

91392

Vol. M8 Page 20219

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 furnishing cinders, 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:

Township 35 S., Range 10 East, W 1/2 SE 1/4 of Section 29, approximately four miles northwesterly of the town of Sprague River, near the railroad tracks.

Code 8-3510-4400

THIS LIEN IS BEING RE-RECORDED to CORRECT THAT CERTAIN CONSTRUCTION LIEN THAT WAS RECORDED ON September 15, 1980 IN VOLUME M-80, PAGE 17468, IN WHICH THE LEGAL DESCRIPTION OF THE REAL PROPERTY WAS INCORRECTLY DESCRIBED AS:

Township 35 S., Range 10 East, SE 1/4 of SW 1/4 of Section 29, approximately four miles northwesterly of the town of Sprague River, near the railroad tracks.
Code 8-3510-4400.

The address of said land is, if known (if unknown, so state) unknown

The name of the owner or reputed owner of said land is Clint Webb and Sherryl R. Webb, in said county and state.

The name of the owner or reputed owner of said improvement is Clint Webb, Sherryl R. Webb and Vincent Webb; 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 Vincent Webb, Clint Webb and Sherryl R. Webb

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") hauling cinders to said real property and grading of property.

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

Equipment rented; if none, insert "none." 12 yd. end dump, 20 yd. belly dumps, 7 yd. end dumps, 450 Case Crawler, 450 B Case Crawler Loader

Claimant commenced to perform said labor, to furnish said material and/or equipment on July 9, 1980, and completed same on July 17, 1980, after which he ceased to perform labor and/or to furnish materials or equipment. The construction of said improvement was completed on 7/17/1980 (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:

\$\$\$ interest on overdue account	\$ 167.29
Materials	\$
Equipment; its reasonable rental value	\$
Labor and equipment rental	\$
as more fully described on the attached Exhibit "A" and*	\$11,152.25
Preparation of this claim of lien (ORS 87.910)	\$ 10.00
Recording fees	\$ 21.00
Total	\$
Less all just credits and offsets	\$ 0.00
Balance due claimant	\$11,350.54

**by this reference incorporated herein.

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

— OVER —

11 4 PM 91 130 00

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 16 day of October, 1980

BOWERS EXCAVATING & FENCING, INC.

By: [Signature]
President Claimant

State of Oregon, County of KLAMATH: ss.

I, JOHN T. BOWERS

, being first duly sworn, depose

and say: That I am the President of Claimant corporation

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.

BOWERS EXCAVATING & FENCING, INC.

By: [Signature]
President

Subscribed and sworn to before me this 16 day of October, 1980.

(SEAL)

[Signature]
Susan Kay Way
Notary Public for Oregon
My commission expires 6/4/1981

Notary Public for Oregon. My Commission expires 6/4/1981

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

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)

Bowers Excavating & Fencing, Inc.
Lien Claimant

Vincent Webb
Owner

AFTER RECORDING RETURN TO

Bairn + Bairn
110 N. 6th
Klamath Falls Oregon
97603

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON,

County of _____ } ss.

I certify that the within instrument was filed for recording in my office on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as document/fee/file/instrument/microfilm No. _____, of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____ Deputy

EXHIBIT "A", BOWERS EXCAVATING & FENCING, INC. - VINCENT
WEBB LIEN, PAGE ONE.

20221

TO: Mr. Bob Boivin
110 North 6th Street
Klamath Falls, Oregon 97601

DATE September 12, 1980

SUBJECT: Vincent Webb - lien

July 9, 1980	7½ hrs. Cat	\$15.00		
July 10	10½ hrs. Cat	15.00	\$	112.50
July 14	9½ hrs. Cat	15.00		157.50
	9½ hrs. Truck	7.00		142.50
	10½ hrs. Truck	7.00		66.50 - our truck 7 yds.
July 15	11 hrs. Truck	40.00		73.50 - our truck 7 yds.
	11 hrs. Truck	40.00		440.00 - rented 12 yds.
	12 hrs. Cat Loader	15.00		440.00 - rented 12 yds.
	12½ hrs. Truck	7.00		180.00 - our loader
	12½ hrs. Cat	15.00		85.75 - our truck 7 yds
	6½ hrs. Truck	55.00		187.50 - our cat
	7½ hrs. Truck	55.00		357.50 - rented belly dumps
	10 hrs. Truck	40.00		412.50 - rented belly dumps
July 14	9½ hrs. Truck	40.00		400.00 - rented 12 yds.
	8 hrs. Cat Loader	25.00		380.00 - rented 12 yds.
				200.00 - no operator

