

12510

Phil F. Barry DBA Tow-N-Stor
P.O. Box 5209

Lien Claimant

vs

Eager Beaver Logging, Inc.
2130 Arthur, Klamath Falls, Ore

Lien Debtors

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CLAIM OF POSSESSORY LIEN NOTICE OF FORECLOSURE SALE

(Where possession has not been surrendered.)
(Applicable for Labor, Materials and Services Only.)

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned, Phil F. Barry, DBA Tow-N-Stor 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, to-wit: 1976 Dodge Pickup, Oregon Lic# GNB593, Serial # 52753

hereinafter called chattels, for the following charges for services provided, materials supplied and labor performed to the said lien debtor in making, altering, repairing, transporting, pasturing or caring for said chattels at the request of and for the owner or lawful possessor thereof.

2. At the time said request was made the name of the lawful possessor of said chattels was Eager Beaver Logging, 2130 Arthur, Klamath Falls, Oregon 97601 and his last known address on the date hereof is 2130 Arthur, Klamath Falls, Oregon; at said time the name of the owner or reputed owner of said chattels was Eager Beaver Logging, Oregon; 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 _____

(Name of corporation's registered agent and address of its registered office)

3. Claimant obtained possession of said chattels in Klamath County, Oregon; claimant last performed said labor, provided said services and supplied said materials on Sept 1, 1980; since said date, possession of said chattels has been and is now retained by claimant; more than sixty days have elapsed since the date last mentioned.

4. (a) The agreed charge for claimant's said services, materials and labor is \$ - 0 -, in addition to which claimant has incurred expenses in storing said chattels prior to foreclosure; that a reasonable fee for said storage is the sum of \$ 540.00; that the total amount of claimant's lien is \$ 540.00
(b) If there was no agreement relative to said charge, delete, by lining out, all of the preceding sub-paragraph (a); the following is a reasonable charge:

For said services	\$ 540.00
For said materials	\$ _____
For said labor	\$ _____

In addition to the foregoing, claimant has incurred expenses in storing said chattel prior to foreclosure and that a reasonable fee for said storage is the sum of \$ 540.00; that the total amount of claimant's lien is \$ 540.00

(c) No part of said total has been paid except the sum of \$ - 0 -; the amount now due on claimant's lien is \$ 540.00
(d) The said lien debtor either knows or should reasonably know that the said charges are due.

5. NOTICE HEREBY IS FURTHER GIVEN to said lien debtor and to whom it may concern that on July 12, 1982, claimant will proceed to sell the above described chattels at public auction in Klamath County, Oregon, where claimant obtained possession thereof, at the following place in said county, to-wit: Tow-N-Stor office, 3322 Laverne, Klamath Falls, Oregon

at the hour of 9:00 o'clock A.M. standard time daylight saving time (state which). The name of the person foreclosing said lien is Phil F. Barry DBA Tow-N-Stor. The name of the owner or reputed owner of said chattels is the said Eager Beaver Logging. The amount now due on claimant's lien is \$ 540.00.

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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 said foreclosure sale is made, to be disposed of by said county treasurer as directed by law.

7. On June 8, 1982, 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:

- a. To the lien debtor at his last known address; or if the lien debtor is a corporation, to its said registered agent at its said registered office.
- b. 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 the State of Oregon or in the office of the appropriate county officer of the county in which the foreclosure sale is to be held.
- c. If the chattel so to be sold is one for which a certificate of title is required by the laws of this state, to all those persons whom the certificate of title indicates have a security interest in or lien upon the chattels; 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 in Klamath County, Oregon. Furthermore if the chattel to be sold has 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 and 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....., 19.....

Phil F. Barry
Claimant
By Phil F. Barry, Owner
TOW-N-STOR

STATE OF OREGON, County of Klamath
I, Phil F. Barry DBA TOW-N-STOR ss.

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.

Subscribed and sworn to before me this 8th day of June, 1982

Bernetha D. Hatch
Notary Public for Oregon. My Commission expires 12/29/85

AFTER RECORDING, RETURN TO:

Phil F. Barry
P. O. Box 5204
Klamath Falls, Oregon

STATE OF OREGON; COUNTY OF KLAMATH; ss.
97601 Filed for record

this 8 day of June A.D. 19 82 at 4:19 o'clock P.M.
duly recorded in Vol. M 82, of Chattels on a 7133

Fee \$8.00

EVELYN BIEHN, Court
By *Jane McArthur*
a statement of account; Form No. 927 is

Stevens-Ness Form No. 1120 is a warehouseman's possessory lien for storage; Form No. 1121 is a warehouseman's non-possessory lien for storage.