

ON If claimant is other than original contractor use S-N Form No. 1162.

Vol. m90 Page 15528

18454

KNOW ALL MEN BY THESE PRESENTS: The undersigned, hereinafter called the claimant, did on August 1, 1987, enter a contract 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 The Winema Hotel and Apartments; 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:

see 'exhibit A', attached hereto and
by this reference incorporated herein.

The address of said land, if known, is (if unknown, so state) 1111 Main St., Klamath Falls OR 97601 in said county and state.

The name of the owner or reputed owner of said land is Clayco Petroleum Corp.; the name of the owner or reputed owner of said improvement is Clayco Petroleum Corp.; the name of the person who employed claimant to furnish said labor, materials, and/or equipment, and to perform said contract is Bruce Clayman, President, Clayco Petroleum Corp.; the person(s) just named, at all times herein mentioned, had knowledge of the construction of said improvement.

Claimant commenced performance of said contract on August 1, 1980, provided and furnished all labor, materials and equipment required by said contract and actually used in the construction of said improvement and fully completed said contract on August 3, 1980, after which claimant 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 <u>2 hrs</u>	\$	240.00
Materials	\$	110,020.00
Equipment	\$	5,000.00
	(Subtotal) -	\$ 358,520.00
Recording fees	\$	9.00
Total	\$	358,529.00
Less all just credits and offsets	(paid today)	\$ 51,836.00
Balance due claimant	net	\$ 306,693.00

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—

NOTE: THIS FORM TO BE USED ONLY FOR CONSTRUCTION COMMENCED AFTER JANUARY 1, 1982.

'90 AUG 3 PM 2 18

5 or cash

In construing this instrument the singular includes the plural as the circumstances may require.

Dated 8-2, 1990

[Signature] PRESIDENT
 DAMIAN CONSTRUCTION CO.
 Claimant

STATE OF OREGON, County of Klamath SS.

I, Bruce J. Clayman, being first duly sworn, depose

and say: that I am the President of the named corporate claimant
 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.

Subscribed and sworn to before me this second day of August, 1990.
[Signature] PRESIDENT
 Notary Public for Oregon. My commission expires 4-2-93

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 _____, 19____.

Claimant

ORS 87.039 provides:

By _____

"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
 ORIGINAL CONTRACTOR**
 (Form No. 1161)

Lien Claimant

VS.

Lien Debtor

AFTER RECORDING RETURN TO

Bruce Clayman
 1418 Ivory
 Klamath Falls, Or. 97603

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"

PARCEL 1:

A tract of land situated in the NE 1/4 NE 1/4 of Section 32, and the SE 1/4 SE 1/4 Section 29, Township 38 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at the intersection of the Southerly line of Pine Street and the Easterly line of Eleventh Street in the City of Klamath Falls, Oregon; thence Northeasterly along said Southerly line of Pine Street 170 feet to a point thereon distant 50 feet Southwesterly along said Pine Street from the most Westerly corner of Lot 5, Block 3, HOT SPRINGS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON; thence Southeasterly and parallel with said Easterly line of Eleventh Street 112 feet; thence Southwesterly parallel to said Pine Street, 50 feet; thence Southeasterly parallel with Eleventh Street 8 feet; thence Northeasterly and parallel with the Northerly line of Main Street in the City of Klamath Falls, Oregon, 125 feet; thence Southeasterly and parallel with said Easterly line of Eleventh Street 120 feet to said Northerly line of Main Street at a point thereon distant 50 feet Southwesterly from the Southwest corner of Lot 6, Block 3, Hot Springs Addition to the City of Klamath Falls, Oregon; thence Southwesterly along said Northerly line of Main Street 245 feet to the Northeast corner of Main Street and Eleventh Street; thence Northwesterly along the Easterly line of Eleventh Street to the point of beginning.

LESS AND EXCEPT any portion of the alley in Block 3 HOT SPRINGS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON.

PARCEL 2:

A tract of land situated in the NE 1/4 NE 1/4 of Section 32, Township 38 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Commencing at the point on the Southerly line of Pine Street which is distant 50 feet Southwesterly along said Pine Street from the most Westerly corner of Lot 5, Block 3, HOT SPRINGS ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, and thence running Southeasterly and parallel with the Easterly line of Eleventh Street a distance of 112 feet to the true point of beginning of this description; thence Southwesterly and parallel to said Pine Street 50 feet; thence Southeasterly and parallel with Eleventh Street 8 feet; thence Northeasterly and parallel with the Northerly line of Main Street a distance of 50 feet; thence Northwesterly and parallel with Eleventh Street a distance of 8 feet, more or less, to said true point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Bruce Clayman the 3rd day of Aug. A.D., 19 90 at 2:18 o'clock PM., and duly recorded in Vol. M90 of Construction Lien on Page 15528.

Evelyn Biehn County Clerk

FEE \$15.00

By Pauline Mueller