

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

Vol 1197 Page 20087

**KNOW ALL MEN BY THESE PRESENTS:** The undersigned, hereinafter called the claimant, did on February 11, 1997, 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 Brown House Paint

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:

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The address of the improvement, if known, (if unknown, no state) is 3529 Austin St. Klamath Falls OR 97603 in the above-mentioned county and state.

The name of the owner or reputed owner of the land is James Brown 3529 Austin St., Klamath Falls OR 97603

The name of the owner or reputed owner of the improvement is James Brown 3529 Austin St., Klamath Falls OR 97603

The name of the person who employed claimant to furnish the labor, materials, and/or equipment, and to perform the contract is Kathy King, Western Homes, 6707 S. 6th St., K. Falls 97603

The person(s) just named, at all times herein mentioned, had knowledge of the construction. Claimant commenced performance of the contract on February 11, 1997, 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 April 15, 1997, 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 ..... \$ 4,615.94

This price includes materials and supplies in the amount of ..... \$ .....

and the reasonable rental value of equipment which is ..... \$ .....

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

Labor ..... \$ 3,681.20

Materials ..... \$ 934.74

Equipment ..... \$ -0-

Other (specify) ..... \$ -0-

Recording fees ..... \$ 10.00

Total ..... \$ 4,625.94

Less all just credits and offsets ..... \$ (1,500.00)

Balance due claimant ..... \$ 3,125.94

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**

Mark Wendt Homes, Inc.

Lien Claimant

James and Louides Brown

Claimant

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

Mark Wendt Homes, Inc.

P O Box 223

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/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.

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 June 27, 1997

Mark Wendt Homes, Inc.

*Mark B. Wendt*

Claimant

STATE OF OREGON, County of Klamath

)ss.

I, Mark Wendt

, being first duly sworn, depose

and say: I am the President of Mark Wendt Homes, Inc.

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.

*Mark B. Wendt*



subscribed and sworn to before me on

June 27, 1997

*Teresa Lucht*

Notary Public for Oregon. My commission expires 4/21/00

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 Klamath County, Oregon, on June 27, 1997.

Mark Wendt Homes, Inc.

By

*Mark B. Wendt*

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).

(DISCUSSION CONTINUED)

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mark Wendt Homes the 27th day of June A.D. 19 97 at 1:04 o'clock P. M., and duly recorded in Vol. M97 of Construction Liens on Page 20087

FEE \$10.00  
3.00 c.c.

By Bernetha G. Letsch, County Clerk  
*Kathleen Rose*