

11179

Vol. m95 Page 35378

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 Mountain Pacific Construction Company who was the ☐ original contractor, ☒ subcontractor, construction agent ☐ or other person (indicate which) having charge of the construction of that certain improvement known as Shilo Inn, Suite Hotel, Klamath Falls, OR situated upon certain land in the County of Klamath, State of Oregon, which is the site of the improvement, described as follows:

Campus View, Block 4, Lot 3 and adjacent vacated Almond Street

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)
The address of the improvement, if known, (if unknown, so state) is 2500 Almond Street Klamath Falls, OR 97601

The name of the owner or reputed owner of the land is Mark S. Hemstreet, DBA Shilo Inns in the above-mentioned county and state. 11600 SW Barnes Road, Portland, OR 97225

The name of the owner or reputed owner of the improvement is Mark S. Hemstreet, DBA Shilo Inns 11600 SW Barnes Road, Portland, OR 97225

The name of the person by whom claimant was employed or to whom materials were furnished and for whom labor was performed and/or equipment rented is Mountain Pacific Construction Company

The person(s) just named, at all times herein mentioned, had knowledge of the construction. Claimant commenced performance of the contract on Sept. 15, 1995, and completed the same on Dec. 27, 1995, after which claimant ceased to provide labor, transport or furnish materials and/or rent equipment.

A Notice of the Right to a Lien in the form required by ORS 87.023 was delivered in person or delivered by registered or certified mail to the owner on Dec. 27, 1995. This lien covers only those materials, equipment, and labor provided after a date which is eight days, not including Saturdays, Sundays and other holidays, as defined in ORS 187.010, before the Notice of the Right to a Lien was delivered or mailed.*

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	\$ 22924.00
Materials	\$ 45848.00
Equipment	\$ 22925.00
Other (specify) Interest on \$87417.00 @ 2% per month	\$ 1748.00
Recording fees	\$
Total	\$ 93445.00
Less all just credits and offsets	(\$)
Balance due claimant	\$ 93445.00

* A Notice of the Right to a Lien is not required to perfect a lien upon commercial property or commercial improvements. See ORS 87.021(3)(b). 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
OTHER THAN ORIGINAL CONTRACTOR**
(Form No. 1162)

Pave & Seal, Inc.

Lien Claimant

Mark S. Hemstreet, DBA
Shilo Inn

Owner

AFTER RECORDING RETURN TO

Pave & Seal, Inc.
5506 Altamont Drive
Klamath Falls, OR 97603

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 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

#10.4
1.50
cc

35379



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 Dec. 28, 1995

Pave & Seal, Inc.

Benny Rigo, pres

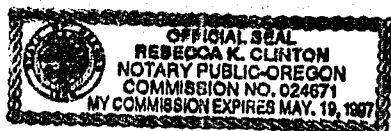
Claimant

STATE OF OREGON, County of KLAMATH

I, MARY EGO

)ss.

and say: I am the _____, being first duly sworn, depose 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.



Subscribed and sworn to before me on December 28, 1995

Rebecca K. Clinton

Notary Public for Oregon. My commission expires 5/19/97

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. ORS 87.035 provides: "Every person claiming a lien created under 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 Klamath County, Oregon, on Dec. 28, 1995

Pave & Seal, Inc.

By *Benny Rigo, pres* Claimant

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 Pave & Seal the 28th day of Dec A.D., 19 95 at 2:01 o'clock P M., and duly recorded in Vol. M95 of Construction Liens on Page 35378

FEE \$10.00
cc 1.50

Bernetha G. Letsch, County Clerk

By *Bernetha G. Letsch*