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FORM No. 1161 CONSTRUCTION LIEN—Original Contractor Only.

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

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KNOW ALL MEN BY THESE PRESENTS: The undersigned, hereinafter called the claimant, did on October 1, 1991, 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 underground storage tank upgrade ie. spill containment, overfill alarm.

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:

(see attached)

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The address of the improvement, if known, (if unknown, so state) is 2655 Shasta Way, Klamath Falls, Oregon in the above-mentioned county and state.

The name of the owner or reputed owner of the land is Fred Meyer, Inc.
P.O. Box 42121 Portland, Oregon 97242

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P.O. Box 42121 Portland, Oregon 97242

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

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

Claimant commenced performance of the contract on September 30, 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 October 9, 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 plus 1.5% interest per month from 10/26/92 . . . \$1,485.00

This price includes materials and supplies in the amount of . . . \$150.00

and the reasonable rental value of equipment which is . . . \$400.00

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

Labor . . . \$1,485.00

Materials . . . \$

Equipment . . . \$

Other (specify) . . . \$10.00

Recording fees . . . \$

Total . . . (\$)

Less all just credits and offsets . . . \$1,495.00

Balance due claimant . . . \$

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

dba Certified Tank

Eric Muhly

Lien Claimant

Fred Meyer, Inc.

Owner

After recording return to (Name, Address, Zip):

Certified Tank
13260 SW Evergreen St.

Beaverton, OR 97005

SPACE RESERVED
FOR
RECORDER'S USE

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 and/or as fee/tile/instrument/microfilm/reception No. of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By 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 December 10, 1992 dba Certified Tank
Eric Muhly Claimant

STATE OF OREGON, County of Washington ss.
I, ERIC F. MUHLY

, being first duly sworn, depose and say: I am the LIEN 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.

E. Roberts
E. ROBERTS
NOTARY PUBLIC OREGON
My Commission Expires 4-22-94

Eric F. Muhly
Subscribed and sworn to before me on December 18, 1992

E. Roberts
Notary Public for Oregon. My commission expires 4-22-94

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

Certified Tank

By Eric F. Muhly 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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EXHIBIT A

Klamath Falls

9412

A parcel of land located in the SW1/4 of Section 34, T.38S., R.9E., W.M., Klamath County, Oregon; said parcel being a portion of Block 1, all of Blocks 2, 3, 4 and 5 of Admiral Court and the vacated streets thereon, and being more particularly described as follows:

Beginning at the northwest corner of Block 1 in Admiral Court, from which point a brass cap monument marking the southwest corner of Section 34, T.38S., R.9E., W.M. bears South 89° 51' 50" West 55.00 feet and South 0° 28' 30" East 116.91 feet distant; thence North 0° 28' 30" West 1,246.69 feet to the southerly right-of-way line of Eberlein Avenue; thence North 89° 16' 27" East 588.18 feet to the northeast corner of Admiral Court; thence along the easterly boundary of Admiral Court South 0° 28' 07" East 1,354.76 feet to the northerly right-of-way line of Shasta Way; thence along said northerly right-of-way line South 89° 52' 25" West 77.96 feet, North 87° 15' 50" West 300.37 feet, South 89° 52' 25" West 200.00 feet, and North 48° 08' 20" West 13.74 feet to a point on the westerly boundary of Admiral Court; thence North 0° 28' 30" West 77.73 feet to the point of beginning; containing 18.12 acres, more or less, and being subject to all rights-of-way and/or easements of record or apparent on the premises.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Company the 1st day
of June A.D. 19 87 at 2:40 o'clock P M., and duly recorded in Vol. M87
of Deeds on Page 9410

FEE \$18.00

Evelyn Biehn, County Clerk
By [Signature]

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Certified Tank the 22nd day
of Dec. A.D. 19 92 at 2:23 o'clock P M., and duly recorded in Vol. M92
of Construction Liens on Page 30432

FEE \$15.00

Evelyn Biehn, County Clerk
By [Signature]