

FORM No. 1187 - CONSTRUCTION LIEN - Any Contractor Except an Original Contractor

'98 JUN 12 A9:25

'98 JUL -7 P3:07

Vol. 98 Page 23937

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 RUBEN PEDRAZA and EL TENAMPA OF OREGON, INC., who was the ☐ original contractor, ☐ subcontractor, ☐ construction agent ☐ or other person (lessee) (indicate which) having charge of the construction of that certain improvement known as EL TENAMPA RESTAURANT situated upon certain land in the County of Klamath, State of Oregon, which is the site of said improvement, described as follows:

2322 Washburn Way, Klamath Falls, Oregon, 97603 — owned by the Harrahill Disclaimer Trust

Parcel 3 of Land Partition 68-92, situated in Lots 1 and 2, Block 2 of Tract 1080 - Washburn Park, in the East 1/2 of Section 4, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

The address of said improvement, if known (if unknown, so state) is <sup>2322\*</sup> 2322 WASHBURN WAY in the City of KLAMATH FALLS, in said county and state.

The name of the owner or reputed owner of said land is ROBERT and MARILYN STEWART — BETTY L. HARRAHILL TRUSTEE OF THE HARRAHILL DISCLAIMER TRUST, who at all times herein mentioned had knowledge of the construction of said improvement.

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 RUBEN PEDRAZA and EL TENAMPA OF OREGON, INC. <sup>1997\*</sup>

Claimant commenced performance of said contract on NOVEMBER 3, 1998, and completed the same on MARCH 29, 1998, after which claimant ceased to provide labor, transport or furnish materials and/or rent equipment.

A Notice of Right to Lien in the form required by ORS 87.023 was delivered in person or delivered by registered or certified mail to said owner on \_\_\_\_\_, 19\_\_\_\_, and this lien covers only those materials and that labor provided after a date which is eight (8) days, not including Saturdays, Sundays and other Holidays, as defined in ORS 187.010, before said Notice of Right to 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 .....	\$ .....	1,595.89
Materials .....	\$ .....	5,038.11
Equipment .....	\$ .....	
.....	\$ .....	
Recording fees .....	\$ .....	30.00
Total .....	\$ .....	6,664.00
Less all just credits and offsets (already deducted from above values) .....	\$ .....	0.00
Balance due claimant .....	\$ .....	6,664.00

Claimant claims a lien for the amount last stated upon the said improvement and upon the site, to-wit: the land upon which said improvement is constructed, together with the land that may be required for the convenient use and occupation of the improvement constructed on said 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 6-12-98

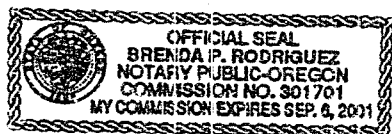
Alta Reed

RE-RECORDED to correct address and date.

Claimant

STATE OF OREGON, County of Klamath ) ss.

I, ALLEN MERCK, 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 said instrument are true and correct as I verily believe.



Allen Merck  
Subscribed and sworn to before me

Brenda P. Rodriguez 19 98  
Notary Public for Oregon. My commission expires 9/6/01

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. Section ORS 87.035 provides: "Every person claiming a lien created under subsection (1) or (2) of the ORS 87.010 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." \* \* \* Also 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 87.035 provides:

"A person filing a claim of lien pursuant to ORS 87.035 shall mail to the owner and to the mortgage 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." \* \* \*

CLAIM OF  
**CONSTRUCTION LIEN**  
OTHER THAN ORIGINAL CONTRACTOR  
(Form No. 1162)

Allen Merck  
Merck Construction  
1440 North El Dorado  
Klamath Falls, Oregon 97601

Lien Claimant

Ruban Pedraza  
El Tinampa of Oregon, Inc.  
2323 Washburn Way  
Klamath Falls, Oregon 97603

Owner

AFTER RECORDING RETURN TO

Nick E. Rauch  
Attorney at Law  
875 Country Club Road  
Eugene, Oregon 97401

STATE OF OREGON,  
County of Klamath ) ss.

Filed for record at request of:

ALLEN MERCK

on this 12TH day of JUNE A.D., 1998  
at 9:25 o'clock A M. and duly recorded  
in Vol. 1498 of CONST. LIENS Page 20081

Bernetha G. Letsch, County Clerk

Fee, \$10.00

By Bernetha G. Letsch  
Deputy

COPIES \$5.75

STATE OF OREGON: COUNTY OF KLAMATH: ) ss.

Filed for record at request of Allen Merck the 7th day  
of July A.D., 19 98 at 3:07 o'clock P.M., and duly recorded in Vol. 1498  
of Construction Liens on Page 23937.

FEE \$10.00 Re-record

By Bernetha G. Letsch County Clerk  
Kathleen Ross