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DEAN SMART, dba Dean's Road

Service

Lien Claimant

vs.

WESTERN AGRICULTURE, INC.

&amp; UTILITY TRAILER SALES, INC.

Lien Debtor

WAREHOUSEMAN'S CLAIM OF  
POSSESSORY LIEN

## NOTICE OF FORECLOSURE SALE

(Where possession has not been surrendered.)

## NOTICE HEREBY IS GIVEN THAT:

## 1. Dean Smart, dba Dean's Road Service

hereinafter called the claimant, pursuant to the provisions of Chapter 648, Oregon Laws 1975, claims and has a possessory lien upon the following described articles of personal property, hereinafter called chattels and one (1) 40 foot van trailer, stock number 5423, California license number: UJ 6296, No. 6U6-000-1207

for claimant's just and reasonable charges for storage which claimant has furnished in storing said chattels at the request of and for the owner or lawful possessor thereof, hereinafter called the lien debtor.

## 2. At the time said request was made the name of the lawful possessor of said chattels was

Dudley H. & Barbara Bowers and his last known address on the date hereof is Rt. 2, Box 66, Corning, California

and, if an individual, his last known address on the date hereof is Rt. 2, Box 66, Corning CA &

4073 S. Alameda St., Los Angeles CA respectively however, if said owner or reputed owner is a corporation, the name of its registered agent and the address of its registered office as of the date of this notice as shown by the records of the Corporation Commissioner of the State of Oregon (ORS 57.065, 57.075) is

Michael P. White 4073 S. Alameda St. Los Angeles CA 90058

(Name of corporation's registered agent)

(Address of corporation's registered office)

## 3. Said chattels were left with claimant to be stored in Klamath County, Oregon on

December 13, 1978, which was the date on which claimant obtained possession thereof; claimant has continuously furnished storage for said chattels since said date and is still continuing to do so; at all times here-in mentioned, possession of said chattels has been and is now retained by claimant; more than sixty days have elapsed since claimant's lien attached to said chattels.

## 4. (a) The agreed charge for said storage is \$ per , a total up to the date hereof of \$ (day, week, month)

(b) If there was no agreement relative to said charge, then \$ 10.00 per day is a reasonable charge for said storage, a total up to this date of \$ 2,090.00 (day, week, month)

(c) The amount of said lien is increasing at the rate just mentioned, dependent on the length of time hereafter during which continued storage is furnished by claimant.

(d) No part of said total has been paid except the sum of \$ -0-; the amount now due on claimant's lien is \$ 2,090.00

(e) The said lien debtor either knows or should reasonably know that the said charges are due.

(OVER)

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5. NOTICE HEREBY IS FURTHER GIVEN to said lien debtor and to whom it may concern that if claimant's said charges are not paid claimant will proceed on August 16, 1979, to foreclose said lien and sell said described chattels at public auction to the highest bidder for cash in Klamath County, Oregon, where said chattels were left for storage and claimant obtained possession thereof, to-wit at the following place in said county: 4642 Greensprings Drive

at the hour of 1:00 o'clock P.M. ~~in the City of~~ Klamath Falls in the State of Oregon, chattels will be sold or offered for sale than necessary to pay the expenses of the foreclosure sale and claimant's charges due for said storage. The name of the owner or reputed owner of said chattels is Dudley H. & Barbara Bowers & Utility Trailer Sales, Inc. The amount now due on claimant's lien is \$2,090.00 The name of the person foreclosing said lien is Dean Smart, dba Dean's Road Service

6. At the conclusion of said foreclosure sale claimant will apply the proceeds of said sale: first to the payment of the expenses of the sale; second, to the discharge of claimant's said lien; and third, the balance, if any, will be paid to the county treasurer of the county in which foreclosure sale is made, to be disposed of by said county treasurer as directed by law.

7. On July 11, 1979, and more than thirty days prior to the day so fixed for said foreclosure sale, claimant gave this notice by registered or certified mail to the following persons:  
(1.) To the lien debtor at his last known address or, if lien debtor is a corporation, to its said registered agent at its said registered office.  
(2.) To all persons with a security interest in said chattels who have filed a financing statement perfecting that interest in the office of the Secretary of State of the State of Oregon, and in the office of the appropriate county officer of the county in which the foreclosure sale is to be held.

Also, on the date first mentioned in this Paragraph 7, this notice was posted in a public place at or near the front door of the county court house of the county in which the sale is to be held and in a public place where claimant obtained possession of said chattels from the lien debtor as described in the foregoing Paragraph 5. Furthermore, if the said chattels to be sold have a fair market value of \$1000 or more claimant, in addition to the above, caused a notice of said sale to be printed for two successive weeks in a newspaper as required by Section 10(3) of said chapter 648, Oregon Laws 1975.

In construing this instrument where the context so requires, words in the singular include the plural; the masculine includes the feminine and the neuter and, generally, all changes shall be made or implied so that this instrument shall be deemed notice both to individuals and to corporations.

Dated July 10, 1979

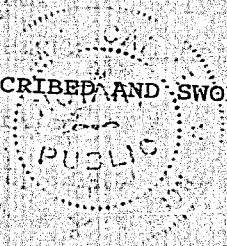
By Dean C. Smart Claimant

STATE OF OREGON, County of Klamath) ss.

I, Dean C. Smart, the claimant named in the foregoing instrument, being first duly sworn, say that I know the contents thereof and that the statements and claims made therein are in all respects correct and true, as I verily believe.

Dean C. Smart  
Dean C. Smart, Claimant

SUBSCRIBED AND SWORN to before me this 10th day of July, 1979.



Ann M. Ness  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 8/1/82

Stevens-Ness Form No. 146 covers possessory liens for services, materials and/or labor and Form No. 1121 is a "Statement of Account."  
STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 11th day of July A.D., 1979 at 3:55 o'clock P M., and duly recorded in Vol. 1170 of Liens Upon Chattels on Page 16385.

FEE \$6.00

WM. D. MILNE, County Clerk  
By Penelope H. Smith Deputy