

3335 PRASIN, K. 19118-01 31003
RECEIVED: TOM-N-STOR
LEE 210-00
of 2681
V.D. 18 88 in 10:18
1000-1-2101

BA
COUNTY CLERK
on 10:18 1988
M. A. W.

STEVENS-HESS LAW PUB. CO., PORTLAND, OR. 97204

FORM No. 146 - POSSESSORY LIEN.

Vol. 788 Page 14218

OA 90958
Phil F. Barry: DBA-Tom-N-Stor
3322 Laverne Avenue, Klamath Falls, Oregon
Lien Claimant
vs.
Elsia Gutierrez
530 West 2nd Street
San Pedro, CA 90731
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, Phil F. Barry: DBA. Tom-N-Stor 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: 1988 Hyundai: VIN: KMHLE21J3JU307294, 4D S

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 Elsia Gutierrez, whose address is 530 West 2nd Street, San Pedro, CA 90731 (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 James Rogey, whose address is Discount Auto Service & Supply, 2108 Washburn Way, Klamath Falls, OR 97603

3. (a) The agreed/reasonable [strike one] charge for claimant's services, materials and labor is \$ 125.00
(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 \$10/day X 116 days. \$ 1160.00
(c) No part of said charges have been paid except the sum of \$ ()
(d) The total amount of claimant's lien claim is (a + b - c) \$ 1185.00

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

5. The date the lien attached to the chattels is May 6, 19 88, 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 * October 4 1988 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: Tom-N-Stor Lot, 3322 Laverne Avenue, City of Klamath Falls, State of Oregon, at the hour of 9:30 o'clock A. M. The name of the person foreclosing the lien is Phil F. Barry.
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 *ORS* 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.

On Sept. 1, 1988, 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.

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 Sept. 1, 1988, and this notice is made in the presence of Mary G. Barry, DBA Tow-N-Stor, and Phil R. Barry, DBA Tow-N-Stor, both of whom are duly sworn to be true and correct.

The date the lien attached to the chattels is _____ To Claimant
1. Claimant obtained possession of said chattels in _____ By Mary G. Barry

(a) The total amount of claimant's lien claim is (\$ 10,000.00)
(c) The lien of said chattels was held by _____ and that a warehouseman for said chattels is the lien of _____
STATE OF OREGON, in _____
County of Klamath

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.

CV 80131
I, _____, Notary Public for Oregon, My commission expires 12-29-89

Subscribed and sworn to before me this _____ day of September, 1988.
_____ Secretary & Litch

NOTARY PUBLIC FOR OREGON
My commission expires 12-29-89

**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 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 Tow-N-Stor the 1st day
of Sept. A.D. 19 88 at 10:16 o'clock A. M., and duly recorded in Vol. M88
of Lien Upon Chattels on Page 14218
By Evelyn Biehn County Clerk
By Debbie Mendenhall

FEE \$10.00
Return: Tow-N-Stor
3322 Laverne, K. Falls, Or. 97603