

5542

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10th day of July

KNOW ALL MEN BY THESE PRESENTS: The undersigned, hereinafter called the claimant, did on the 10th day of July, 1989, enter into a contract with the owner of the improvement named below for the performance of labor, ~~transporting of building materials to be used in construction~~ the construction of said improvement known as Algoma Mill.

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:

Beginning at a 1/2 inch iron rod from which the Brass Cap Section Corner common to Sections 13, 18, 19 and 37, said Township and Range bears South 49 degrees 50'12" East, 2347.98 feet; thence South 03 degrees 08'03" West, 1086.90 feet to a 1/2 inch iron rod on the Northerly right of way line of the Algoma County Road; thence along the Northerly right of way line of the Algoma County Road as follows: South 82 degrees 28'41" West 121.44 feet to a 1/2 inch iron rod; thence South 82 degrees 28'41" West, 207.89 feet to a 1/2 inch iron rod; thence along the arc of a curve to the left 232.56 feet (central angle 11 degrees 19'53", radius 1175.92 feet, chord bears South 76 degrees 48'45" West, 232.18 feet) to a 1/2 inch iron rod; thence along the arc of a curve to the right 227.32 feet (central angle 39 degrees 41'45", radius 328.10 feet, chord bears North 89 degrees 00'20" West, 222.80 feet) to a 1/2 inch iron rod; thence North 69 degrees 09'27" West, 662.86 feet to a 1/2 inch iron rod at the intersection with the Easterly right of way line of the U.S. Highway 97; thence leaving said Northerly right of way line North 17 degrees 06'39" East, 47.10 feet along the said Easterly right of way line to a 1/2 inch iron rod; thence continuing along said Easterly right of way line North 17 degrees 06'39" East, 8 feet more or less, to the high water mark of Klamath Lake; thence leaving said Easterly right of way line in a North-easterly direction along the high water mark of Klamath Lake to a point from which a 1/2 inch iron rod bears South 89 degrees 52'06" East, 13 feet, more or less; thence leaving the high water mark South 89 degrees 52'06" East, 13 feet, more or less, to a 1/2 inch iron rod; thence South 89 degrees 52'06" East, 536.63 feet to a 1/2 inch iron rod; thence South 89 degrees 52'06" East, 119.51 feet to the point of beginning, EXCEPTING THEREFROM that portion lying West of the high water line of the lake. The address of said land, if known, is (if unknown, so state) Intersection of Highway 97 North of Klamath Falls.

The name of the owner or reputed owner of said land is John Alan Austin in said county and state. the name of the owner or reputed owner of said improvement is John Renshow dba Pyramid Construction; 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 July 10, 1989, 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 August 2, 1989, 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	\$
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	\$
Materials	\$ 952.00
Equipment	\$
Recording fees	\$
Total	\$ 5.00
Less all just credits and offsets	\$
Balance due claimant	\$ 957.00

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 September 21, 1989

Landel M. McBride

Claimant

STATE OF OREGON, County of Klamath ss.

I, Landel M. McBride

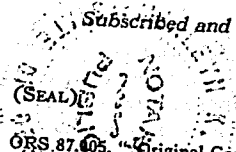
, being first duly sworn, depose and say: that I am the claimant named in the foregoing instrument; that I have knowledge of the facts therein set forth; that all statements made in said instrument are true and correct as I verily believe.

Landel M. McBride

Subscribed and sworn to before me this 21st day of September, 1989.

Marlene K. Miller

Notary Public for Oregon. My commission expires 9/16/93.



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 _____ County, Oregon, on _____, 19____.

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. * * *"

By _____ Claimant

**CLAIM OF
CONSTRUCTION LIEN
ORIGINAL CONTRACTOR**
(Form No. 1161)

LANDEL M. MCBRIDE

Lien Claimant

VS.

Lien Debtor

AFTER RECORDING RETURN TO

Reginald R. Davis
411 Pine Street
Klamath Falls, OR 97601

Fee \$10.00

STATE OF OREGON,

County of Klamath ss.

I certify that the within instrument was received for record on the 21st day of Sept., 1989, at 5:59 o'clock P. M., and recorded in book/reel/volume No. 489 on page 17941 or as file/instrument/microfilm/reception No. 5542, of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

By *Reginald R. Davis* Deputy