

60391

1-6-86

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KNOW ALL MEN BY THESE PRESENTS: The undersigned, hereinafter called the claimant, has performed labor, transported or furnished materials and/or rented equipment under a contract between claimant and Eddie Wilcher who was the ☐ original contractor, ☒ subcontractor, ☐ construction agent or ☐ other person (indicate which) having charge of the construction of that certain improvement known as Pape Brothers, Inc. situated upon certain land in the County of Klamath, State of Oregon, which is the site of said improvement, described as follows:

Portions Lots 1 & 7, unplatted

Section 33, Twp. 38, Range 9

Reference:

Deed 77-24849

COMPLETION TIME

CEVIN CE

The address of said improvement, if known (if unknown, so state) is 1410 South Sixth Street in the City of Klamath Falls, in said county and state.

The name of the owner or reputed owner of said land is Pape Brothers, Inc., who 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 materials and for whom he performed said labor and/or rented equipment is Eddie Wilcher

Claimant commenced his performance of said contract on November 6, 19 85, and completed same on January 28, 19 86, after which he ceased to provide labor, transport or furnish materials and/or rent equipment.

A Notice of Right to Lien in the form required by ORS 87.023 was delivered in person or delivered by registered or certified mail, to said owner on November 13, 19 86, and this lien covers only those materials and that labor provided after a date which is 10 days before said Notice of Right to Lien was delivered or mailed (if construction was commenced after January 1, 1982 and before October 15, 1983) OR 8 days not including Saturdays, Sundays and other Holidays as defined in ORS 187.010 before said Notice of Right to Lien was delivered or mailed (if construction was commenced after October 14, 1983).

The following is a true statement of claimant's demand after deducting all just credits and offsets, to-wit: The reasonable value of claimant's labor, materials and equipment is:

Labor	\$ -0-
Materials	\$ 6,849.60
Equipment	\$ -0-
Recording fees	\$ 9.00
Total	\$ 6,858.60
Less all just credits and offsets	\$ 3,006.95
Balance due claimant	\$ 3,851.65

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 fore-closure 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.

1. Dated April 17, 19 86.

KLAMATH FALLS BRICK & TILE COMPANY

Randal A. Smith
Claimant

for the time and place of recording to make this lien a valid claim, see quotation from ORS 87.035 on next page.

NOTE: THIS FORM IS TO BE USED ONLY FOR CONSTRUCTION COMMENCED AFTER JANUARY 1, 1982.

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STATE OF OREGON, County of Klamath SS.

I, WENDELL A. SMITH, being first duly sworn, depose
 Secretary and authorized to sign this document for Klamath Falls
 and say: that I am the Brick & Tile Company
 claimant named in the foregoing instrument; that I have knowledge of the facts therein set forth; that all state-
 ments made in said instrument are true and correct as I verily believe.

Subscribed and sworn to before me this 17th day of April, 1986

(SEAL) CLIC

Notary Public for Oregon. My commission expires 11/2/89

ORS 87.035. "Original Contractor" means a contractor who has a contractual relationship with the owner"; a subcontractor does not.
 The foregoing lien is created by subsection 1 of ORS 87.010. Section ORS 87.035 provides: "Every person claiming a lien under sub-
 section (1), or (2) of ORS 87.010 shall file the claim not later than 90 days after the person has ceased to provide labor, rent equipment or
 furnish materials. Every other person claiming a lien under ORS 87.010 shall file the claim not later than 90 days after the completion of
 the construction." * * * "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."

NOTICE TO THE OWNER of the land described in the foregoing copy of claim of lien:

Please be advised that the original claim of lien of which the foregoing is a true copy was filed and recorded in
 the office of the recording officer of County, Oregon, on 19

X By Wendell A. Smith Claimant

ORS 87.039 provides:

"A person filing a claim for a lien as provided by ORS 87.035 shall mail to the owner and to the mortgagee a notice in writing that the
 claim has been filed. A copy of the claim shall be attached to the notice. The notice shall be mailed not later than 20 days after the date
 of filing. * * *"

**CLAIM OF
 CONSTRUCTION LIEN
 OTHER THAN ORIGINAL CONTRACTOR**
 (Form No. 1162)

KLAMATH FALLS BRICK & TILE CO.

Lien Claimant

PARE BROTHERS, INC.

Owner

AFTER RECORDING RETURN TO

Klamath Falls Brick & Tile Co.
2426 MONTGOMERY ST
K FALLS, OR 97601

Fee: \$9.00

STATE OF OREGON,

County of Klamath } SS.

I certify that the within instru-
 ment was received for record on the
17th day of April, 1986,
 at 9:33 o'clock A.M., and recorded in
 Book/feel/volume No. M86 on page
6586 or as file/instrument/micro-
 film/reception No. 60391 of the
 Construction Lien Book of said County.

Witness my hand and seal of
 County affixed.

Evelyn Biehn, County Clerk

By Wendell A. Smith Deputy