

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

91988

Vol. 1780 Page 21221

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 Donald G. Warner & Gail M. Warner who was the ☐ original contractor, ☐ subcontractor, ☐ construction agent or ☒ other person (indicate which) having charge of the construction of that certain improvement known as Home located at 8517 McLaughlin Lane, Keno, Oregon, situated upon certain land in the County of Klamath, State of Oregon; (which is the site of said improvement) described as follows:

Township 39, Range 7, Section 25, Tax Lot 4100,
Lot 11 of Block 38 of Klamath River Acres

The address of said improvement, if known (if unknown, so state) is 8517 McLaughlin Lane in the City of Keno, in said county and state.

The name of the owner or reputed owner of said land is Donald G. Warner & Gail M. Warner; the name of the owner of said improvement at whose instance said labor, materials and/or equipment were performed or furnished is Donald G. & Gail M. Warner; 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 Donald G. Warner and Gail M. Warner

Labor; kind (if no labor performed, insert the word "none") None

Materials (if no materials furnished, insert the word "none") mason tools, cement, sand, blocks, etc. for building of home

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 August 18, 1980, and completed same on September 26, 1980, 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 \$

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 \$ 1,258.63

Equipment \$

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

Recording fees \$ 7.00

Total \$ 1,275.63

Less all just credits and offsets \$ 750.00

Balance due claimant \$ 525.63

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

(OVER)

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 October 31, 1980

KLAMATH FALLS BRICK & TILE COMPANY

By:

Wendell A. Smith, Sr.

Claimant

STATE OF OREGON, County of Klamath ss.

I, Wendell A. Smith, being first duly sworn, depose

and say: That I am the President of Klamath Falls Brick & Tile Company, 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 31st day of October, 1980.

Wendell A. Smith, Sr.

Norma J. Byers

Notary Public for Oregon. My Commission expires 7-16-84

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 31, 1980.

Claimant

By:

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)

Klamath Falls Brick &
Tile Company

Lien Claimant

Donald G. & Gail M.
Warner

Owner

AFTER RECORDING RETURN TO

Timothy A. Bailey
Attorney at Law
540 Main, Suite 204
Klamath Falls, OR 97601

STATE OF OREGON

County of Klamath ss.

I certify that the within instrument was filed in my office on the 31st day of October, 1980, at 4:36 o'clock P.M., and recorded in book M80 on page 21221 or as file/reel No. 91988 of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.

Wm. D. Milne

By Bernetha Shuteck Recording Officer
Deputy