

91145

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

11-16-94A10:09 RCV01. md Page 35188

KNOW ALL MEN BY THESE PRESENTS: The undersigned, hereinafter called the claimant, did on June, 1994, 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 R-3908-01200-00200-000 TWP39 Range 8, Black Sec 12 Tract PUNNYCSEY, RNS 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: Utility improvements for 22 Lots Of The First Phase of New Subdivision Engineered By Karl Harbers And Surveyed by Truline Surveying.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The address of the improvement, if known, (if unknown, so state) is West End of Douglas Klamath Falls, OR. (Stewart Lyness) in the above-mentioned county and state.

The name of the owner or reputed owner of the land is _____

The name of the owner or reputed owner of the improvement is Herman McCarty

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

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

Claimant commenced performance of the contract on June, 1994, 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 10-01-9, 1994, 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

This price includes materials and supplies in the amount of \$ 34,000.00 and the reasonable rental value of equipment which is \$ 22,000.00

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

Changes
Incurred
During
Contract

Labor

Materials

Equipment

Other (specify)

\$ 13,290.44

\$ _____

\$ 164.85

\$ 10.00

\$ 69,465.29

\$ 60,261.25

\$ 9,204.04

Recording fees

Total

Less all just credits and offsets

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

Lien Claimant

Owner

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

Farrah Bailey
P.O. Box 1270
Klamath Falls, OR
97601

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.

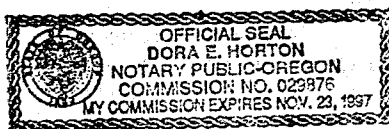
10/01/94
1596

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 11-15, 1994 B & F Excavating Inc.
Garon Bailey (President) Claimant

STATE OF OREGON, County of Klamath) ss.
I, Faron Lee Bailey, being first duly sworn, depose
 and say: I am the
 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.



Garon Bailey
 Subscribed and sworn to before me on NOVEMBER 15, 1994
Dora E. Horton
 Notary Public for Oregon. My commission expires NOV 22, 1997

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____.

Claimant

By _____

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).

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Faron Bailey the 16th day
 of Nov A.D., 19 94 at 10:09 o'clock A M., and duly recorded in Vol. M94
 of Cons. Lien on Page 35188

FEE \$10.00
 CC \$1.50

Evelyn Biehn County Clerk
 By Timothy Murray