

If claimant is other than original contractor use S-N Form No. 1162.

73344

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KNOW ALL MEN BY THESE PRESENTS: The undersigned, hereinafter called the claimant, did on the 13th day of October, 1986, enter into a contract with the owner of the improvement named below for the performance of labor, transporting or furnishing materials to be used in or renting equipment used in the construction of said improvement known as United Pentecostal Church of Klamath Falls, Oregon, aka First United Pentecostal Church of Klamath Falls, an Oregon Non-profit corporation, said improvement is situated upon certain land in the County of Klamath, State of Oregon, (which is the site of said improvement), described as follows:

See Exhibit "A" attached hereto and incorporated herein.

\*\*United Pentecostal Church of Klamath Falls, Oregon, an Oregon non-profit corporation, also known as First United Pentecostal Church of Klamath Falls, an Oregon non-profit corporation. The address of said land, if known, is (if unknown, so state) 422 Old Fort Road, Klamath Falls, Oregon, 97601 in said county and state.

The name of the owner or reputed owner of said land is \*\* See above  
the name of the owner or reputed owner of said improvement is \*\* See above  
the person or persons just named, at all times herein mentioned, had knowledge of the construction of said improvement. Claimant was employed to furnish said labor, materials and equipment and to perform said contract by the said owner of said improvement. Claimant commenced his performance of said contract on February 19, 1987, provided and furnished all labor, materials and equipment required by said contract and actually used in the construction of said improvement and fully completed his said contract on February 25, 1987, after which he ceased to provide labor, materials or equipment for said improvement.

The following is a true statement of claimant's demand after deducting all just credits and offsets to-wit:

Contract price	\$ 5,890.00
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	\$ 450.00
Materials	\$ 800.00
Equipment	\$ 1,060.00
Recording fees	\$ 13.00
Total	\$ 5,913.00
Less all just credits and offsets	\$ 3,580.00
Balance due claimant	\$ 2,323.00

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 the said site, to be determined by the court at the time of the foreclosure of this lien.

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

—OVER—

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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 April 10, 1987

Faron L. Bailey, B&T Excavating & Fencing  
Claimant

STATE OF OREGON, County of Klamath ss.

I, Faron L. Bailey

, being first duly sworn, depose and say: that I am the 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 10th day of April, 1987

Susan H. Crismon  
Notary Public for Oregon. My commission expires 10-31-87

(SEAL)

ORS 87.005. "Original Contractor" means a contractor who has a contractual relationship with the owner." 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 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 Klamath County, Oregon, on April 1987 Faron L. Bailey, B&T Excavating and Fencing Claimant

By Andrew C. Brandsness, Attorney

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 ORIGINAL CONTRACTOR**  
(Form No. 1161)

Faron L. Bailey, B&T Excavating & Fencing  
Lien Claimant

vs.

First United Pentecostal Church of Klamath Falls, Oregon  
Lien Debtor

AFTER RECORDING RETURN TO Brandsness & Brandsness  
411 Pine St.  
Klamath Falls, OR 97601

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON, ss.

County of \_\_\_\_\_  
I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ or as file/instrument/microfilm/reception No. \_\_\_\_\_ of the Construction Lien Book of said County. Witness my hand and seal of County affixed.

NAME \_\_\_\_\_ TITLE \_\_\_\_\_  
By \_\_\_\_\_ Deputy

## EXHIBIT "A"

## DESCRIPTION

## PARCEL 1

A tract of land situated in the N $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 28, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon and being a portion of the Road as shown on an unrecorded Plat prepared for Klamath Development Co. by William R. Canton dated May 15, 1930, more particularly described as follows:

Beginning at the intersection of the Easterly edge of said Road and the Southerly right-of-way line of Loma Linda Drive, from which the CE 1/16 corner of said Section 28 bears North 15° 13' West 631.40 feet and South 89° 10' East 106.09 feet; thence South 15° 13' East, along said Easterly edge of road, 177.74 feet to the Northerly right-of-way line of Loma Linda Drive; thence South 34° 59' West, along said Northerly right-of-way line, 78.08 feet to the Westerly edge of said Road; thence North 15° 13' West, along said Westerly edge of Road, 206.09 feet to the Southerly right-of-way line of Loma Linda Drive; thence along said Southerly right-of-way line North 45° 36' East 27.56 feet and along the arc of a curve to the right (radius = 65.49 feet and central angle = 32° 41' 12") 37.36 feet to the point of beginning containing 11,720 square feet, more or less and with bearings based on Survey No. 4362 as recorded in the office of the Klamath County Surveyor.

## PARCEL 2

That portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 28, Township 38 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

Beginning at a point which is 1336.19 feet West and 541.18 feet South of the quarter section corner common to Sections 27 and 28, Township 38 South, Range 9 East of the Willamette Meridian, running thence South 15° 13' East 401.9 feet; thence South 75° 30' West 64.45 feet; thence South 46° 29' West 337.53 feet; thence North 15° 13' East 366.4 feet; thence North 46° 29' East 410.73 feet to the point of beginning, lying wholly within the SE $\frac{1}{4}$  of Section 28 of said Township and Range. EXCEPTING any portion lying within Old Fort Road or Loma Linda Drive.

ALSO EXCEPTING, a tract of land situated in the NW $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 23, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon and being a portion of Lot 3 and Lot 4 of an unrecorded plat prepared for Klamath Development Co. by William R. Canton dated May 15, 1930, more particularly described as follows:

Beginning at the Northeast corner of said Lot 4, from which the CE 1/16 corner of said Section 28 bears North 15° 13' West 583.29 feet and South 39° 10' 00" East 168.52 feet (said Northeast

corner of Lot 4 bears West 1336.19 feet and South 541.18 feet from the  $\frac{1}{4}$  corner common to Sections 27 and 28 by Volume M73 page 3620 of the Klamath County Deed Records); thence South 15° 13' East, along the Easterly line of said Lot 4, 18.44 feet to the Northerly right-of-way line of Loma Linda Drive; thence along said right-of-way line along the arc of a curve to the left (radius point bears South 41° 43' 08" East 125.49 feet and central angle = 02° 40' 52") 5.87 feet, South 45° 36' West 118.68 feet and along the arc of a curve to the right (radius = 100.22 feet and Central angle = 35° 46' 57") 62.59 feet to a point on the Northerly line of said Lot 3; thence North 46° 29' East 192.17 feet to the point of beginning, containing 2925 square feet, more or less and with bearings based on Survey No. 4362 as recorded in the office of the Klamath County Surveyor.

## EXHIBIT "A"

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Brandsness & Brandness the 10 day  
of April A.D., 19 87 at 3:42 o'clock P M., and duly recorded in Vol. M 87  
of Construction Lien on Page 6080  
By [Signature] County Clerk

FEE 13.00  
1.50