

10372

KNOW ALL MEN BY THESE PRESENTS: The undersigned, hereinafter called the claimant, did on the 6th day of November, 19.89, enter into a contract with the owner of the improvement named below for the performance of labor, transporting or furnishing materials to be used in or renting equipment used in the construction of said improvement known as Pelican Mobile Home Park,

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:

Said description is attached hereto, marked as Exhibit "A" and by this reference made a part hereof.

CONSTRUCTION LIEN
CLAIMANT'S DEMAND

The address of said land, if known, is (if unknown, so state) Rt. 5, Box 1033, in said county and state.

The name of the owner or reputed owner of said land is Edna M. Peterson; the name of the owner or reputed owner of said improvement is Bruce A. Froemke; 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 November 6, 19.89, 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 December 6, 19.89, 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	\$	1,849.00
Materials	\$	1,456.00
Equipment	\$	845.00
Recording fees	\$	15.00
Total	\$	4,165.00
Less all just credits and offsets	\$	0
Balance due claimant	\$	4,165.00

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—

90 JAN 19 PM 3 35



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 January 18, 1990.

B & T EXCAVATING, INC.

By Earon Lee Bailey

Claimant

STATE OF OREGON, County of Klamath ss.

I, Earon Lee Bailey, 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.

Earon Lee Bailey

Subscribed and sworn to before me this 18th day of January, 1990.

Michael H. Miller

Notary Public for Oregon. My commission expires 9/16/90.

(SEAL)

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 Klamath County, Oregon, on January 19, 1990.

Claimant

By

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
ORIGINAL CONTRACTOR**
(Form No. 1161)

Earon Lee Bailey

Lien Claimant

VS.

Lien Debtor

AFTER RECORDING RETURN TO

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

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON,

ss.

County of

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"
LEGAL DESCRIPTION

A tract of land situated in the NW1/4 of SW1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at the intersection of the East line of the NW1/4 of SW1/4 and the North right of way line of the Southern Pacific Railroad right of way; thence North along said East line to the Northeast corner of the NW1/4 of SW1/4; thence West along the North line of said NW1/4 of SW1/4 to the centerline of the West side bypass as now located; thence Southerly along said centerline to the Northerly right of way line of aforementioned Railroad; thence Southeasterly along said Northerly line to the point of beginning. EXCEPT THEREFROM any portion of the above property conveyed to Klamath County and the State of Oregon for highway purposes.

FURTHER EXCEPTING the following tract;

All that portion of NW1/4 SW1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, described as follows:

Beginning at the intersection of the North line of the Southern Pacific Railroad right of way and the West line of Biehn Street; thence Northerly 75 feet along the West line of Biehn Street to the place of beginning; thence 200 feet Westerly parallel to the Southern Pacific Railway; thence Northerly 200 feet parallel to tangent of Biehn Street; thence Easterly parallel to the Southern Pacific Railway right of way to Biehn Street; thence Southerly along the line of Biehn Street to the place of beginning.

ALSO EXCEPTING THEREFROM:

All that portion of the NW1/4 SW1/4 of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, lying Northeasterly of the Eastside Bypass conveyed to the State of Oregon by deed recorded June 18, 1957 in Volume 292 at page 373, Deed Records of Klamath County, Oregon and recorded December 28, 1961 in Volume 334 at page 481, Deed Records of Klamath County, Oregon.

ALSO EXCEPTING any portion lying within US 97 also known as the Eastside Bypass and the Westside Bypass.

ALSO EXCEPTING

A strip of land lying in Section 20 Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and being portion of that property described in Volume 165, page 673 of the official deed records of Klamath County and by Record of Survey No. 2709. Said strip of land being more particularly described as follows:

Beginning at an iron pin marking the intersection of the North line of the Southern Pacific Railroad right-of-way and the Westerly right-of-way of Biehn Street, said pin being 1293.13 feet East and 1028.35 feet South of the West quarter corner of Section 20, Township 38 South, Range 9 East of the Willamette Meridian; running thence

(continued)

(Legal Description Continued)

along the Northerly railroad right-of-way, North 62 degrees 39' 55" West 783.79 feet to the Easterly right-of-way of the West Side Bypass (Highway 97); thence along said right-of-way, North 08 degrees 50' 21" East 70.23 feet to the true point of beginning; thence leaving said right-of-way, North 09 degrees 34' 46" East 262.17 feet to a point on the Easterly right-of-way of the West Side Bypass (Highway 97); thence along said right-of-way South 18 degrees 40' 33" West 164.70 feet; thence South 08 degrees 50' 21" West 74.97 feet; thence South 35 degrees 59' 07" East 35.11 feet to the true point of beginning.

Tax Account No: 3809 020CB 00200

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Brandsness, Brandsness, Davis the 19th day
of Jan. A.D., 19 90 at 3:35 o'clock P. M., and duly recorded in Vol. M90,
of Construction Lien on Page 1328.
By Evalyn Biehn County Clerk
Pauline Mullens

FEE \$20.00