

44012

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KNOW ALL MEN BY THESE PRESENTS: The undersigned, hereinafter called the claimant, did on December 3, 1991, 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 Hickey residence, 24241 Old Malin Hwy., Merrill, Oregon; 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:
 A portion of the S 1/2 SE 1/4 of Section 2, Township 41 South, Range 11 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the quarter section corner common to Sections 2 and 11, Township 41 South, Range 11 East of the Willamette Meridian, and running thence North 412 feet; thence continuing North to the North line of the Highway and the true point of beginning; thence along the North boundary of the Highway in a Northeasterly direction 495 feet to a point; thence North parallel to the West line of the SE 1/4 of Section 2 of said Township and Range a distance of 251 feet to a point; thence West parallel to the North line of the S 1/2 SE 1/4 a distance of 375 feet to a point; thence North parallel to the West line of the SE 1/4 a distance of 80 feet to a point; thence West parallel to the North line of S 1/2 SE 1/4, 120 feet to the West line of the S 1/2 SE 1/4; thence South along said line 331 feet more or less to the point of beginning.

The address of said land, if known, is (if unknown, so state) 24241 Old Malin Hwy., Merrill, OR.

The name of the owner or reputed owner of said land is Denis P. Hickey and Lani R. Hickey in said county and state.
 the name of the owner or reputed owner of said improvement is Denis P. Hickey and Lani R. Hickey
 the name of the person who employed claimant to furnish said labor, materials, and/or equipment, and to perform said contract is Lani R. Hickey
 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 December 3, 1991, 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 March 12, 1992, 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 including change orders	\$ 31,048.00
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	\$
Materials	\$
Equipment	\$
Recording fees	\$ 10.00
Total	\$ 31,058.00
Less all just credits and offsets	\$ 25,500.00
Balance due claimant	\$ 5,558.00

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—

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

Dated April 24, 1992

Jerry Hermes
Jerry Hermes

Claimant

STATE OF OREGON, County of Klamath ss.

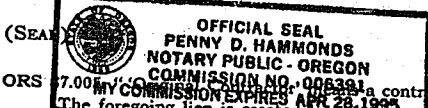
I, Jerry Hermes, being first duly sworn, depose

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.

Jerry Hermes

Subscribed and sworn to before me this 24th day of April, 1992

Penny D. Hammonds
Notary Public for Oregon. My commission expires 4/28/95.



ORS 7.00 MY COMMISSION EXPIRES APR 28 1995
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 April 24, 1992

Jerry Hermes

Claimant

By

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)

Jerry Hermes

Lien Claimant

vs.

Denis P. Hickey and
Lani R. Hickey

Lien Debtor

AFTER RECORDING RETURN TO
Henderson, Molatore & Klein
Attorneys at Law
426 Main Street
Klamath Falls, OR 97601

STATE OF OREGON,

County of Klamath ss.

I certify that the within instrument was received for record on the 24th day of April, 1992, at 2:33 o'clock P.M., and recorded in book/reel/volume No. M92 on page 8877 or as file/instrument/microfilm/reception No. 44012, of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.

Evelyn Biehn, County Clerk

NAME

TITLE

By *Pauline Mullenders* Deputy

Fee \$10.00
copy 1.00