

90385

10-31

94A10:35

RCVD

Vol. m94 Page 33629

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 **THENA, INC.** and **T & D PROPERTIES, INC.**

☒ construction agent or ☒ other person (indicate which) who was the ☐ original contractor, ☐ subcontractor, having charge of the construction of that certain improvement known as **8333 Highway 140 East, Klamath Falls, Oregon 97603** situated upon certain land in the County of **Klamath**, State of **Oregon**, which is the site of said improvement, described as follows:

See description set forth on Exhibit A, attached hereto and incorporated herein by this reference.

DATE OF RECORDING: _____
 COUNTY OF _____
 CLERK OF COUNTY _____

The address of said improvement, if known (if unknown, so state) is **8333 Highway 140 East** in the City of **Klamath Falls**, in said county and state.

The name of the owner or reputed owner of said land is **T & D Properties, Inc.**, 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 **WALLY GIAVIA and THENA, INC.**

Claimant commenced his performance of said contract on **May 4**, 19**84**, and completed same on **September 1**, 19**84**, 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 **N/A**, 19**84**, 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 debt and after deducting all just credits and offsets, to-wit:

The reasonable value of claimant's labor, materials and equipment is:	
Labor	
Materials	\$ 3,928.50
Equipment	
Recording fees	\$ 30.00
Total	\$ 3,958.50
Less all just credits and offsets	
Balance due claimant	\$ 3,959.50

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 **October 28**, 19**84**

WINEMA ELECTRIC, INC.,

By: **J. W. John**
 Claimant

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

33630

STATE OF OREGON, County of Klamath ss.I, GEORGE W. YAHN

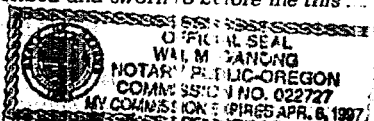
, being first duly sworn, depose

and say: that I am the Manager for Winema Electric, Inc.,
 claimant named in the foregoing instrument; that I have knowledge of the facts therein set forth; that all state-
 ments made in said instrument are true and correct as I verily believe.

George W. Yahn

Subscribed and sworn to before me this 28th day of October, 1997

(SEAL)

Notary Public for Oregon My commission expires 4-6-97

ORS 87.005. "Original Contract..."

...no 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 instru-
 ment 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

EXHIBIT "A" LEGAL DESCRIPTION

PARCEL 1

A parcel of land in Lot 3 "Plat of Junction Acres", situated in the NW1/4 of the NE1/4 of Section 7, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Westerly right of way line of Vale Road, from which the E1/16 corner on the North line of said Section 7 bears North 02 degrees 11' 51" East 853.25 feet; thence North 57 degrees 01' 01" West 198.36 feet; thence along the arc of a curve to the right (radius equals 700.00 feet and central angle equals 13 degrees 49' 00") 168.80 feet; thence South 89 degrees 54' 00" West 610.46 feet to a point on the West line of said Lot 3; thence South 00 degrees 01' 00" East 263.00 feet to the Southwest corner of said Lot 3; thence North 89 degrees 54' 00" East along the South line of said Lot 3, 906.69 feet to the Westerly right of way line of said Vale Road; thence North 00 degrees 10' 47" East 46.13 feet to the point of beginning.

A parcel of land in Lot 3, "Plat of Junction Acres", situated in the NW1/4 of the NE1/4 of Section 7, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Northeasterly corner of Parcel 2 of Major Land Partition No. 6-89, from which the E1/16 corner on the North line of said Section 7 bears North 27 degrees 19' 08" East 716.15 feet; thence South 89 degrees 54' 00" West, along the North line of said Parcel 2, 610.96 feet to a point on the West line of said Lot 3; thence North 00 degrees 01' 00" West 200.00 feet to the Northwest corner of said Lot 3; thence North 89 degrees 54' 00" East along the North line of said Lot 3, 472.27 feet to the Northwest corner of Parcel 1 of said Major Land Partition; thence South 31 degrees 10' 00" East 96.99 feet; thence along the arc of a curve to the left (radius equals 700.00 feet and central angle equals 12 degrees 01' 00") 146.81 feet to the point of beginning.

PARCEL 2

A tract of land situated in Lot 4, JUNCTION ACRES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows:

Beginning at the Southwesterly corner of Parcel 1 of Major Land Partition No. 36-89, on the Southerly line of said Lot 4, North 71 degrees 16' 48" West 484.74 feet from the Southeasterly corner of said Lot 4; thence following along the boundaries of Parcels 1 and 2 of said Land Partition No. 36-89, North 10 degrees 00' 00" East 347.80 feet, South 82 degrees 39' 00" East 112.57 feet and North 07 degrees 21' 00" East, 301.05 feet to the North line of said Lot 4; thence South 89 degrees 54' 00" West 378.42 feet to the Northwest corner of said Lot 4; thence South 00 degrees 01' 00" East 569.20 feet to the Southwesterly corner of said Lot 4; thence South 71 degrees 16' 48" East 177.06 feet, more or less, to the point of beginning with bearings based on Survey No. 4824, as filed in the office of Klamath County Surveyor.

PAGE 4 OF REPORT NO. 34165
PRELIMINARY REPORT

PRELIMINARY REPORT ONLY

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Wm. M. Ganong
of Oct A.D. 19 94 at 10:35 o'clock A M., and duly recorded in Vol. M94
of Construction Liens on Page 33629.

FEE \$15.00

Evelyn Biehn County Clerk

By Quinn Mullenbore