for whom he performed said labor is DeGree Construction Co. Claimant commenced his performance of said contract on February 25, 1977, and completed same on May 31, 1977, after which he ceased to provide labor and to furnish materials.

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

Contract price	\$ 11,022.25
If no contract, the reasonable value of claimant's labor, materials and equipment is:	
Labor	\$
Materials	\$
Equipment	\$
Preparation of this claim of lien (ORS 87.910)	\$ 10.00
Recording fees	\$ 9.00
Total	\$ 11,041.25
Less all just credits and offsets	\$ 8,463.00
Balance due claimant	\$ 2,578.25

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 said site, to be determined by the court at the time of the foreclosure of this lien.

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 this.....day of.....July....., 1977.....

FREMONT GLASS & MILLWORK COMPANY

By: *James L. Landon*

Claimant

(OVER)



12346

STATE OF OREGON, County of Klamath ss.I, Francis S. Landrum, being first duly sworn, deposeand say: That I am the president of claimant company  
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.Francis S. Landrum  
PresidentSubscribed and sworn to before me this 21 day of July, 19 77

(SEAL)

Missy L. L. L. L.  
Notary Public for Oregon. My Commission expires 9-16-77

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 \_\_\_\_\_ County, Oregon, on \_\_\_\_\_, 19 \_\_\_\_\_

Claimant

By \_\_\_\_\_

Note: Section 14 of Chapter 466, Oregon Laws 1975 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."

NOTE "Original contractor" means a contractor who has a contractual relationship with the owner"; a subcontractor does not. ORS 87.005.

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."

CLAIM OF  
CONSTRUCTION LIEN  
SUB CONTRACTOR  
(Form No. 124)

Lien Claimant

Owner

AFTER RECORDING RETURN TO

W P Brundage  
411 Sine  
145

STATE OF OREGON

ss.

County of \_\_\_\_\_

I certify that the within instrument was filed in my office on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book \_\_\_\_\_ on page \_\_\_\_\_ or as file/reel No. \_\_\_\_\_ of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.

Recording Officer

By \_\_\_\_\_ Deputy

(SPACE RESERVED  
FOR  
RECORDER'S USE.)

Commencing at the section corner marking the Northwest corner of Section 3, Township 39 South, Range 9 EWM and running thence South  $0^{\circ}00\frac{1}{2}'$  East along the Westerly boundary of said Section 3, 826.8 feet more or less to its intersection with a line parallel to and 75.0 feet distant at right angles Northeasterly from the center line of the Dalles-California Highway, also known as South Sixth Street, as the same is now located and construction; thence South  $55^{\circ}52\frac{1}{2}'$  East along said parallel line 1216.2 feet to the true point of beginning of this description; thence South  $55^{\circ}52\frac{1}{2}'$  East along said parallel line 50 feet; thence North  $34^{\circ}07\frac{1}{2}'$  East 175 feet; thence North  $55^{\circ}52\frac{1}{2}'$  West 50 feet thence North  $34^{\circ}07\frac{1}{2}'$  West 175.0 feet to the said true point of beginning, being a portion of Tract #33A, ENTERPRISE TRACTS, together with any interest in party wall agreement described in Bargain & Sale Deed wherein Swan Lake Moulding Company is grantor and M. Ruth Novak grantee, recorded November 18, 1976 in Vol. 76, page 18376 deed records, Klamath County, Oregon, ALSO TOGETHER with interest in lease for following described real property wherein Swan Lake Moulding Company is lessor and M. Ruth Novak, John J. Novak and Paul M. Novak are lessees dated November 10, 1976, a memorandum of which is recorded in Vo. M76, page 18377 deed records, Klamath County, Oregon, described as: A tract of land situated in the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 3, Twp. 38 S., R. 9, EWM, more particularly described as follows: Commencing at the Northwest corner of said Section 3; thence South  $00^{\circ}99\frac{1}{2}'$  East along the Westerly boundary of said Section 3, 826.8 feet, more or less, to its intersection with a line parallel with and 75.0 feet distant from, at right angles Northeasterly from the center line of the Klamath Falls-Lakeview Highway, also known as South Sixth Street as the same is now located and constructed, said parallel line being the Northerly right of way line of said highway; thence South  $55^{\circ}52\frac{1}{2}'$  East along said right of way line 1266.2 feet, more or less, to an iron peg marking the true point of beginning point of this description, from which a cross chiseled in the concrete sidewalk for a witness mark by the Oregon State Highway Commission on July 15, 1947, bears South  $34^{\circ}07\frac{1}{2}'$  West 10.0 feet, said beginning point also marks the boundary between the lands of M. Ruth Novak and Swan Lake Moulding Company; thence from said true beginning point North  $34^{\circ}07\frac{1}{2}'$  East at right angles to South Sixth Street 175.0 feet to an iron pipe set in the Southwesterly boundary of the County Road known as Pershing Way; thence South  $55^{\circ}52\frac{1}{2}'$  East 50.0 feet along the said Southwesterly boundary to an iron pin marking the boundary between the former M. Ruth Novak lands and the lands of the First Federal Savings and Loan Association of Klamath Falls; thence South  $34^{\circ}07\frac{1}{2}'$  West along said boundary 175.0 feet to the Northerly right of way line of South Sixth Street from which the cross chiseled in the concrete sidewalk for witness mark by the O.S.H.C. bears South  $34^{\circ}07\frac{1}{2}'$  West 10.0 feet; thence North  $55^{\circ}52\frac{1}{2}'$  West 50.0 feet to the true point of beginning, containing .2 acres, more or less, of land in Klamath County, Oregon

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 21 day of July A.D., 19 77 at 12:24 o'clock P.M., and duly recorded in Vol. M 77, of Construction Liens on Page 12945.

FEE \$9.00

WM. D. MILNE, County Clerk

By Hazel Draz Deputy