

10870

Bond # 63-0160-11290-82-6

RELEASE OF CONSTRUCTION LIEN BOND

MSY Page 46170

(ORS 87.076)

KNOW ALL MEN BY THESE PRESENTS; that we, ROBERT R. MCGREW, INC., as principal, and UNITED STATES FIDELITY & GUARANTY COMPANY., as surety, as held and firmly bound unto the County Clerk and Recorder of Klamath County, Oregon, as obligee, in the sum of Sixty One Thousand Seven Hundred Eighty Six and 50/100 Dollars (\$61,786.50), lawful money of the United States of America for the payment of which, well and truly to be made, we bind ourselves, our heirs, legal representatives, successors and assigns, jointly and severally firmly by these presents.

WHEREAS, the principal entered into a contract with Foothills Development Company for certain improvements described in said liens, and

WHEREAS, Terry L. Kissell and Edward W. Kissell, doing business as Kissell and Son Construction filed on November 25, 1981, a Notice of Construction Lien on property described as follows:

Lots 1, 2, 3, 4, 5, and 6, Block 120;
portions of Lots 11 and 12, all of Lots
1, 2, 3, 4, 13, 14 and 10, Block 121;
All of Block 122, Lots 1, 2, 3, 4, 5, 6,
7, 8, 9, 10, 11, 12, 13, 14, Block 123;
All of Block 135, less rights of way for
Highway use, Lots 1, 2, 3, 4, 5, 6, 7, 8,
Block 79, All in BUENA VISTA ADDITION to
the City of Klamath Falls, Klamath County,
Oregon.

in the amount of Fourty One Thousand One Hundred Forty One and no/100 Dollars (\$41,141.00) for alleged work performed by claimant, and

WHEREAS, the principal desires to obtain the release of

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the aforementioned lien and has requested the obligee to accept an indemnity bond conditioned as set forth in lieu thereof.

NOW, THEREFORE, the condition of this obligation is such, that if the said Robert R. McGrew, Inc. shall pay any judgment that may be rendered against it by any Court of competent jurisdiction, then this obligation to be void, otherwise to remain in full force and effect.

DATED this 31st day of March, 1982.

ROBERT R. MCGREW, INC.

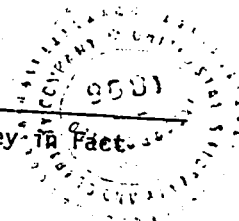
By: R. R. McGrew

UNITED STATES FIDELITY &
GUARANTY COMPANY

By: Rose L. Anderson

Rose L. Anderson

Attorney in Fact.



CERTIFIED COPY

4619

GENERAL POWER OF ATTORNEY

No. 88963

Know all Men by these Presents:

That UNITED STATES FIDELITY AND GUARANTY COMPANY, a corporation organized and existing under the laws of the State of Maryland, and having its principal office at the City of Baltimore, in the State of Maryland, does hereby constitute and appoint

Rose L. Anderson

of the City of Vancouver, State of Washington
its true and lawful attorney in and for the States of Washington and Oregon

for the following purposes, to wit:

To sign its name as surety to, and to execute, seal and acknowledge any and all bonds, and to respectively do and perform any and all acts and things set forth in the resolution of the Board of Directors of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, a certified copy of which is hereto annexed and made a part of this Power of Attorney; and the said UNITED STATES FIDELITY AND GUARANTY COMPANY, through us, its Board of Directors, hereby ratifies and confirms all and whatsoever the said

Rose L. Anderson

may lawfully do in the premises by virtue of these presents.

In Witness Whereof, the said UNITED STATES FIDELITY AND GUARANTY COMPANY has caused this instrument to be sealed with its corporate seal, duly attested by the signatures of its Vice-President and Assistant Secretary, this 8th day of September, A. D. 1978

UNITED STATES FIDELITY AND GUARANTY COMPANY.

(Signed) By Geo. A. Stewart, Jr.
Vice-President.

(SEAL)

(Signed) William J. Phelan
Assistant Secretary.

STATE OF MARYLAND, }
BALTIMORE CITY, }

On this 8th day of September, A. D. 1978, before me personally came Geo. A. Stewart, Jr., Vice-President of the UNITED STATES FIDELITY AND GUARANTY COMPANY and William J. Phelan, Assistant Secretary of said Company, with both whom I am personally acquainted, who being by me severally duly sworn, said that they, the said Geo. A. Stewart, Jr. and William J. Phelan were respectively the Vice-President and the Assistant Secretary of the said UNITED STATES FIDELITY AND GUARANTY COMPANY, the corporation described in and which executed the foregoing Power of Attorney; that they each knew the seal of said corporation; that the seal affixed to said Power of Attorney was such corporate seal, that it was so fixed by order of the Board of Directors of said corporation, and that they signed their names thereto by like order as Vice-President and Assistant Secretary, respectively, of the Company.

My commission expires the first day in July, A. D. 1982....

(SEAL) (Signed) Margaret M. Hurst
Notary Public.

