

OO If Claimant is an original contractor, use S-N Form No. 1161.

681

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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 O and F Company who was the ☒ original contractor, ☐ subcontractor,

☐ construction agent ☐ or other person (indicate which) having charge of the construction of that certain improvement known as Oregon Northfork Hydroelectric Project situated upon certain land in the County of Klamath, State of Oregon, which is the site of said improvement, described as follows:

Oregon Northfork Hydroelectric Project, Section 29, 30 and 31 of Willamette Range 35 South 15 East, Klamath County, more particularly described on the attached Exhibit "A".

High Country Construction
ORDER FROM EXISTING CONSTRUCTION
CONSTRUCTION MEN
CITY OF

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

The name of the owner or reputed owner of said land is HDI Associates V, 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 materials were furnished and for whom labor was performed and/or equipment rented is O and F Company

Claimant commenced performance of said contract on August, 1988, and completed the same on March 15, 1989, after which claimant 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 _____, 19____, and this lien covers only those materials and that labor provided after a date which is eight 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.

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: | |
| Completed Construction Contract | \$ 113,180.00 |
| Labor Additional | \$ 87,654.00 |
| Materials Additional | \$ 1,180.00 |
| Equipment | \$ 28,998.64 |
| Recording fees | \$ 15.00 |
| Total | \$ 144,671.09 |
| Less all just credits and offsets | \$ 86,356.64 |
| Balance due claimant | |

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 singular pronoun includes the plural, as the circumstances require.

Dated May 26, 1989

High Country Construction

[Signature]
Claimant

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STATE OF OREGON, County of Klamath

I, Reginald R. Davis, agent for High Country Construction, being first duly sworn, depose and say: I am the Attorney for the

claimant named in the foregoing instrument. I have knowledge of the facts therein set forth. All statements made in said instrument are true and correct as I verily believe.

Subscribed and sworn to before me this

26 day of

May, 1987.

Reginald R. Davis, Attorney for Claimant

Notary Public for Oregon. My commission expires 1-20-92

ORS 87.045. "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 created under subsection (1) or (2) of ORS 87.010 shall perfect the lien not later than 75 days after the person has ceased to provide labor, rent equipment or furnish materials or 75 days after completion of construction, whichever is earlier. Every other person claiming a lien under ORS 87.010 shall perfect the lien not later than 75 days after the completion of construction." Also that the lien claim "shall be perfected by filing a claim of lien 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 May 26, 1987.

High Country Construction

Claimant

Reginald R. Davis, Attorney for Claimant

ORS 87.039 provides:

"A person filing a claim of lien pursuant to 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 of lien 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)

High Country Construction

Lien Claimant

HDI Associates V

Owner

AFTER RECORDING RETURN TO
Brandsness, Brandsness & Davis, P.C.
411 Pine Street
Klamath Falls, Oregon 97601

CBT

STATE OF OREGON,

County of

SS.

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 OF PROPERTY

The following described real property situate in Klamath County, Oregon:

PARCEL 1:

A tract of land situate in Section 29, Township 35 South, Range 15, E.W.M., described as follows:

Beginning at a 2 inch iron pipe monument on the West line of said Section 29 which bears S. 00°41'08" E. a distance of 1984.674 feet from the Northwest corner of said Section 29; thence leaving said West line, N. 88°54'09" E. a distance of 2637.616 feet to a 2 inch iron pipe monument on the North-South center line of said Section 29; thence S. 00°17'50" E. along said center line a distance of 1302.286 feet to a 2 inch iron pipe monument; thence S. 88°47'15" W. a distance of 1317.773 feet to a 2 inch iron pipe monument; thence S. 00°11'39" E. a distance of 648.739 feet to a 2 inch iron pipe monument; thence S. 88°54'26" W. a distance of 1318.898 feet to a 2 inch iron pipe monument on the West line of said Section 29; thence N. 00°05'25" W. a distance of 1292.013 feet to a 2 inch iron monument on the West line of said Section 29; thence North 00°41'08" West a distance of 661.511 feet the point of beginning.

PARCEL 2:

TOGETHER with those easements in Sections 30 and 31 of the same Township and Range, reserved to grantor as No. 4 on Pages 9 and 10 in Exchange Deed from Weyerhaeuser Company to United States of America, dated May 6, 1987, recorded May 12, 1987, in Volume M87 page 8130 and re-recorded November 20, 1987, in Volume M87 page 21040, Deed Records of Klamath County, Oregon.

PARCEL 3:

TOGETHER with Easement as disclosed by Agreement given by Frank Obenchain, Jr., also known as F. W. Obenchain and Ruth Obenchain, husband and wife, to HDI Associates V, an Oregon limited partnership, dated October 22, 1988, recorded November 2, 1988, in Volume M88 page 18629, Deed Records of Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Brandsness & Brandsness the 26th day
of May A.D., 19 89 at 3:37 o'clock P.M., and duly recorded in Vol. M89
of Construction Lien on Page 9250

FEE \$15.00

Evelyn Biehn County Clerk

By Pauline Mullenbarger