

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

41306

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**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 WENDT HOMES who was the ☒ original contractor, ☐ subcontractor, ☐ construction agent or ☐ other person (indicate which) having charge of the construction of that certain improvement known as garage situated upon certain land in the County of KLAMATH, State of Oregon, (which is the site of said improvement) described as follows:

305 Main Street--Midland Oregon - Lt. 15, 16, 17 & 18

Block 37

First Addition to Midland

The address of said improvement, if known (if unknown, so state) is 305 Main Street in the City of Midland, in said county and state.

The name of the owner or reputed owner of said land is Andy Martisak; the name of the owner of said improvement at whose instance said labor, materials and/or equipment were performed or furnished is Andy Martisak; 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 Mark Wendt.

Labor; kind (if no labor performed, insert the word "none") to install three doors.

Materials (if no materials furnished, insert the word "none") three wood garage doors.

Equipment rented (if none, insert "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 June 19, 1984, and completed same on June 19, 1984, 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 ..... \$ 850.00

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) ..... \$ 10.00

Recording fees ..... \$ 9.00

Total ..... \$ 869.00

Less all just credits and offsets ..... \$ .....

Balance due claimant ..... \$ 869.00

SEP 18 PM 2 12

Calc 9.00

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 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 September 17, 1984

Overhead Door Co of Klamath Falls

*Ervin J. Thornton*  
Claimant

STATE OF OREGON, County of KLAMATH ss.

I, Ervin J Thornton, being first duly sworn, depose

and say: That I am the owner of Overhead Door Co of Klamath Falls 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 17 day of September, 1984

*Ervin J. Thornton*

*Adana Young*

Notary Public for Oregon: My Commission expires 7-31-85

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 September 18, 1984.

Overhead Door Co of Klamath Falls

By *Ervin J. Thornton* Claimant

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)

Overhead Door Co of  
Klamath Falls

Lien Claimant

Andy Martisak

Owner

AFTER RECORDING RETURN TO

Overhead Door Co  
P.O. Box 1076  
Klamath Falls, OR 97601

(SPACE RESERVED  
FOR  
RECORDER'S USE.)

STATE OF OREGON,  
County of Klamath } ss.

I certify that the within instrument was filed for recording in my office on the 18 day of September, 1984, at 2:12 o'clock P.M., and recorded in book/reel/volume No. MS4 on page 16110 or as document/fee/file/instrument/microfilm No. 41306, of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

NAME *Evelyn Biehn* TITLE Deputy

Fee: \$8.00 Index: \$1.00