

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

6183

Vol. 1789 Page 19067

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 John Alan Austin who was the ☐ original contractor, ☐ subcontractor, ☐ construction agent or ☒ other person (indicate which) having charge of the construction of that certain improvement known as Per 34- Sec 13 Township 37 - Range 8 situated upon certain land in the County of Lincoln State of Oregon, which is the site of said improvement, described as follows:

See Attached Legal Description

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

The name of the owner or reputed owner of said land is John Alan Austin, 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 John Alan Austin. Claimant commenced his performance of said contract on June 27, 1987, and completed same on August 7, 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 Oct 2, 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	<u>1.84 hr reg</u>	<u>5 over time</u>	\$ <u>268.8</u>
Materials			\$ <u>1</u>
Equipment			\$ <u>1.080</u>
Other	<u>1.080 for a first chisel which banded</u>		\$ <u>1.080</u>
Recording fees			\$ <u>0</u>
Total			\$ <u>370.8</u>
Less all just credits and offsets			\$ <u>0</u>
Balance due claimant			\$ <u>370.8</u>

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 fore-closure 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 Oct 8, 1987.

Donald L. Nuyt

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

Claimant

— OVER —

19068

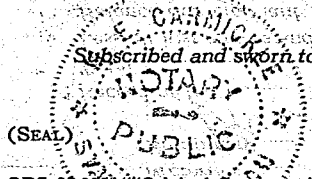
STATE OF OREGON, County of Klamath ss.

I, Donald Lee Mitchell, 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.

Donald L. Mitchell

Subscribed and sworn to before me this 30th day of September, 1989.

M. E. Carmickle



Notary Public for Oregon. My commission expires 03/05/93

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 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 County, Oregon, on, 1989.

Claimant

By _____

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)**

Donald L. M. Mitchell
P.O. Box 7215
Klamath Falls, ORE 97601 Lien Claimant

John Alan Austin
12920 Algonia Rd
Klamath Falls, ORE 97601 Owner

AFTER RECORDING RETURN TO

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

SPACE RESERVED
FOR
RECORDER'S USE

6783

19069

17239

4033

Order No: 21036-K

EXHIBIT "A"
LEGAL DESCRIPTION

A parcel of land situated in the South half of Section 13, Township 37 South, Range 8 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly 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: thence South 62 degrees 28' 41" West, 121.44 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, 222.86 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 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 Northeasterly 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.

Tax Account No. 3708 01300 00300

STATE OF OREGON; COUNTY OF KLAMATH: ss.

Filed for record at request of Mounrain Title Co. the 9th day
of March A.D. 19 89 at 10:09 o'clock AM., and duly recorded in Vol. M89
of Deeds on Page 4032

FEE \$13.00

Evelyn Biehn County Clerk

By Caroline M. Madsen

STATE OF OREGON; COUNTY OF KLAMATH: ss.

Filed for record at request of Donald L. Mitchell the 9th day
of October A.D. 19 89 at 1:45 o'clock P. M., and duly recorded in Vol. M89
of Construction Liens on Page 19067

FEE \$15.00
copies 2.00

EVELYN BIEHN County Clerk

By Bernetha S. Ketsch