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08-28-95A10:44 RCVD

WAIVER OF CONSTRUCTION LIEN

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23130

KNOW ALL MEN BY THESE PRESENTS, That I, the undersigned, having contracted to construct, alter or repair an improvement on the real estate hereinafter described or having been employed to furnish labor or to furnish or transport materials for the improvement or building known as No. Klamath County Tract 1283 (unnamed), City of Klamath Falls, State of Oregon, situated on certain real estate, the legal description of which is

See Exhibit "A"

in the County of Klamath in said state, desire and intend to waive and release all liens and rights to lien which have accrued or may accrue to me by virtue of said contract of employment and execute this document as evidence thereof;

NOW, THEREFORE, I, the undersigned, in view of the premises and in consideration of One-Thousand Dollars (\$1,000.00) and other good and valuable considerations to me paid by

the receipt of all of which hereby is acknowledged, hereby waive and release any and all liens, claims of lien and rights to lien on the above described building, improvement and real estate under the construction lien statutes of the State of Oregon, on account of any or all of the following, to-wit: the contract price or the agreed or the reasonable value of all labor, materials, supplies or the transport of materials and supplies furnished or which in the future may be furnished by me, used or to be used in the construction of any improvement on said premises.

In construing this waiver, it is understood that if the context requires, the singular shall include the plural and generally all grammatical changes shall be made and implied to make the provisions hereof apply equally to one or more individuals and/or corporations.

IN WITNESS WHEREOF, the undersigned has executed this document; if the undersigned is a corporation, it has caused its name to be signed and its seal affixed by an officer or other person authorized to do so by its board of directors.

DATED: 8-25-95, 1995

Faron Bailey
Faron Bailey, President of
B. & T. Excavating, Inc.

STATE OF OREGON, County of Klamath ss.

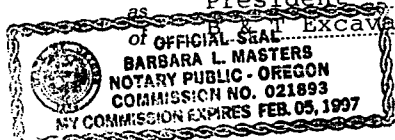
This instrument was acknowledged before me on 19.

by This instrument was acknowledged before me on August 25, 1995

by Faron Bailey

as President

B. & T. Excavating, Inc.



Notary Public for Oregon
My commission expires 5-5-97

Return: Brandsness

411 Ave
K Falls

10 OK

All that portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING: That portion lying below Green Spring Highway.

FURTHER EXCEPTING: The following parcel: Beginning at a point which lies South 1°18' West along the 40 line a distance of 420.15 feet from the iron pin which marks the Northwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 39 South, Range 8 E.W.M. thence continuing South 1°18' West along the 40 line a distance of 112.75 feet to a point; thence North 90°00' East a distance of 386.42 feet to an iron pin thence North 0°00' East a distance of 112.7 feet to an iron pin; thence North 90°99' West a distance of 383.86 feet more or less to point of beginning; said tract in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 39 South, Range 8 E.W.M.

FURTHER EXCEPTING: Beginning at 1/2-inch iron pin on the East right of way line of Orindale Road, said point being South 1°18' West a distance of 297.46 feet and East a distance of 30.00 feet from the Northwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 12; thence South 1°18' West along said East line of Orindale Road a distance of 122.69 feet to an iron pin axle; thence East a distance of 353.86 feet to an iron axle; thence North 1°18' East a distance of 122.69 feet to a 1/2-inch iron pin; thence West a distance of 353.86 feet to the point of beginning.

FURTHER EXCEPTING: Beginning at an iron pin 30 feet South of the East quarter corner of Section 12, Township 39 South, Range 8 E.W.M., said point being located on the intersection of the South right of way of the County road and the West boundary of Stewart, Klamath County, Oregon; thence West along the South road right of way a distance of 233.7 feet to an iron pin; thence South 1°05' East a distance of 178.7 feet to an iron pin; thence East a distance of 238.7 feet to an iron pin; thence North 1°05' West along the West boundary of said Stewart a distance of 178.7 feet, more or less to the point of beginning.

FURTHER EXCEPTING: Beginning at a 1/2-inch iron pin on the East right of way line of Orindale Road, said point being South 1°18' West a distance of 154.55 feet and East a distance of 30.00 feet from the Northwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 12; thence East a distance of 353.86 feet to a 1/2 inch iron pin; thence North 1°18' East a distance of 117.52 feet to a 1/2 inch iron pin on the South right of way line of Balsam Drive; thence North 88°57' West along said South line of Balsam Drive a distance of 353.77 feet to a 1/2 inch iron pin on said East line of Orindale Road; thence South 1°18' West along said East line of Orindale Road a distance of 124 feet to the point of beginning.

FURTHER EXCEPTING: Beginning at the Northwest corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 39 South, Range 8 East Willamette Meridian; thence along the 1/16th line South 1°22'10" West, 804.51 feet to a point; said point bearing North 4°57'06" East, 486.21 feet from the axle marking the Southeast corner of Dewitt Home Tracts as shown and recorded in book 6 page 21 of the official records of Klamath County; thence South 88°52'37" East, 30.00 feet to a point, said point being the true point of beginning; thence continuing South 88°52'37" East, 50.00 feet to a point; thence South 1°22'10" West, 53.00 feet to a point; thence North 88°52'37" West, 50.00 feet to a point; thence North 1°22'10" East 53.00 feet to the true point of beginning.

Also known as Preliminary Tract 1283.

AND FURTHER EXCEPTING that portion known as TRACT 1283, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PARCEL 2 - Lots 2, 4, 6, 8, 10, 12, 14, 16, 18 and 20, TRACT 1283, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PARCEL 3 - Lots 1, 3, 5, 7, 9, 11, 13, 15, 17 and 19, TRACT 1283, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ 28th day
of _____ Aug _____ A.D., 19 95 at 10:44 o'clock A _____ M., and duly recorded in Vol. M95
of _____ Construction Lien _____ on Page 23130

FEE \$10.00

By _____ Bernetha G. Letch, County Clerk