

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

41078

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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 TES Construction who was the ☐ original contractor, ☐ subcontractor, ☐ construction agent ☒ or other person (indicate which) having charge of the construction of that certain improvement known as Wal-Mart situated upon certain land in the County of Klamath Falls, State of Oregon, which is the site of said improvement, described as follows:

3600 Washburn Way Klamath Falls Oregon

The address of said improvement, if known (if unknown, so state) is 3600 Washburn Way in the City of Klamath Falls, in said county and state.

The name of the owner or reputed owner of said land is WAL-MART, who at all times herein mentioned had knowledge of the construction of said improvement.

The name of the owner or reputed owner of said improvement is TES Construction. The name of the person by whom claimant was employed or to whom materials were furnished and for whom labor was performed and/or equipment rented is TES Construction.

Claimant commenced performance of said contract on 11-17-1991, and completed the same on 12-10-1991, after which claimant ceased to provide labor, transport or furnish materials and/or rent equipment.

A Notice of the Right to a Lien in the form required by ORS 87.023 was delivered in person or delivered by registered or certified mail to said owner on 12-10-1991, 1991. This lien covers only those materials, equipment, and labor provided after a date which is eight days, not including Saturdays, Sundays and other holidays, as defined in ORS 187.010, before said Notice of the Right to a Lien was delivered or mailed.*

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	\$ 690.00
Materials	\$
Equipment	\$
Other (specify) <u>Notary</u>	\$ 5.00
Recording fees	\$ 10.00
Total	\$ 705.00
Less all just credits and offsets	\$
Balance due claimant	\$ 705.00

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 said site, to be determined by the court at the time of the foreclosure of this lien.

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

Dated Feb 11, 1992

Floyd Leon Kerns
Claimant

* A notice of lien is not required to perfect a lien upon commercial property or commercial improvements. See ORS 87.021(3)(b). For the time and place of recording to make this lien a valid claim, see quotation from ORS 87.035 on next page.

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3191

California 2
 STATE OF OREGON, County of Sacramento ss.

I, F. Leon Kerns

being first duly sworn, depose

and say: I am the claimant
 claimant named in the foregoing instrument. I have knowledge of the facts therein set forth. All statements made in said instrument are true and correct as I verily believe.



Subscribed and sworn to before me on February 11th, 1992

[Signature]
 Notary Public for Oregon. My commission expires June 30, 1995
Sacramento, California

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 ORS 87.010(1) or (2) 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.* * *" ORS 87.035 also provides 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____.

By _____

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.* * *"

If the improvement referred to herein is commercial, giving notice of lien may be unnecessary. See ORS 87.021(3)(b).

**CLAIM OF
 CONSTRUCTION LIEN
 OTHER THAN ORIGINAL CONTRACTOR**
 (Form No. 1162)

Lien Claimant

Owner

AFTER RECORDING RETURN TO

8341 Juglows Dr
Orangevale Ca
95662

SPACE RESERVED
 FOR
 RECORDER'S USE

Fee \$10.00

STATE OF OREGON,

ss.

County of Klamath

I certify that the within instrument was received for record on the 14th day of Feb., 1992, at 3:34 o'clock P.M., and recorded in book/reel/volume No. M92 on page 3190 or as file/instrument/microfilm/reception No. 41078, of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk
 NAME TITLE
 By Pauline Muelandore Deputy