

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

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**KNOW ALL MEN BY THESE PRESENTS:** The undersigned, hereinafter called the claimant, did on September 6, 1992, enter into a contract for the performance of labor, transporting or furnishing materials to be used in or renting equipment used in the construction of an improvement known as Aspen Ridge Resort Lodge

The improvement is situated upon certain land in the County of Lake and Klamath, State of Oregon, (which is the site of the improvement), described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The address of the improvement, if known, (if unknown, so state) is Fish hole Creek Road, Bly, OR 97622 in the above-mentioned county and state.

The name of the owner or reputed owner of the land is Steven William Simmons and Karen Louise Simmons

The name of the owner or reputed owner of the improvement is Mt. West, Inc. and/or Aspen Ridge, Inc., Registered Agent/Steven William Simmons

The name of the person who employed claimant to furnish the labor, materials, and/or equipment, and to perform the contract is Steven William Simmons

The person(s) just named, at all times herein mentioned, had knowledge of the construction.

Claimant commenced performance of the contract on September 17, 1991, provided and furnished all labor, materials and equipment required by the contract and actually used in the construction of the improvement and fully completed the contract on December 23, 1991, after which claimant ceased to provide labor, materials and/or equipment for the improvement.

The following is a true statement of claimant's demand after deducting all just credits and offsets to-wit:

Contract price \$59,879.00

This price includes materials and supplies in the amount of \$34,222.56 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 \$

Materials \$

Equipment \$

Other (specify) (Additional labor, services, & materials) \$1,519.66

Recording fees (per addendum of January 13, 1992) \$15.00

Total \$61,413.66

Less all just credits and offsets (\$53,925.00)

Balance due claimant \$7,488.66

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

OVER

**CLAIM OF  
CONSTRUCTION LIEN  
ORIGINAL CONTRACTOR**  
(Form No. 1161)

Lebanon Servco, Inc.

Lien Claimant

Steven William Simmons  
& Karen Louise Simmons

Owner

AFTER RECORDING RETURN TO

Lebanon Servco, Inc.  
PO Box 99  
Lebanon, OR 97355

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.

By NAME TITLE Deputy

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Claimant claims a lien for the amount last stated upon the improvement and upon the site, to-wit: the land upon which the improvement is constructed, together with the land that may be required for the convenient use and occupation of the improvement constructed on the 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 March 3, 1992

Lebanon Servco, Inc.

Duane Stutzman, Vice President Claimant

STATE OF OREGON, County of Linn

I, Duane Stutzman

)ss.

and say: I am the Vice President of Lebanon Servco, Inc., being first duly sworn, depose claimant named in the foregoing instrument. I have knowledge of the facts therein set forth. All statements made in this instrument are true and correct as I verily believe.

Duane Stutzman, Vice President

Subscribed and sworn to before me on March 3, 1992

James K. Cockley  
Notary Public for Oregon. My commission expires 1-29-93

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. 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 89.039 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).

(DESCRIPTION CONTINUED)

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assign, that certain real property, with the covenants, conditions and restrictions hereinafter set forth, to-wit: pertaining, situated in the County of Klamath & Lake, and State of Oregon, described as follows, to-wit: See Exhibit "A" attached hereto and by reference made a part hereof

SUBJECT TO reservations, restrictions of record, rights of way and easements of record and those apparent upon the land and to a note and mortgage in the face amount of \$145,000.00 executed by the Grantors to the Federal Land Bank of Spokane, a corporation dated November 1, 1974 and recorded in Volume 74 Mortgages, Page 14889, Microfilm Records of Klamath County, Ore., and recorded in Book 64, Page 345 of the records of Mortgages of Lake County, Oregon, which note and mortgage the Grantors explicitly assumes and agrees to pay as the same becomes due and owing.

EXHIBIT A

09/11/1991 15:40 FROM WILLAMETTE VALLEY TITLE TO LEBANON SERVO  
KLAMATH COUNTY, OREGON  
DESCRIPTION OF PROPERTY

PARCEL 1: IN TOWNSHIP 38 SOUTH, RANGE 15, E.W.M.  
Section 25: SE1/4NE1/4; NE1/4SE1/4  
Section 36: E1/4NE1/4; E1/4SW1/4; SE1/4  
IN TOWNSHIP 39 SOUTH, RANGE 15, E.W.M.  
Section 1: NE1/4; NE1/4SW1/4; SW1/4SE1/4  
Section 2: SE1/4NE1/4; SW1/4SE1/4; NE1/4SE1/4  
Section 11: NW1/4; SE1/4NE1/4; SE1/4SE1/4  
Section 12: NW1/4; NW1/4; SE1/4; NE1/4SE1/4  
Section 13: NE1/4NE1/4; NW1/4NE1/4; NW1/4  
Section 14: E1/4NE1/4

PARCEL 2: IN TOWNSHIP 39 SOUTH, RANGE 15, E.W.M.  
Section 24: SE1/4  
Section 25: NW1/4; E1/4SE1/4

LAKE COUNTY, OREGON  
DESCRIPTION

Township 39 South, Range 16 East of the Willamette Meridian,  
Section 17: E1/4SW1/4; NW1/4SE1/4.  
Section 20: SW1/4SW1/4.  
Section 28: NW1/4SW1/4.  
Section 29: NW1/4.  
Section 30: E1/4SW1/4, Lots 3 and 4, SE1/4.  
Section 31: All of Fractional Section.  
Section 32: NW1/4.  
Township 39 South, Range 16 East of the Willamette Meridian,  
Section 17: SW1/4NE1/4, NW1/4NE1/4, NW1/4, SE1/4SE1/4.  
Section 18: NE1/4NE1/4.  
Section 21: NW1/4NE1/4; SE1/4NE1/4.

Exhibit A

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P.W.H.

STATE OF OREGON: COUNTY OF KLAMATH: ss.  
Filed for record at request of Lebanon Servco, Inc. the 4th day  
of March A.D. 19 92 at 11:54 o'clock A.M., and duly recorded in Vol. M92  
of Construction Liens on Page 4499  
By Evelyn Biehn County Clerk  
By [Signature] Notary Public

FEE \$15.00