

1976 TS

42039

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KNOW ALL MEN BY THESE PRESENTS: The undersigned, hereinafter called the claimant, has performed labor upon, transported or furnished materials and/or rented equipment (as hereinafter described), actually used in the construction of that certain improvement known as Wendy's, 2223 South 6th St., all at the instance of the owner of said improvement or his construction agent, 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:

PARCEL 1: Lots 2, 4, 17 and 18 of the Subdivision of Lot 803, ENTERPRISE TRACTS.

PARCEL 2: Lot 5, of the Re-Subdivision of Lot 803, ENTERPRISE TRACTS in the City of Klamath Falls, Klamath County, Oregon according to the official records thereof on file in Klamath County, Oregon. EXCEPTING THEREFROM a parcel of land deeded to State of Oregon, by and through its State Highway Commission, by deed dated on July 20, 1943, recorded September 18, 1943, in Vol. 158 of Deeds page 407, records of Klamath County, Oregon, as follows: Beginning at the Southeast corner of said Lot 5; thence North 34°11' East along the Easterly line of said Lot 5 a distance of 10.22 feet to a point opposite and 40 feet Northerly from Station 4+44.62; thence parallel to and 40 feet distance from the relocated center line of the Klamath Falls-Lakeview Highway, North 55°50'30" West a distance of 45.05 feet to the Westerly line of said Lot 5; thence South 34°11' West along said Westerly line a distance of 10.20 feet to the Southwest corner of said Lot 5; thence South 55°49' East along the South lot line a distance of 45.05 feet to the point of beginning.

PARCEL 3: Lot 3 of the Subdivision of Lot 803, ENTERPRISE TRACTS, EXCEPT portion conveyed to the State of Oregon by instrument recorded in volume 161, Page 42, Deed Records of Klamath County, Oregon.

The address of said land is, if known (if unknown, so state) 2223 South Sixth Street, Klamath Falls, Oregon, in said county and state.

The name of the owner or reputed owner of said land is S T H, Inc.

The name of the owner or reputed owner of said improvement is S T H, Inc. the person or persons just named at all times herein mentioned had knowledge of the construction of said improvement.

The name of the person ☒ who employed claimant to perform said labor, to furnish said materials and/or equipment, or ☐ to whom he furnished said materials or rented said equipment (indicate which) is Jerry Schatz, 3966 South Pacific Highway, Medford, Oregon

The kind of labor so performed, materials so transported or furnished and equipment so rented by claimant was:

Labor (if no labor performed, insert word "none") Asphalt Paving Co.

Materials (if no materials furnished, insert the word "none") rock and AC Mix

Equipment rented; if none, insert "none." paving equipment and trucks

Claimant commenced to perform said labor, to furnish said material and/or equipment on NOV. 15, 1977, and completed same on DEC. 2, 1977, after which he ceased to perform labor and/or to furnish materials or equipment. The construction of said improvement was completed on Dec. 2, 1977. (If not yet completed, so state).

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

Labor	\$ 1,805.20
Materials	\$ 6,575.01
Equipment; its reasonable rental value	\$ 2,851.79
Preparation of this claim of lien (ORS 87.910)	\$ 10.00
Recording fees	\$ 6.00
Total	\$ 11,248.00
Less all just credits and offsets	\$
Balance due claimant	\$ 11,248.00

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

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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 such space about the same as 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 20 day of January, 1978.

Gene R. Byrnes dba Asphalt Paving Co.

*Gene R. Byrnes*  
Claimant

State of Oregon, County of Klamath ss.

I, Gene R. Byrnes

, being first duly sworn, depose and say: That I am the claimant named in and who signed 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.

*Gene R. Byrnes*

Subscribed and sworn to before me this 20 day of January, 1978.

(SEAL)

*Ruby Peterson*

Notary Public for Oregon. My Commission expires 11-8-81.

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 January 20, 1978.

*Gene R. Byrnes*  
Claimant

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."

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."

**CLAIM OF  
CONSTRUCTION LIEN  
LABOR AND/OR MATERIALS**  
(FORM No. 126)

Lien Claimant

Owner

AFTER RECORDING RETURN TO

Return to  
O.W. Hoakey  
431 Main St.  
K Falls Oregon 97601

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 20th day of January, 1978, at 4:51 o'clock P.M., and recorded in book M78 at page 1329, or as file/reel No. 42039 of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.

Wm. D. Milne

By *Lenaetha S. Smith* Recording Officer  
Deputy

Fee \$6.00