

52912

**POSSESSORY LIEN  
STATEMENT OF ACCOUNT**

Vol. M85 Page 14278

Reference is made to the attached copy of the published or posted notice of claim of lien (the total amount of said claim being \$1483.00) 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   | \$ 108.00 |
| The expenses of said sale (to-wit: the cost of foreclosing said lien) were | \$ 78.42  |
| Net proceeds of said sale being insufficient to discharge lien             | \$ 29.58  |
| Applied to the discharge of said lien                                      | \$ -0-    |
| Remaining balance, if any, of the proceeds of said sale**                  | \$ -0-    |

Dated: September, 1985.

Michael Bachman  
Claimant

STATE OF OREGON, County of Klamath

I, Michael Bachman

the owner of Sunrise Towing

), ss.

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.

Betty White  
Subscribed and sworn to before me this 5th day of September, 1985  
NOTARY PUBLIC-OREGON  
My Commission Expires 5-24-88

Michael Bachman

(Seal) Betty White  
Notary Public for Oregon. My commission expires 5-24-88, 1988

\* Attorney for, Agent for, secretary of etc., or if an individual, leave blank.

\*\* ORS 87.206 provides: After the payment of expenses and the discharge of the lien, any amount remaining shall be paid by the lien claimant to the treasurer of the county in which the foreclosure sale is made. (This form may be used for that purpose, whether or not a Statement of Account must be recorded under the provisions of ORS 87.202)

To the Treasurer of Klamath

County, Oregon:

The said remaining balance is insufficient to discharge lien

NOTE: Possessory liens are authorized by ORS 87.152 to 87.162; ORS 87.202 provides in part:

- (1) A person who forecloses a lien created by ORS 87.152 to 87.162 by sale shall file a statement of account verified by his oath with the recording office 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; or
- (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 to 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.

**POSSESSORY LIEN  
STATEMENT OF ACCOUNT**

MICHAEL BACHMAN, dba  
SUNRISE TOWING

Lien Claimant  
MITCHELL D. ROSE, JR. and  
FOREST PRODUCTS FEDERAL  
CREDIT UNION Lien Debtor

AFTER RECORDING RETURN TO

**NEAL G. BUCHANAN**

Attorney at Law

First Interstate Bank Building

601 Main Street, Suite 210

Klamath Falls, Oregon 97601-6007

(503) 882-8607

SPACE RESERVED  
FOR  
RECORDER'S USE

**STATE OF OREGON**

County of \_\_\_\_\_ ss.

I certify that the within instrument was filed in my office on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/roll/volume \_\_\_\_\_ at page \_\_\_\_\_ or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_ of said County. Witness my hand and seal of County affixed.

By \_\_\_\_\_ Title  
Deputy.

85 SEP 6 AM 11 24

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MICHAEL BACHMAN dba SUNRISE TOWING

Lien Claimant

vs.

MITCHELL D. ROSE, JR. and FOREST  
PRODUCTS FEDERAL CREDIT UNION

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:

1977 Datsun 2S; Oregon License #GKX 812; Title #8436678361;  
VIN #HLS10125248

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 Forest Products Federal Credit Union, whose address is P.O. Box 1179, Klamath Falls, OR (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 57.063, 57.075]). The person requesting said services, materials and labor, if other than the owner, was Mitchell D. Rose, Jr., whose address is 1949 Main #20, Klamath Falls, OR; the said vehicle having been towed after becoming involved in an auto accident on 1/20/85

3. (a) The agreed/reasonable [strike one] charge for claimant's services, materials and labor is \$ 75.00
- (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 to 7/16/85. \$ 1408.00
- (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) \$ 1483.00

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

5. The date the lien attached to the chattels is January 20, 1985, 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 August 23, 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 St., City of Klamath, 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.



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7. On July 17, 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 July 22, 1985

Michael Bachman  
 Michael Bachman Claimant  
 By \_\_\_\_\_

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.

Michael Bachman  
 Michael Bachman

Subscribed and sworn to before me this 22 day of July, 1985

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

Betty Wilton  
 Notary Public for Oregon. My commission expires 5-24-88

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.

Sevens-Nine 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 \_\_\_\_\_  
 of September A.D. 1985 at 11:24 o'clock A M., and duly recorded in Vol. M85  
 of Lien Upon Chattels on Page 14278

FEE \$13.00

Evelyn Biehn, County Clerk  
 By Tom Smith