

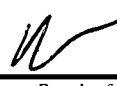

UNITED STATES BANKRUPTCY COURT <u>Northern</u> DISTRICT OF <u>Texas</u> (Dallas)		PROOF OF CLAIM
Name of Debtor: Erickson Construction, LLC, et. al.		Case Number: 09-37016
NOTE: <i>This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</i>		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Valley Fire Protection Systems, Inc		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: LEBOW, MALECKI & TASCH, LLC 1200 JORIE BLVD., SUITE 329 OAK BROOK, IL 60523 Telephone number: (630) 571-9000		
Name and address where payment should be sent (if different from above): <div style="text-align: center;">RECEIVED DEC 07 2009 BMC GROUP</div>		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
Telephone number: (630) 571-9000		
1. Amount of Claim as of Date Case Filed: \$ <u>25,954.50</u> If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(____). Amount entitled to priority: \$ _____ *Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
2. Basis for Claim: <u>Contract</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: <u>5879</u> 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: <u>\$unknown</u> Annual Interest Rate: _____ % Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ <u>25,954.50</u> Basis for perfection: <u>mechanics lien</u> Amount of Secured Claim: \$ <u>25,954.50</u> Amount Unsecured: \$ <u>0</u>		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		
Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. <div style="border: 1px solid black; padding: 5px; display: inline-block;">11/23/09</div>  - BRADLEY A. SAYAD - Attorney for Valley Fire Protection Systems, Inc		FOR COURT USE ONLY Erickson Ret. Comm. LLC  00107



EXHIBIT "D"
APPLICATION AND CERTIFICATE FOR PAYMENT

TO: ERICKSON CONSTRUCTION, LLC.
 703 Maiden Choice Lane
 Baltimore, MD 21228

DATE: 6/30/09
PROJECT: 517EC10
JOB: Renaissance Garden Phase I EC1.0
APPLICANT NO.: 7
PERIOD TO: 6/30/09

FROM: Valley Fire Protection Systems

1. Original Contract Amount	\$ 315,000.00
2. Change Orders Issued to Date (Thru C.O. #06)	\$ (32,928.00)
3. Contract Sum to Date (Line 1+2)	\$ 282,072.00
4. Total Completed & Stored to Date	\$ 282,072.00
5. Less Retainage (0%)	\$
6. Total Earned to Date Less Retainage (Line 4-5)	\$ 282,072.00
7. Less Previous Requisitions	\$ 256,117.50
8. Payment Due This Period (Line 6-7)	\$ 25,954.50

SUBCONTRACTORS AFFIDAVIT & RELEASE OF LIEN:

The undersigned Subcontractor certifies; (i) that the work for which this payment request is being submitted has been completed in accordance with the Contract Documents; (ii) that it has paid its employees, sub-subcontractors, and material suppliers for all work and material for which Erickson Construction has paid previous requests for payment; (iii) that the amount of this invoice is due.

CONTRACTOR: By: Thomas Hartel Date: 6-30-09
 (Officer, General Partner, or Owner)

Note: Payment will be made for only those costs which are included as part of the Original Contract amount or for which a Change Order has been issued by Erickson Construction L.L.C. Please provide a list of any outstanding claims for additional costs or pending extras.

NOTES:

TO BE COMPLETED BY PROJECT MANAGER

RETAINAGE RELEASE	\$ _____
PROGRESS BILLING	\$ _____
RETAINAGE HELD	\$ _____
TOTAL AMOUNT DUE	\$ _____
PROJECT NUMBER	517EC10
COST CODE #	48400-153001
APPROVED BY	_____
APPROVED DATE	_____

FINAL PAYMENT	
PUNCH LIST COMPLETED	<input type="checkbox"/> YES <input type="checkbox"/> NO
WARRANTY COMPLETED	<input type="checkbox"/> YES <input type="checkbox"/> NO
ATTIC STOCK DELIVERED	<input type="checkbox"/> YES <input type="checkbox"/> NO
O&M (CLOSEOUT BOOK -DEL)	<input type="checkbox"/> YES <input type="checkbox"/> NO
CHANGE ORDERS COMPLETED	<input type="checkbox"/> YES <input type="checkbox"/> NO

