

1976-15. If claimant is an original contractor, use S-N Form No. 123.

Vol. 79 Page 16114

**70261**  
**KNOW ALL MEN BY THESE PRESENTS:** The undersigned, hereinafter called the claimant, has performed labor upon, transported or furnished materials and/or rented equipment under a contract between claimant and **BOB BARNES** who was the ☒ original contractor, ☐ subcontractor, ☐ construction agent or ☐ other person (indicate which) having charge of the construction of that certain improvement known as **A & M Machine Shop** situated upon certain land in the County of **Klamath**, State of Oregon, (which is the site of said improvement) described as follows:

Lot 36, Tract 24, Section 36, Range 8,  
 Klamath County, Oregon, otherwise known  
 as Tax Lot #100.

The address of said improvement, if known (if unknown, so state) is **Highway 97 South of Crescent, Oregon** in the City of \_\_\_\_\_, in said county and state.

The name of the owner or reputed owner of said land is **Albert McClouds**; the name of the owner of said improvement at whose instance said labor, materials and/or equipment were performed or furnished is **Albert McClouds**; the person or persons just named, 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 labor, materials and equipment is **Bob Barnes**

Labor; kind (if no labor performed, insert the word "none") **concrete supplied and poured**

Materials (if no materials furnished, insert the word "none") \_\_\_\_\_

Equipment rented (if none, insert "none") **None**

All of said labor, materials and equipment was actually used in the construction of said improvement.

Claimant commenced to perform his said contract on **April 24**, 19**79**, and completed same on **May 15**, 19**79**, after which he ceased to provide labor and to furnish materials and equipment.

The construction of said improvement was completed on **unknown**, 19\_\_\_\_ (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:

Contract price \_\_\_\_\_ \$ **2,379.25**

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 \_\_\_\_\_ \$ \_\_\_\_\_

Materials \_\_\_\_\_ \$ \_\_\_\_\_

Equipment \_\_\_\_\_ \$ \_\_\_\_\_

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

Recording fees \_\_\_\_\_ \$ **10.00**

Total \_\_\_\_\_ \$ **6.00**

Less all just credits and offsets \_\_\_\_\_ \$ \_\_\_\_\_

Balance due claimant \_\_\_\_\_ \$ **2,395.25**

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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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 \_\_\_\_\_, 19 79

LaPine Redi-Mix, Inc.

*LaPine Redi-Mix, Inc.*  
*Troy Matthews*  
Claimant

STATE OF OREGON, County of Deschutes ss.

I, Troy Matthews, being first duly sworn, depose

and say: That I am the President of LaPine Redi-Mix, Inc., Claimant, 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 5 day of July, 19 79

(SEAL)

*Katherine L. Sweeney*  
Notary Public for Oregon. My Commission expires 1/26/80

**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 \_\_\_\_\_

By \_\_\_\_\_ 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** "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)

LaPine Redi-Mix, Inc.

Lien Claimant

Albert McClouds

Owner

**VAN Vactor, Miller & Francis**  
ATTORNEYS AT LAW  
1177 N. 4th W. WALL  
P. O. BOX 343  
BEND, OREGON 97701  
PHONE 389-4500

(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 9th day of July, 1979, at 1:49 o'clock P. M., and recorded in book 179 on page 16114 or as file/reel No. 70261 of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.

Wm. D. Milne

By *Bernetha J. Litsch* Recording Officer  
Deputy