STATE OF MARYLAND }
BALTIMORE CITY, }

I, Robert H. Bouse, Clerk of the Superior Court of Baltimore City, which Court is a Court of Record, and has a seal, do hereby certify that Margaret M. Hurst, Esquire, before whom the annexed affidavits were made, and who has thereto subscribed his name, was at the time of so doing a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and sworn and authorized by law to administer oaths and take acknowledgments, or proof of deeds to be recorded therein. I further certify that I am acquainted with the handwriting of the said Notary, and verily believe the signature to be his genuine signature.

In Testimony Whereof, I hereto set my hand and affix the seal of the Superior Court of Baltimore City, the same being a Court of Record, this 8th day of September, A. D. 1978

(SEAL) (Signed) Robert H. Bouse
Clerk of the Superior Court of Baltimore City.

4619 A

COPY OF RESOLUTION

That Whereas, it is necessary for the effectual transaction of business that this Company appoint agents and attorneys with power and authority to act for it and in its name in States other than Maryland, and in the Territories of the United States and in the Provinces of the Dominion of Canada and in the Colony of Newfoundland.

Therefore, be it Resolved, that this Company do, and it hereby does, authorize and empower its President or either of its Vice-Presidents in conjunction with its Secretary or one of its Assistant Secretaries, under its corporate seal, to appoint any person or persons as attorney or attorneys-in-fact, or agent or agents of said Company, in its name and as its act, to execute and deliver any and all contracts guaranteeing the fidelity of persons holding positions of public or private trust, guaranteeing the performances of contracts other than insurance policies and executing or guaranteeing bonds and undertakings, required or permitted in all actions or proceedings, or by law allowed, and

Also, in its name and as its attorney or attorneys-in-fact, or agent or agents to execute and guarantee the conditions of any and all bonds, recognizances, obligations, stipulations, undertakings or anything in the nature of either of the same, which are or may by law, municipal or otherwise, or by any Statute of the United States or of any State or Territory of the United States or of the Provinces of the Dominion of Canada or of the Colony of Newfoundland, or by the rules, regulations, orders, customs, practice or discretion of any board, body, organization, office or officer, local, municipal or otherwise, be allowed, required or permitted to be executed, made, taken, given, tendered, accepted, filed or recorded for the security or protection of, by or for any person or persons, corporation, body, office, interest, municipality or other association or organization whatsoever, in any and all capacities whatsoever, conditioned for the doing or not doing of anything or any conditions which may be provided for in any such bond, recognizance, obligation, stipulation, or undertaking, or anything in the nature of either of the same.

I, **George R. Downer**, an Assistant Secretary of the UNITED STATES FIDELITY AND GUARANTY COMPANY, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney given by said Company to

Rose L. Anderson

of **Vancouver, Washington**, authorizing and empowering her to sign bonds as therein set forth, which power of attorney has never been revoked and is still in full force and effect.

And I do further certify that said Power of Attorney was given in pursuance of a resolution adopted at a regular meeting of the Board of Directors of said Company, duly called and held at the office of the Company in the City of Baltimore, on the 11th day of July, 1910, at which meeting a quorum of the Board of Directors was present, and that the foregoing is a true and correct copy of said resolution, and the whole thereof as recorded in the minutes of said meeting.

In Testimony Whereof, I have hereunto set my hand and the seal of the UNITED STATES FIDELITY AND GUARANTY COMPANY on

(Date) **3/31/82**

George R. Downer
Assistant Secretary.

CEMENT COMPANY OF MARYLAND

CERTIFICATE OF MAILING

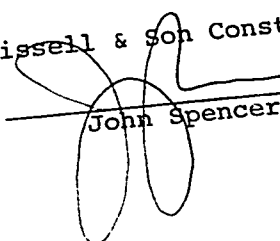
I hereby certify that on the 12th day of April, 1982, I served the within Release of Construction Lien Bond on the following by depositing in the United States Post Office at Portland, Oregon, a full, true and correct copy thereof, with postage prepaid thereon, addressed to:

Mr. Robert S. Hamilton
Robert S. Hamilton, P.C.
Attorney at Law
292 Main Street
Klamath Falls, OR 97601

Of Attorneys for Foothills Development Co.

Mr. Steven P. Couch
Attorney at Law
230 Main Street, Suite 1-D
Klamath Falls, OR 97601

Attorney for Lien Claimant - Kissell & Son Construction


John Spencer Stewart

KOBIN & MEYER, P.C.
ATTORNEYS AT LAW
SUITE 800
610 S. W. ALDER STREET
PORTLAND, OREGON 97205

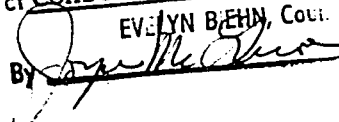
STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for recording of

this 14 day of April A.D. 1982 at 3:02 m. P M

duly recorded in Vol. M82, of Const. Lien on c 4617.

Fee \$20.00

By  EVELYN BEHN, Clk.