

90386

10-31-94A10:35 RCVD Vol. m94 Page 33632

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 **DIVERSIFIED FIBER CORPORATION, INC.** who was the ☐ original contractor, ☐ subcontractor, ☐ construction agent or ☒ other person (indicate which) having charge of the construction of that certain improvement known as **the Mill** 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, pages 1 and 2, attached hereto and incorporated herein by this reference.

The address of said improvement, if known (if unknown, so state) is **2181 Highway 140 East** in the City of **Dairy**, in said county and state. The name of the owner or reputed owner of said land is **Diversified Fiber Corporation, 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 **Diversified Fiber Corporation, Inc.** Claimant commenced his performance of said contract on **September 28, 1994**, after which he ceased to provide labor, transport or furnish materials and/or rent equipment **July 18, 1994**, and completed **N/A**.

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**94**, 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	\$10,584.00
Materials	\$11,072.30
Equipment	\$
Recording fees	\$21,656.30
Total	\$20.00
Less all just credits and offsets	\$21,676.30
Balance due claimant	\$21,676.30

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, 1994**

WINEMA ELECTRIC, INC.

By: **H. W. Zahn**
Claimant

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

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STATE OF OREGON, County of Klamath ss.I, George W. Yahn

, being first duly sworn, depose

and say: that I am the Manager for Winona Electric, Inc.

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.

George W. Yahn

Subscribed and sworn to before me this

25thday of October1994

(SEAL)

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

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 _____, 19_____
County, Oregon, on _____

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
OTHER THAN ORIGINAL CONTRACTOR**
(Form No. 1162)

Lien Claimant

Owner

AFTER RECORDING RETURN TO
William M. Garong
635 Main Street
Klamath Falls OR 97601

STATE OF OREGON,

ss.

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/microfilm/reception No. _____ of the Construction Lien Book of said County.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____ Deputy

A tract of land situated in the SE $\frac{1}{4}$ of Section 33, Township 38 South, Range 11 E.W.M., more particularly described as follows:

Beginning at a point on the East line of said SE $\frac{1}{4}$ from which point the Northeast corner of said SE $\frac{1}{4}$ bears North 00°02'28" East 300.00 feet; thence South 00°02'28" West, on said East line, 1'3.96 feet; thence South 71°11'50" West, 582.82 feet; thence South 30°57'06" West 776.31 feet to a point on the West line of said SE $\frac{1}{4}$; thence North 00°13'13" East on said West line, 137.61 feet to the Easterly line of a tract of land described in Deed Volume 47 at page 593, Klamath County Deed Records; thence Northeasterly along said Easterly line to a point on the North line of said SE $\frac{1}{4}$; thence North 89°29'53" East on said North line, 591.88 feet to the Northwest corner of a tract of land described in Deed Volume 478 page 3585, Klamath County Deed Records; thence South 00°02'28" West on the West line of the last mentioned tract of land, 300.00 feet to the Southwest corner thereof; thence North 89°29'53" East on the South line of the last mentioned tract of land, 300.00 feet to the point of beginning of this description. TOGETHER WITH a tract of land situated in the SE $\frac{1}{4}$ of Section 33, Township 38 South, Range 11 E.W.M., being more particularly described as follows:

Beginning at the Northwest corner of said SE $\frac{1}{4}$; thence North 89°29'53" East along the North line of said SE $\frac{1}{4}$ 316.66 feet to the Westerly line of a tract of land described in Deed Volume 47 page 593, Klamath County Deed Records; thence Southwesterly along said Westerly line to the West line of said SE $\frac{1}{4}$; thence North 00°13'13" East along the West line of said SE $\frac{1}{4}$, 508.39 feet to the point of beginning.

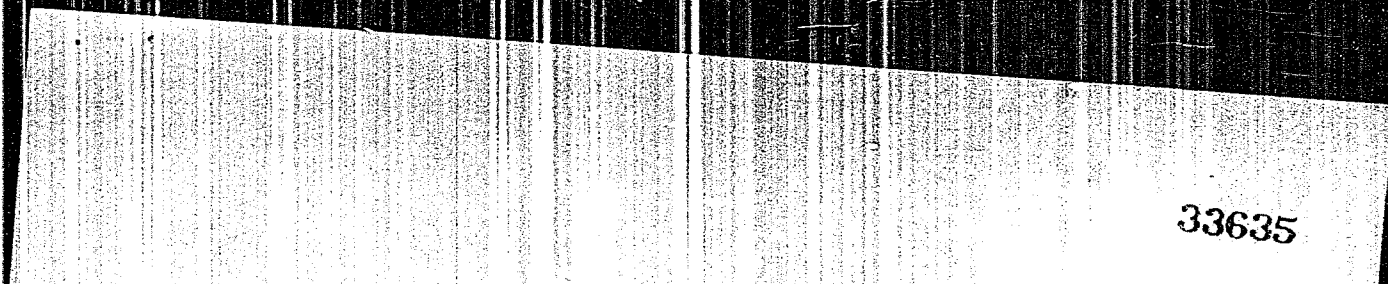
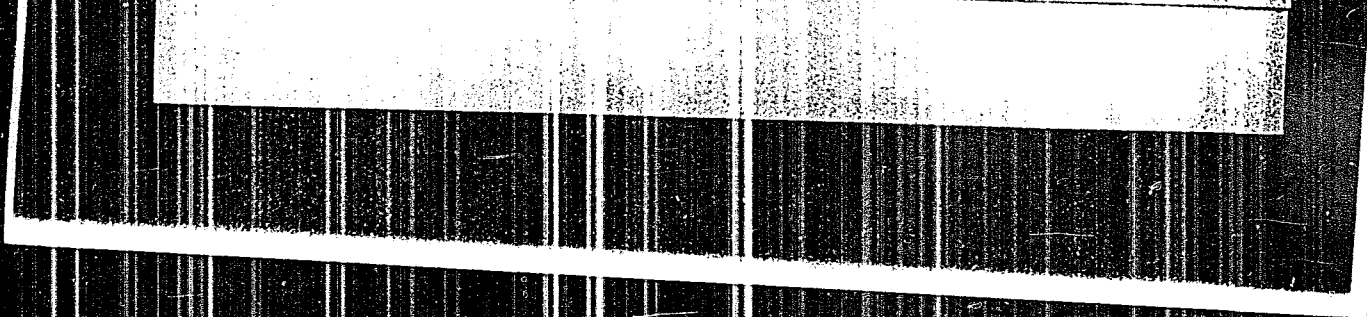
STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title co the 31st day of March A.D., 19 44 at 10:50 o'clock A. M., and duly recorded in Vol. 494 of Deeds on Page 9469.

FEB \$35.00

Evelyn Richn County Clerk

By William C. Mulendore



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EXHIBIT "A" Page 2
LEGAL DESCRIPTION

That portion of the SW1/4 of the NE1/4 in Section 13, Township 38 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at the Northeast corner of the SW1/4 of the NE1/4, thence West along the North quarter line of said SW1/4 of the NE1/4 a distance of 300 feet, more or less; thence Southeast a distance of 590.30 feet, more or less, to the intersection of the right of way of the OC&E Railroad with the East quarter line of the said SW1/4 of the NE1/4; thence North along the East quarter line of said SW1/4 of the NE1/4 a distance of 508.39 feet, more or less, to the point of beginning.

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 33632

FEE \$20.00

Evelyn Biehn
By Pauline Millendore County Clerk