

57544

OT If Claimant is an original contractor, use S-N Form No. 61-

93 FEB 12 PM 3 00

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

This lien encumbers the tenants' leasehold interest in the building containing the above named business, and which said building is located on the land described on Exhibit A, attached hereto and incorporated herein by this reference. As used herein "Owner" means "Tenant."

The address of said improvement, if known (if unknown, so state) is 2838 S. 6th Street in the City of Klamath Falls, in said county and state.

The name of the owner or reputed owner of said ~~lands~~ improvement is Third Venture Enterprises Partnership, who at all times herein mentioned had knowledge of the construction of said improvement.

The name of the person by whom claimant was employed or to whom he furnished said materials and for whom he performed said labor and/or rented equipment is Vertex Corporation for Tenant

Claimant commenced his performance of said contract on September 29, 1992, and completed same on November 30, 1992, after which he ceased to provide labor, transport or furnish materials and/or rent equipment.

A Notice of Right to Lien in the form required by ORS 87.023 was delivered in person or delivered by registered or certified mail, to said owner on                     , 19          , and this lien covers only those materials and that labor provided after a date which is 10 days before said Notice of Right to Lien was delivered or mailed (if construction was commenced after January 1, 1982 and before October 15, 1983) OR 8 days not including Saturdays, Sundays and other Holidays as defined in ORS 187.010 before said Notice of Right to Lien was delivered or mailed (if construction was commenced after October 14, 1983).

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	\$	
Materials	\$	
Equipment	\$	15,788.00
Contract Bid	\$	50.00
	\$	15,838.00
Recording fees	\$	0
Total	\$	15,838.00
Less all just credits and offsets	\$	
Balance due claimant	\$	

Plus interest at the rate of 2% per month from 11-30-92.  
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 masculine pronoun means and includes the feminine and the neuter and the singular includes the plural, as the circumstances may require.

Dated February 12, 1993

WINEMA ELECTRIC, INC.

By [Signature] 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 —

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

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STATE OF OREGON, County of Klamath ss.

I, William M. Ganong

Agent

, 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.

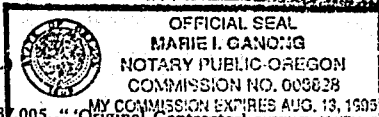
Subscribed and sworn to before me this

12<sup>th</sup>

day of

February

1993



Notary Public for Oregon. My commission expires 8-13-95

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 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 \_\_\_\_\_ 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.\* \* \*"

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

Lien Claimant

Owner

AFTER RECORDING RETURN TO

William M. Ganong  
635 Main Street  
Klamath Falls, OR 97601

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.

NAME

TITLE

By \_\_\_\_\_ Deputy

Order No.: 19644

EXHIBIT "A"  
LEGAL DESCRIPTION

A parcel of land lying in the Northwest quarter of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Starting at the Northwest corner of said Section 3; thence South 00 degrees 00' 30" East along the Westerly boundary of Section 3 and the centerline of Washburn Way, 917.42 feet to the intersection with the present centerline of Sixth Street, formerly known as the Dalles-California Highway, recorded bearing South 55 degrees 52' 30" East, at Engineers Station 9 + 17.42 feet on Washburn Way and Engineers Station 16 + 14.87 feet on Sixth Street present centerline, and continuing thence along said boundary and centerline 48.32 feet to Engineers Station 9 + 65.74 feet on South boundary of Sixth Street, which is distant 40 feet at right angles Southwesterly from centerline of Sixth Street at Engineers Station 16 + 41.99 feet; thence South 55 degrees 52' 30" East parallel to said centerline 463.02 feet to the true point of beginning of this description; thence from said true beginning point continuing South 55 degrees 52' 30" East parallel to said centerline 795.36 feet; thence at right angles South 34 degrees 07' 30" West, 204.00 feet; thence South 55 degrees 52' 30" East parallel to Sixth Street 145.00 feet; thence at right angles South 34 degrees 07' 30" West, 183.80 feet, more or less, to Northerly right of way line of the Oregon, California and Eastern Railroad; thence North 66 degrees 57' 30" West along said line 982.45 feet, more or less, to a point on the Easterly right of way line of Washburn Way which is 40.00 feet Easterly of said centerline; thence North 00 degrees 00' 30" West along said right of way line 503.39 feet; thence South 55 degrees 52' 30" East, 306.22 feet; thence North 34 degrees 07' 30" East, 160.00 feet to the true point of beginning.

Tax Account No.: 3909 003BC 00900 0A1  
3909 003BC 00900

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Wm. M. Ganong  
of Feb. A.D. 19 93 at 3:00 o'clock P M., and duly recorded in Vol. M93  
of Construction Liens on Page 3196

FEE \$15.00

Evelyn Biehn, County Clerk  
By Pauline M. Mullins