

81973

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KNOW ALL MEN BY THESE PRESENTS: The undersigned, hereinafter called the claimant, did on August 16, 1990, 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 Deal; deal improvement is situated upon certain land in the County of Klamath, State of Oregon, (which is the site of said improvement), described as follows:

High Chaparral Motor Lodge  
 Rt 5 Box 1341-A  
 Klamath Falls, OR  
 97601

The address of said land, if known, is (if unknown, so state) Rt 5 Box 1341-A  
Klamath Falls

The name of the owner or reputed owner of said land is High Chaparral Motor Lodge, Hwy 96, Klamath Falls, OR in said county and state.  
 the name of the owner or reputed owner of said improvement is High Chaparral Motor Lodge, Hwy 96, Klamath Falls, OR  
 the name of the person who employed claimant to furnish said labor, materials, and/or equipment, and to perform said contract is Henry Davis, Klamath Falls, OR  
 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 July 13, 1990, 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 16, 1990, 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	\$	142.50
Materials & Chemicals	\$	483.65
Equipment	\$	
Miscellaneous Charges	\$	17.86
Recording fees	\$	10.00
Total	\$	655.51
Less all just credits and offsets	\$	-0-
Balance due claimant	\$	655.51

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 citation from ORS 87.035 on next page.

—OVER—

21718



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

Dated October 29, 1990

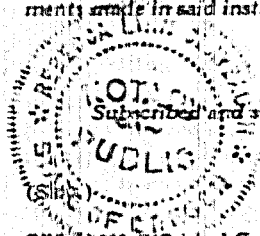
Bauer Excavating & Fencing, Inc.  
Barbara M. Bauer  
 Claimant

STATE OF OREGON, County of Klamath ss.

I, Barbara M. Bauer

, being first duly sworn, depose

and say: that I am the Secretary/Treasurer of Bauer Excavating & Fencing, Inc. 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

29th

day of

October

, 1990

Libbey Lynn Waybough  
 Notary Public for Oregon. My commission expires 1-1-94

ORS 16.035. "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 October, 1990.

Bauer Excavating & Fencing, Inc.  
 By Barbara M. Bauer 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 ORIGINAL CONTRACTOR (Form No. 1161)

Lien Claimant

VS.

Lien Debtor

AFTER RECORDING RETURN TO

BOWERS EXCAVATING & FENCING, Inc.  
 3127 Washburn Way Ph. 834-5184  
 Klamath Falls, Oregon 97603

SPACE RESERVED  
FOR  
RECORDER'S USE

STATE OF OREGON,

County of Klamath ss.

I certify that the within instrument was received for record on the 29th day of October, 1990, at 1:12 clock P.M., and recorded in book/reel/volume No. M90 on page 21717 or as file/instrument/microfilm/reception No. 21973, of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk  
 By Barbara M. Bauer Deputy

Fee \$10.00