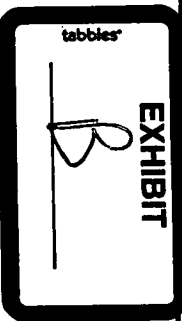
FOR ACCOUNTING USE ONLY	
DATE RECEIVED	_____
REVIEWED BY	_____

APPLICATION AND CERTIFICATE FOR PAYMENT

A/A DOCUMENT G702

PAGE ONE OF ONE PAGE

TO (Owner):
 FROM (Contractor):
 Valley Fire Protection Systems, LLC
 101 N. Raddant Road
 Batavia, IL 60510-4213
 CONTRACT FOR: Fire Protection



PROJECT:
 Sedgebrook Renaissance Gardens
 RG1.0

APPLICATION NO:
 PERIOD TO:
 APPLICATION DATE:

Distribution to:
 OWNER
 ARCHITECT
 CONTRACTOR

VIA (Construction Mgr.):
 Erickson Construction, LLC

PROJECT NO:

212452

CONTRACTOR'S APPLICATION FOR PAYMENT

CONTRACT DATE:

1/16/2008

Application is made for Payment, as shown below, in connection with the Contract.
 Continuation Sheet, A/A Document G703, is attached.

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change Orders approved in previous months by Owner		15,183.00	(52,340.00)
TOTAL			
Approved this Month			
Number	Date Approved	4,229.00	
TOTALS		4,229.00	(32,928.00)

The undersigned Contractor certifies that to the best of his knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by him for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: VALLEY FIRE PROTECTION SYSTEMS, LLC
 By: *[Signature]*
 ARCHITECT'S CERTIFICATE FOR PAYMENT

Date: *6/30/08*

1. ORIGINAL CONTRACT SUM \$ 315,000.00
2. Net change by Change Orders \$ (32,928.00)
3. CONTRACT SUM TO DATE \$ 282,072.00
4. TOTAL COMPLETED & STORED TO DATE \$ 282,072.00
5. RETAINAGE (Column 3 on G703) 0% (Total in Column 1 on G703)
6. TOTAL EARNED LESS RETAINAGE \$ 282,072.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT 256,117.50
8. CURRENT PAYMENT DUE \$ 25,954.50
9. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6) \$

State of: Illinois County of: Kane
 Subscribed and sworn to before me this *30th* day of *June* 2009
 Notary Public: *[Signature]* OFFICIAL SEAL
 My Commission expires: *10/27/10* MARGARET ANNE JACOBS
 NOTARY PUBLIC - STATE OF ILLINOIS
 MY COMMISSION EXPIRES: 10/27/10

AMOUNT CERTIFIED
 (Attach explanation if amount certified differs from this amount applied for.)
 ARCHITECT:

By: _____ Date: _____
 This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to all rights of the Owner or Contractor under this Contract.

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that the Work has progressed to the point indicated; that to the best of his knowledge, information and belief, the quality of the Work is in accordance with the Contract Documents; and that the Contractor is entitled to payment of the AMOUNT CERTIFIED.



MECHANIC'S LIEN:
CLAIM

STATE OF ILLINOIS }
 }
COUNTY OF Lake }

VALLEY FIRE PROTECTION SYSTEMS LLC

CLAIMANT

-VS-

Type: LAND RECORDS
Recorded: 09/21/2009 at 04:50:33 PM
Receipt#: 2009-00044904
Total Amount: \$39.00 Page 1 of 2
IL Rental Housing Fund: \$10.00
Lake County IL Recorder
Mary Ellen Vanderventer Recorder

File# 6523858

Lincolnshire Campus, LLC
Sedgebrook, Inc.
Manufacturers and Traders Trust Company, as Bond Trustee
ERICKSON CONSTRUCTION, LLC

DEFENDANT(S)

The claimant, VALLEY FIRE PROTECTION SYSTEMS LLC of Batavia, IL 60510-2203, County of Kane, hereby files a claim for lien against ERICKSON CONSTRUCTION, LLC, contractor of 703 Maiden Choice Lane, Baltimore, State of MD and Lincolnshire Campus, LLC Chicago, IL 60604-1101 {hereinafter referred to as "owner(s)"} and Sedgebrook, Inc. Chicago, IL 60604-1101 Manufacturers and Traders Trust Company, as Bond Trustee Buffalo, NY 14203. {hereinafter referred to as "lender(s)"} and states:

