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Vol. M85 Page 13394 (CA)

52446

MICHAEL BACHMAN dba Sunrise Towing

Lien Claimant

vs.

WESLEY A. POWLESS and BETTY J. POWLESS,

Lien Debtor

POSSESSORY LIEN  
STATEMENT OF ACCOUNTTo 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 \$ 515.00.....) 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 .....	\$ 50.00
The expenses of said sale (to-wit: the cost of foreclosing said lien) were .....	\$ 78.42
Net proceeds of said sale .....	\$ -0-
Applied to the discharge of said lien PROCEEDS OF SALE WERE INSUFFICIENT TO .....	\$ -0-
Remaining balance of the proceeds of said sale DISCHARGE LIEN. ....	\$ -0-

insufficient to discharge the lien

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

Dated: July 22, 19 85.

Michael Bachman

Claimant

By .....

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, § 6.

(2) 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, Michael Bachman, being first duly sworn, depose and say that I am doing business as Sunrise Towing 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 22 day of July, 19 85.

Betty Wilton  
BETTY WILTON  
NOTARY PUBLIC-OREGON  
My Commission Expires 5-24-88

Notary Public for Oregon. My commission expires 5-24, 19 88.

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EX 1300

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MICHAEL BACHMAN dba Sunrise Towing,  
Lien Claimant

vs.  
Wesley A. Powless and Betty J. Powless,  
Lien Debtor

**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, Michael Bachman dba Sunrise Towing hereinafter called the claimant, pursuant to the provisions of ORS 87.152 and 87.166 through 87.206, inclusive, claims and has a possessory lien upon articles of personal property particularly described as follows, to-wit: 1968 AMC Rambler; Oregon License No. BKX104; Title No: 77145200541  
VIN: ABAQ60A229622

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 the owner or lawful possessor thereof.

2. The actual or reputed owner, hereinafter called lien debtor, is Wesley A. Powless and Betty J. Powless whose address is 431 Addison, Klamath Falls, Oregon 97601 (if lien debtor is a corporation, the address should be c/o the registered agent at the registered office, as shown by the records of the Corporation Commissioner of the State of Oregon [ORS 57.065, 57.075]). The person requesting said services, materials and labor, if other than the owner, was J. Powless whose address is N/A. The subject vehicle was towed at the request of the Klamath Falls Police Department pursuant to ORS 483.382; Klamath Falls Police Department has indicated they have given all required notices and have released for the within lien sale.  
(a) The ~~fixed~~/reasonable [strike one] charge for claimant's services, materials and labor is \$ 35.00 (towing)  
(b) In addition, claimant has incurred expenses in storing said chattels prior to foreclosure and that a reasonable fee for said storage is the sum of (\$8.00/day) \$ 480.00  
(c) No part of said charges have been paid except the sum of \$(-0-)  
(d) The total amount of claimant's lien claim is (a + b - c) \$ 515.00

4. Claimant obtained possession of said chattels in Klamath County, Oregon.

5. The date the lien attached to the chattels is October 8, 1984, which is when the services or labor were fully performed and the materials were fully furnished and the charges therefore were due and the lien debtor either knew or should reasonably have known that the charges were due. Since said date, possession of said chattels has been and is now retained by claimant.

**NOTICE IS HEREBY GIVEN** to said lien debtor and to whom it may concern that on June 28, 1985, claimant will proceed to sell the above described chattels at public auction to the highest bidder for cash, in Klamath County, Oregon, where claimant obtained possession thereof, at the following place in said county, to-wit: 501 Broad State of Oregon, at the hour of 1:00 o'clock P.M. The name of the person foreclosing the lien is Michael Bachman dba Sunrise Towing. All of the above information is incorporated into the Notice of Sale by reference.

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.

\*ORS 87.172 provides that a person claiming a lien must retain the chattel that is subject to the lien for at least 60 days after the lien attaches (the date stated in, par. 5 above) before foreclosing the lien. The words "foreclosing the lien" refers to the date of sale; therefore, the sale date entered between the \* should be at least 60 days after the date in par. 5; unless the chattel is an animal, in which case the interval must be at least 30 days, or if the animal is a dog or cat, at least 15 days.

5000 Kl. Auto Wt

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7. On May 20, 1985, 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.

8. On the date first mentioned in paragraph 7, this notice was posted in a public place at or near the front door of the county courthouse 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.

In construing this instrument and where the context so required, words in the singular include the plural; and, generally, all changes shall be made or implied so that this instrument shall be deemed notice both to individuals and to corporations.

Dated May 20, 1985.

Michael Bachman  
Claimant

By Michael Bachman dba Sunrise Towing

STATE OF OREGON,

County of Klamath } ss.

I, Michael Bachman dba Sunrise Towing  
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 20th day of May, 1985

Neal Buchanan  
Notary Public for Oregon. My commission expires 12/20/85

if there is a security interest in the chattel, notice to the holder of the security interest must be given not later than the 20th day after the date on which the storage charges begin; or, if no storage charges are imposed, notice to the holder of a security interest must be given not later than the 30th day after the date on which the services provided are completed.

IMPORTANT NOTICE: If the chattel has a fair market value of \$1,000 or more, the lien claimant, in addition to the notices set forth in paragraphs 7 and 8 above, shall have a notice of foreclosure sale printed once a week for two successive weeks in a newspaper as required by ORS 87.192(3). Such notice shall contain a particular description of the property to be sold, the name of the owner or reputed owner thereof, the amount due on the lien, the time and place of the sale and the name of the person foreclosing the lien.

Stevens-Ness Form No. 1120 is a warehouseman's possessory lien for storage; Form No. 1121 is a statement of account; Form No. 927 is a warehouseman's non-possessory lien for storage.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of August A.D., 19 85 at 2:32 o'clock P M., and duly recorded in Vol. 23rd day of Lien Upon Chattels on Page 13394 M85

FEE \$13.00

Evelyn Biehn, County Clerk

By Pat Smith

Rt. Neal Buchanan  
601 Meigs - #210  
KFO