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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 June 4th, 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 fuel storage containment slab and walls.

The improvement is situated upon certain land in the County of Klamath, State of Oregon, (which is the site of the improvement), described as follows: A portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point at the Southwest corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence East a distance of 30 feet; thence North along the Eastern right of way of a 60 foot road a distance of 165 feet to the true point of beginning; thence continuing North along said Easterly right of way a distance of

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The address of the improvement, if known, (if unknown, so state) is 2717 Orindale Road in the above-mentioned county and state.

The name of the owner or reputed owner of the land is Everett & Claire Jones.

The name of the owner or reputed owner of the improvement is U&R Express Inc..

The name of the person who employed claimant to furnish the labor, materials, and/or equipment, and to perform the contract is Frank Carothers.

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

Claimant commenced performance of the contract on June 4th, 1992, 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 June 26, 1992, 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 \$9,401.00

This price includes materials and supplies in the amount of \$2,235.48
and the reasonable rental value of equipment which is \$14.98

If no contract price, the reasonable value of claimant's labor, materials and equipment is:

Labor \$

Materials \$

Equipment \$

Other (specify) Interest \$177.04

Recording fees \$5.00

Total \$9,583.04

Less all just credits and offsets (\$4,000.00)

Balance due claimant \$5,583.04

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)

Mark Wendt Homes, Inc.
Richard M. Hines, General
Manager RMH Lien Claimant

Everett A. &
Claire H. Jones Owner

AFTER RECORDING RETURN TO

MARK WENDT (CONST)
P.O. BOX 223
1C-FALLS OR. 97601

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON,

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/micro-film/reception No. of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.

NAME TITLE
By Deputy

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

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10.00

20261



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.

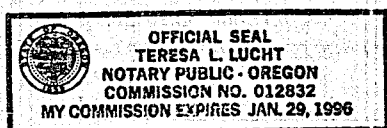
In construing this instrument, the singular pronoun includes the plural, as the circumstances require.

Dated September 3, 1992.

Mark Wendt Homes, Inc. dba Mark Wendt Construction - Richard M. Hines, General Manager *RMH* Claimant

STATE OF OREGON, County of Klamath)ss.
I, Richard M. Hines

being first duly sworn, depose and say: I am the General Manager of Mark Wendt Homes, Inc., dba Mark Wendt Const. 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.



Subscribed and sworn to before me on September 3, 1992

Teresa Lucht
Notary Public for Oregon. My commission expires 1-29-96

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 Klamath County, Oregon, on September 3, 1992.

Mark Wendt Homes, Inc. dba Mark Wendt Construction
Claimant

By Richard M. Hines, General Manager *RMH*

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)

495 feet; thence East a distance of 234 feet; thence South parallel to said road right of way a distance of 495 feet more or less to the Northeast corner of property described in Deed Volume 93 at page 130 in Klamath County Deed Records; thence West along the North line of said property described in Deed Volume 93 at page 130 to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mark Wendt Const. the 3rd day of Sept., A.D., 1992 at 3:27 o'clock P.M., and duly recorded in Vol. M92 of Construction Liens on Page 20260

FEE \$10.00

Evelyn Biehn, County Clerk

By *Pauline MacIntyre*