

13808

Phil F. Barry DBA Tow-N-Stor  
3322 Laverne / P. O. Box 5204  
Klamath Falls, Oregon 97601

Lien Claimant

vs.

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

Lien Debtor

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# POSSESSORY LIEN STATEMENT OF ACCOUNT

To the Treasurer of Klamath County, Oregon:

Reference is made to the attached copy of the published or posted notice of claim of lien (the total amount of said claim being \$540.00) and the notice of public foreclosure sale of certain chattels described in said notice. You are notified that said sale took place at the time and place stated in said notice.

The total amount received for said chattels at said foreclosure sale was	\$300.00
The expenses of said sale (to-wit: the cost of foreclosing said lien) were	\$31.55
Net proceeds of said sale	\$268.45
Applied to the discharge of said lien	\$268.45
Remaining balance of the proceeds of said sale	\$ - 0 -

The said remaining balance is herewith paid to you pursuant to the provisions of Section 12 of Chapter 648, Oregon Laws 1975.

Dated: July 21, 1982

By Phil F. Barry Claimant

NOTE: Possessory liens are authorized by Sections 3 to 5 of Chapter 648, Oregon Laws 1975; Section 13 of said Chapter 648 provides in part:

(1) A person who forecloses a lien created by sections 3 to 5 of this Act by sale shall file a statement of account verified by his oath with the recording officer of the county in which the sale took place when:

(a) The chattel sold at the foreclosure sale has a fair market value of \$250 or more;

(b) The chattel sold at the foreclosure sale is an animal bearing a brand or other mark recorded with the State Department of Agriculture under ORS chapter 604.

(3) A person filing a statement of account under this section shall send a copy of the statement to the owner of the chattel sold at the foreclosure sale by registered or certified mail sent to him at his last-known address. If the chattel sold at a foreclosure sale is an animal bearing a brand or other mark recorded with the State Department of Agriculture under ORS chapter 604, a person filing a statement of account under this section shall send a copy of the statement to the State Department of Agriculture.

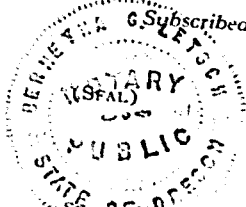
STATE OF OREGON,

County of Klamath ss.

I, Phil F. Barry, being first duly sworn, depose and say that I am the claimant named above, that I know the contents of the foregoing instrument and that the statements therein made are true, as I verily believe.

Subscribed and sworn to before me this 21st day of July, 1982.

Buntha H. Petch  
Notary Public for Oregon. My commission expires 12-29, 1985.



Phil F. Barry DBA Tow-N-Stor

P.P. Box 5204

Lien Claimant

CLAIM OF POSSESSORY LIEN

9320

NOTICE OF FORECLOSURE SALE

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

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

Lien Debtors

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# CNB593, Serial # 32753

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, and his last known address on the date hereof is 2130 Arthur, Klamath Falls, Oregon 97601; at said time the name of the owner or reputed owner of said chattels was Eager Beaver Logging, and, if an individual, his last known address on the date hereof is 2130 Arthur, Klamath Falls, 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 charges, 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

in the City of Klamath Falls in the State of 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.

6. At the conclusion of said foreclosure sale, claimant will apply the proceeds of said sale: first, to the payment of the balance 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 June 8, 1982

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

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

do 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

*Seretha A. Helock*  
Notary Public for Oregon. My Commission expires 12/29/85

FOR RECORDING, RETURN TO:

Phil F. Barry  
P.O. Box 5204  
Klamath Falls, Oregon 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

this 8 day of June A.D. 1982 at 4:19 P M  
duly recorded in Vol. M 82 of Chattels on 7133

INDEXED Fee \$8.00

By *Evelyn Diehn*  
EVELYN DIEHN, CLERK

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the

21 day of July A.D., 1982 at 11:27 o'clock A M., and duly recorded in

Vol M82, of Chattels on page 9319

Fee \$ 12.00

EVELYN DIEHN  
COUNTY CLERK  
By *Joseph McArthur* deputy