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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 addressed as 16913 Ponderosa Lane, City of Keno, State of Oregon, situated on certain real estate described as follows:

Lot 14, Block 14, FIRST ADDITION TO KLAMATH RIVER ACRES, in the County of Klamath, State of Oregon.

CODE 96 MAP 3907-25CO TL 700

desire and intend to waive and release all liens and rights to lien which have accrued or may accrue to me by virtue of that contract or employment, and I execute this document as evidence thereof.

NOW, THEREFORE, I, as a potential lien claimant, in view of the premises and in consideration of Twelve Thousand Nine Hundred Thirty One and 50/100 Dollars (\$12,931.50) and other good and valuable considerations to me paid by the potential lien debtor, Robert A. Kirk and Linda H. Kirk, 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, or used or to be used in the construction of any improvement on the 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 and other appropriate entities.

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, if any, affixed by an officer or other person duly authorized to do so by its board of directors. Dated November 20, 1996.

JOHN CHAVARRIA EXCAVATING BY:

Carole Jeanne James

STATE OF OREGON, County of Klamath ss.

This instrument was acknowledged before me on November 20, 1996,

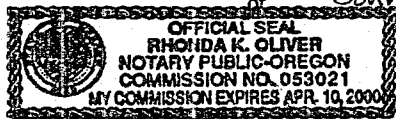
by Carole Jeanne James

This instrument was acknowledged before me on November 20, 1996,

by Carole Jeanne James

as Authorized Officer

of John Chavarria Excavating



Rhonda K. Oliver
Notary Public for Oregon.

My commission expires April 10, 2000

WAIVER OF CONSTRUCTION LIEN

JOHN CHAVARRIA EXCAVATING

Potential Lien Claimant,
vs.

ROBERT A. AND LINDA H. KIRK

Potential Lien Debtor.

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

ROBERT A. AND LINDA H. KIRK

P.O. Box 8177

Klamath Falls, OR 97602

SPACE RESERVED
FOR
RECORDER'S USE

Fee: \$5.00

STATE OF OREGON,

County of Klamath ss.

I certify that the within instrument was received for record on the 21st day of November, 1996, at 11:39 o'clock A.M., and recorded in book/reel/volume No. M96 on page 36622 and/or as fee/file/instrument/microfilm/reception No. 28686 of the Construction Lien Book of said county.

Witness my hand and seal of County affixed.

Bernetha G. Letsch, Co. Clerk

Name Title

By Kathleen Rose Deputy