That on or about 04/11/2008, the owner owned the following described land in the County of Lake, State of Illinois to wit:

Street Address: Renaissance Gardens @ Sedgebrook 20 Riverside Road Lincolnshire, IL:

A/K/A: Lot 1 in Sedgebrook Subdivision, being a subdivision of part of the Southeast 1/4 of Section 22 and of the Southwest 1/4 of Section 23 and of the Northwest 1/4 of Section 26 and of the Northeast 1/4 of Section 27, all in township 43 North, Range 11 East of the Third Principal Meridian in the County of Lake in the State of Illinois

A/K/A: TAX # 15-23-302-001; 15-22-406-001

and ERICKSON CONSTRUCTION, LLC was the owner's contractor for the improvement thereof. That on or about 04/11/2008, said contractor made a subcontract with the claimant to provide labor and material for fire protection work for and in said improvement, and that on or about 06/10/2009 the claimant completed thereunder all that was required to be done by said contract.

m\ngc.ln
JAC/BH //

090929723

The following amounts are due on said contract:

Contract	\$282,072.00
Extras/Change Orders	\$0.00
Credits	\$0.00
Payments	\$256,117.50
 Total Balance Due	 \$25,954.50

leaving due, unpaid and owing to the claimant after allowing all credits, the sum of **Twenty-Five Thousand Nine Hundred Fifty-Four and Five Tenths (\$25,954.50) Dollars**, for which, with interest, the Claimant claims a lien on said land, beneficial interests, if any, and improvements, and on the moneys or other considerations due or to become due from the owner under said contract.

To the extent permitted by law, all waivers of lien heretofore given by claimant, if any, in order to induce payment not received are hereby revoked. Acceptance of payment by claimant of part, but not all, of the amount claimed due hereunder shall not operate to invalidate this notice.

IN WITNESS WHEREOF, the undersigned has signed this instrument on **September 4, 2009**.



VALLEY FIRE PROTECTION SYSTEMS LLC

BY: X Thomas Hartel
Thomas Hartel President

Prepared By:

CONTRACTORS ADJUSTMENT CO.
570 Lake Cook Road, Suite 305
Deerfield, IL 60015

VERIFICATION

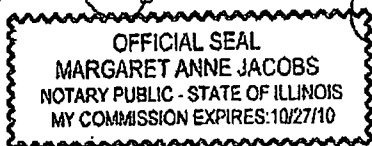
State of Illinois
County of Kane

The affiant, Thomas Hartel, being first duly sworn, on oath deposes and says that the affiant is President of the claimant; that the affiant has read the foregoing claim for lien and knows the contents thereof; and that all the statements therein contained are true.

X Thomas Hartel
Thomas Hartel President

Subscribed and sworn to
before me this **September 4, 2009**.

X Margaret Anne Jacobs
Notary Public's Signature



mlnagc.ln
IAC/RH / /

000020722

903 Commerce Drive
Suite 160
Oak Brook, Illinois 60523
Ph: 630 571.9000
Fx: 630 571.9009

Lebow, Malecki & Tasch
LLC

230 West Superior Street
Suite 500
Chicago, Illinois 60654
Ph: 312 698.5900
Fx: 312 698.5901

www.lmtlaw.com

Joan M. Lebow
Melinda S. Malecki
Martin D. Tasch

December 2, 2009.

BMC Group, Inc.
Attn: Erickson Retirement Communities, LLC
Claims Processing
P.O. Box 3020
Chanhassen, MN 55317-3020

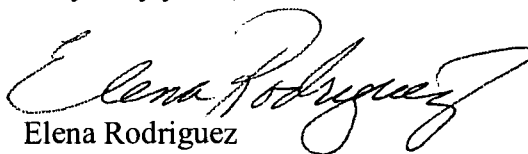
Re: Erickson Construction, LLC.
Bankruptcy Case No. 09 B 37016

Dear Sir/Madam:

Enclosed are the original and a copy of Creditor, Valley Fire Protection Systems, LLC's Proof of Claim in the above-referenced matter. You may return a filed/received copy to me in the envelope provided for your convenience.

Thank you for your courtesy.

Very truly yours,


Elena Rodriguez
Assistant to MDT

enclosures