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14th day of September, 1981, 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 Homestead Rest, N. Highway 97. 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:

See attached Exhibit "A"

The address of said land, if known, is (if unknown, so state) La Vista Motel, N. Highway 97

The name of the owner or reputed owner of said land is Joe H. Victor & Eleanor D. Victor in said county and state. the name of the owner or reputed owner of said improvement is Joe H. Victor & Eleanor D. Victor 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 9-14-81 19 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 9-25-1981 after which he ceased to provide labor, materials or equipment for said improvement.

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

Contract price	\$ 4,200.00
Said price includes materials and supplies in the amount of	\$
and the reasonable rental value of 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	\$ 12.00
Less all just credits and offsets	\$ 4,222.00
Balance due claimant	\$ -0-
	\$ 4,222.00

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 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—

21278

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 Dec 11, 1981

Mickey Cummings

Claimant

STATE OF OREGON, County of Klamath ss.

I, MICKEY CUMMINGS

, 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 11th day of December, 1981

Janet F. Steward
Notary Public for Oregon, My Commission expires 9-25-80

(SEAL)

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 December 11, 1981

Mickey Cummings

By *Janet F. Steward* 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 30 days after the date of filing."

**CLAIM OF
CONSTRUCTION LIEN
ORIGINAL CONTRACTOR**

(Form No. 123)

Mickey Cummings

Lien Claimant

VS.

Joe H. Victor &

Eleanor D. Victor Lien Debtor

AFTER RECORDING RETURN TO

Cummings Roofing
P.O. Box 41
Klamath Falls, OR 97601

REPLACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON, } ss.
County of _____

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.

By _____ Deputy

Exhibit "A"

PARCEL 1

A piece or parcel of land situated in the Northeast quarter of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, and more particularly described as follows:

Beginning at an iron pipe which is South $0^{\circ} 06'$ West 323.4 feet, and North $89^{\circ} 49'$ West 234.2 feet from the Northeast section corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, which point of beginning is also the Northeast corner of that certain tract of land conveyed to Elmer J. and Flora M. Zigler on page 238, Deed Volume 278 of the Records of Klamath County, Oregon; thence North $89^{\circ} 49'$ West along the Northerly boundary of said tract of land conveyed on page 238 Deed Volume 278, a distance of 334.8 feet to an iron pipe set at its intersection with a line which is parallel to and 192.77 feet Northeasterly of, when measured at right angles to, the Northeasterly right of way line of the Dalles-California Highway (US97) as the same is now located across the said Section 19; thence North $38^{\circ} 52'$ West parallel to and 192.77 feet distant from said Northeasterly Highway right of way line a distance of 147.25 feet to an iron pipe; thence South $89^{\circ} 49'$ East a distance of 427.3 feet to an iron pipe; thence South $0^{\circ} 06'$ West a distance of 114.35 feet, more or less, to the point of beginning.

PARCEL 2

Beginning at a point on the Northeasterly right of way line of State Highway No. 97 which lies South $0^{\circ} 06'$ West along the East section line a distance of 688.5 feet and North $89^{\circ} 49'$ West along the North line of Byrd Avenue in Chelsea Addition, a distance of 521.6 feet and North $38^{\circ} 52'$ West along the Northeasterly right of way line of State Highway No. 97 (Note, State Highway bearing of this line shows North $38^{\circ} 07\frac{1}{2}'$ West) a distance of 130.55 feet from the iron axle which marks the Northeast corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, running thence: Continuing North $38^{\circ} 52'$ West along the Northeasterly right of way line of State Highway No. 97 a distance of 250 feet to a point; thence North $51^{\circ} 08'$ East a distance of 192.77 feet to a point; thence South $38^{\circ} 52'$ East a distance of 250 feet to a point; thence South $51^{\circ} 08'$ West a distance of 192.77 feet, more or less, to the point of beginning, in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 38 South, Range 9 East of the Willamette Meridian.

STATE OF OREGON, COUNTY OF KLAMATH; ss.

Filed for record at request of Mickey Cummings

this 11th day of December A.D. 1981 at 4:06 o'clock P.M. and

duly recorded in Vol. MS1 of Construction page 21277

By EVLYN B. LEHN, County Clerk
 Mc. [Signature]
 Fee \$12.00