

1976 TS: If claimant is a subcontractor, use S-N Form No. 124.

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**KNOW ALL MEN BY THESE PRESENTS:** The undersigned, hereinafter called the claimant, did on the 23rd day of March, 1978, 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 a personal dwelling for Rex Julian

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:

Southeast quarter, Northeast quarter of Section 22,  
township 36 South, Range 11 East, W.M.

ORIGINAL CONTRACTOR  
CONSTRUCTION LIEN  
CLAIM

STATE OF OREGON

The address of said land, if known, is (if unknown, so state) Star Route 2, Sprague River Road,  
Sprague River, Oregon 97659 in said county and state.

The name of the owner or reputed owner of said land is Rex Julian;  
the name of the owner or reputed owner of said improvement is Rex Julian;  
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 March 23, 1978, 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 October 11, 1978, after which he ceased to provide labor, ~~materials and equipment~~ for said improvement; Claimant ceased to provide further labor due to owner's failure to pay.

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

Contract price (\$8.00/Hr. for Claimant; \$5.00/Hr. for others) \$ 16,656.50

Said price includes the reasonable rental value of said equipment which is \$ -0-

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

|           |               |
|-----------|---------------|
| Labor     | \$ <u>-0-</u> |
| Materials | \$ <u>-0-</u> |
| Equipment | \$ <u>-0-</u> |

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

Recording fees \$ 6.00

Total \$ 16,672.50

Less all just credits and offsets \$ -0-

Balance due claimant \$ 16,672.50

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 October 19, 1978

John Cole

STATE OF OREGON, County of Klamath

Claimant

I, Edmund John Cole

and say: That I am the claimant, 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 19 day of October, 1978.  
Richard C. Whitlock  
Notary Public for Oregon. My Commission expires 10/10/81

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 October 19, 1978.

By \_\_\_\_\_  
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)

John Cole Lien Claimant  
Rex Julian Lien Debtor  
AFTER RECORDING RETURN TO:  
Richard C. Whitlock, Atty.  
296 Main Street, E  
Klamath Falls, OR 97601

STATE OF OREGON

County of Klamath ss.

I certify that the within instrument was filed in my office on the 25th day of October, 1978, at 9:12 o'clock A.M., and recorded in book M78 on page 23931 or as file/reel No. 57259 of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.  
Wm. D. Milne  
Recording Officer

Richard C. Whitlock  
Deputy

Fee \$6.00