

OKBB If claimant is an original contractor, use S-N Form No. 1161.

Vol. 1481 Page 19740

RECORDED ON 01201

LGG: 210:00

50 BOX 898

SMITH LUMBER COMPANY

Gary Whittle

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

Lots 19, 20, 21, and 22 Block 5
Second Hot Springs Division

City of Klamath Falls, County, Klamath Falls

OTHER THAN ORIGINAL CONTRACTOR
CONSTRUCTION FIRM
STATUS OF

PARTIAL UNKNOWN

OF THIS...
...the fact that a copy of the claimant's demand for payment...
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...the fact that a copy of the claimant's demand for payment...

The address of said improvement, if known (if unknown, so state) is 1435 Esplanade in the City of Klamath Falls, in said county and state.

The name of the owner or reputed owner of said land is Gary Whittle & South Valley State Bank, 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 Gary Whittle.

Claimant commenced his performance of said contract on July 23, 1987, and completed same on August 4, 1987, 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 July 24, 1987, 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 \$1,552.55

Materials \$1,552.55

Equipment \$251.53

Finance Charges \$10.00

Recording fees \$1,814.08

Total \$1,814.08

Less all just credits and offsets \$0.00

Balance due claimant \$1,814.08

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 and made this October 30, 1987.

SMITH LUMBER CO.

By: *Sheryl Davis*
Claimant

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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STATE OF OREGON, County of Jackson

SHERRY A. DAVIS

the undersigned Sherry A. Davis, being first duly sworn, depose and say that I am the Assistant Secretary of Smith Lumber Co.,

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 30th day of October 1987

Notary Public for Oregon. My commission expires 7-8-88



Notary Public for Oregon. My commission expires 7-8-88

ORS 87.005

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 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 material. Every other person claiming a lien under ORS 87.010 shall file the claim not later than 90 days after the completion of the improvement, or some part thereof, is situated." 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." (See 14-1223)

2. The 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 material. Every other person claiming a lien under ORS 87.010 shall file the claim not later than 90 days after the completion of the improvement, or some part thereof, is situated." (See 14-1223)

A notice of lien to file in the form required by ORS 87.035 shall be filed in the county or counties in which the improvement, or some part thereof, is situated.

1. The 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 material. Every other person claiming a lien under ORS 87.010 shall file the claim not later than 90 days after the completion of the improvement, or some part thereof, is situated." (See 14-1223)

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 Jackson County, Oregon on 30th day of October, 1987.

The address of said improvement is 14-1223.

By 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)

Recorded for Lien Claimant
Date 10-30-87
The County of Jackson
Owner

AFTER RECORDING RETURN TO:
SMITH LUMBER COMPANY
P.O. BOX 1568
MEDFORD, OR 97501

STATE OF OREGON,

County of Klamath

I certify that the within instrument was received for record on the 2nd day of November, 1987, at 9:52 o'clock A.M., and recorded in book/reel/volume No. MB7 on page 19740 or as file/instrument/microfilm/reception No. 81065 of the Construction Lien Book of said County. Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

Fee: \$10.00

By Pam Smith Deputy