Total due this page

\$3,635.75

20222

EXHIBIT "A", BOWERS EXCAVATING & FENCING, INC. - VINCENT
WEBB LIEN, PAGE TWO

TO: Bob Boivin
110 North 6th Street
Klamath Falls, Oregon 97601

DATE September 12, 1980

SUBJECT: Vince Webb

Labor to correspond with the first page July 9 to July 15

			\$	150.00
July 9, 1980	7½ hrs.	Cat Operator	\$20.00	210.00
July 10	10½ hrs.	Cat Operator	20.00	25.00
	2½ hrs.	Operator/Overtime	10.00	190.00
July 14	9½ hrs.	Cat Operator	20.00	15.00
	1½ hrs.	Operator/Overtime	10.00	190.00
	1½ hrs.	Truck Driver	20.00	15.00
	9½ hrs.	Driver/Overtime	10.00	210.00
	1½ hrs.	Truck Driver	20.00	25.00
	10½ hrs.	Driver/Overtime	10.00	240.00
	2½ hrs.	Cat Loader Operator	20.00	40.00
July 15	12 hrs.	Loader Operator/Overtime	10.00	245.00
	4 hrs.	Truck Driver	20.00	42.50
	12¼ hrs.	Driver/Overtime	10.00	250.00
	4¼ hrs.	Cat Operator	20.00	45.00
	12½ hrs.	Operator Overtime	10.00	
	4½ hrs.			

Total due this page

\$1,892.50

20223

EXHIBIT "A", BOWERS EXCAVATING & FENCING, INC.- VINCENT
WEBB LIEN, PAGE THREE

TO: Bob Boivin
110 North 6th Street
Klamath Falls, Oregon 97601

DATE September 12, 1980

SUBJECT: Vincent Webb

July 16, 1980	8½ hrs. Truck	\$40.00	\$ 340.00 - rented 12 yds.
	10 hrs. Truck	7.00	70.00 - our truck 7 yd
	13 hrs. Cat	15.00	195.00
	11 hrs. Cat Loader	15.00	165.00
	11½ hrs. Truck	40.00	460.00 - rented 12 yds.
	11½ hrs. Truck	55.00	632.50 - rented belly d
	8½ hrs. Truck	40.00	340.00 - rented 12 yds.
			260.00 - rented 12 yds.
July 17	6½ hrs. Truck	40.00	150.00
	10 hrs. Cat	15.00	66.50 - our truck 7 yd
	9½ hrs. Truck	7.00	135.00
	9 hrs. Cat Loader	15.00	400.00 - rented 12 yds.
	10 hrs. Truck	40.00	440.00 - rented belly
	8 hrs. Truck	55.00	400.00 - rented 12 yds.
	10 hrs. Truck	40.00	
July 21	2½ hrs. Cat	15.00	37.50
	2½ hrs. Cat Loader	15.00	37.50

Total this page

\$4,129.00

20224

EXHIBIT "A", BOWERS EXCAVATING & FENCING, INC.- VINCENT
WEBB LIEN, PAGE FOUR.

TO: Bob Boivin
110 North 6th Street
Klamath Falls, Oregon 97601

DATE September 12, 1980

SUBJECT: Vincent Webb

Labor to correspond with the previous page.

July 16, 1980	10 hrs.	Labor/ Truck Driver	\$20.00	\$ 200.00
	2 hrs.	Truck Driver/Overtime	10.00	20.00
	13 hrs.	Cat Operator	20.00	260.00
	5 hrs.	Operator/Overtime	10.00	50.00
	11 hrs.	Cat Loader Operator	20.00	220.00
	3 hrs.	Operator/Overtime	10.00	30.00
July 17	10 hrs.	Cat Operator	20.00	200.00
	2 hrs.	Operator/Overtime	10.00	20.00
	9½ hrs.	Truck Driver	20.00	190.00
	1½ hrs.	Driver/Overtime	10.00	15.00
	9 hrs.	Cat Loader Operator	20.00	180.00
	1 hrs.	Operator/Overtime	10.00	10.00
July 21	2½ hrs.	Cat Operator	20.00	50.00
	2½ hrs.	Cat Loader Operator	20.00	50.00

Total labor this page \$1,495.00

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Boivin & Boivinthis 16th day of October A. D. 1980 at 4:11 clock P.M., andJuly recorded in Vol. M80, of Construction Lien on Page 20219

Wm D. MILNE, County Clerk

By Bernetha D. Leloch

Fee \$21.00