

UNITED STATES BANKRUPTCY COURT Northern District of Texas (Dallas Division)		PROOF OF CLAIM
Name of Debtor: Erickson Retirement Communities		Case Number: 09-37010
NOTE: 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.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): LMI Landscapes, 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: 1437 Halsey Way Carrollton, TX 75007 Telephone number: 972-446-0020		
Name and address where payment should be sent (if different from above): Telephone number:		<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.
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> RECEIVED DEC 08 2009 BMC GROUP </div>		
1. Amount of Claim as of Date Case Filed: \$ <u>64,761.95</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>Landscape & Irrigation Installation</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: <u>3058</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: \$ _____ Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ <u>64,761.95</u> Basis for perfection: <u>Lien</u> Amount of Secured Claim: \$ <u>64,761.95</u> Amount Unsecured: \$ _____		
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 of 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 instruction 7 and 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:		
Date: <u>11/24/09</u>	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. <p style="text-align: center;">Jody O'Donnell, President</p>	FOR COURT USE ONLY Erickson Ret. Comm. LLC 00117

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the trustee or another party in interest files an objection to your claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

4. Secured Claim:

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a).

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

Date and Signature:

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS

Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is a person, corporation, or other entity owed a debt by the debtor that arose on or before the date of the bankruptcy filing. See 11 U.S.C. §101 (10)

Claim

A claim is the creditor's right to receive payment on a debt owed by the debtor that arose on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. §506(a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car.

A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. §507(a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

INFORMATION

Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

Statement of Account



13058 ERICKSON CONSTRUCTION LLC
 703 MAIDEN CHOICE LN
 BALTIMORE, MD 21228

LMI Landscapes
 1437 Halsey Way
 Carrollton, TX 75007
 (972)446-0020

Job:
 30-30-14253
 WINDCREST ENCLOSED PED WALKWAY

Statement of Account as of 11/5/2009

Invoice	Description	Date	Charges	Credits	Retainage	
43203	Invoice	06/19/2009	4,130.80			
Statement Totals:			4,130.80	0.00	0.00	

Current	Over 30	Over 60	Over 90	Over 120	Outstanding Amount	Retainage Balance
0.00	0.00	0.00	0.00	4,130.80	4,130.80	0.00



INVOICE

Invoice Date	Customer ID	Invoice ID
06-19-2009	13058	43203
Job ID	Work Order	
30-30-14253		

To:
 ERICKSON CONSTRUCTION LLC
 703 MAIDEN CHOICE LN
 BALTIMORE, MD 21228

Job Location: WINDCREST ENCLOSED PED WALKWAY

Item	Description	Amount
LS	PO#554BR10-7 LANDSCAPE INSTALLATION	4,130.80
<p>The addressee of this invoice is fully liable for the payment of this invoice due and payable to LMI Landscapes, LLC at the address listed below in Adams County, Colorado. LMI Landscapes, LLC neither authorizes nor recognizes any assignment or transfer of the payment obligation of this invoice to a third party.</p>		<p>Amount Billed Total Tax</p>
<p>Original</p>		<p>Retainage Held</p>
<p>DATE DUE: 07-19-2009</p>		<p>\$4,130.80</p>
		<p>\$4,130.80</p>

PURCHASE ORDER

554BR10-7

BU58
14253

ERICKSON CONSTRUCTION, LLC

3003A Mill Vista
Highlands Ranch, CO 80129
Tel (303) 793-0400 • Fax (720) 344-5927

IMPORTANT

1. THIS P.O. NUMBER MUST APPEAR ON ALL INVOICES, PACKING SLIPS AND CORRESPONDENCE.
2. SUBMIT ALL INVOICES IN DUPLICATE.
3. BILL ALL APPLICABLE SALES OR USE TAX.

TO: LMI Landscapes, LLC.
1437 Halsey Way
Carrollton, TX 75007
ATTN: Jody O'Donnell

SHIP TO: ERICKSON CONSTRUCTION, LLC
Wind Crest Enclosed Pedestrian Walkway
3003A Mill Vista
Highlands Ranch, CO 80129

DATE: 05/14/2009

SHIP VIA : Vendor Delivery

DELIVERY DATE: 05/14/2009

Restoration work \$4,130.80 NON-TAXABLE

Additional Description for Line Items:

~~Fix the Pond Damage Cause by the Recent Wash Out Conditions~~

Repair Landscape Around Link Columns on Mill Vista Road Damages during Construction activity

PO Items Budget Code: 170005-48700 PO Items Total: \$4,130.80

Other Charges Budget Code: Other Charges Total: \$0.00

Tax Budget Code: 170005-48700 Tax Rate: 0.00% Tax Total: \$0.00

Grand Total for this PO: \$4,130.80

<p>THIS ORDER IS SUBJECT TO THE TERMS AND CONDITIONS AS STATED IN THIS DOCUMENT HEREOF AND ADDENDUM A INCLUDED.</p> <p>NOTE: IF THIS ORDER INCLUDES LABOR, INDICATE SCHEDULED VALUE ABOVE.</p>	PURCHASER: Erickson Construction, LLC.
	By: <i>[Signature]</i> Jim Freiberg
	Date: <i>5/14/09</i>
	Seller: LMI Landscapes, LLC.
	By: <i>[Signature]</i> Jody O'Donnell, President
	Date: <i>5/18/09</i>
Tax ID:	

EC: *[Signature]* Sub *[Signature]*

Statement of Account



13058 ERICKSON CONSTRUCTION LLC
 703 MAIDEN CHOICE LN
 BALTIMORE, MD 21228

LMI Landscapes
 1437 Halsey Way
 Carrollton, TX 75007
 (972)446-0020

Job:
 30-30-11112
 Windcrest Phase 1B

Statement of Account as of 11/5/2009

Invoice	Description	Date	Charges	Credits		
42597	Invoice	04/16/2009	12,989.87			
42978	Invoice	05/20/2009	45,259.22			
43168	Invoice	05/20/2009	2,382.06			
Statement Totals:			60,631.15	0.00		

Current	Over 30	Over 60	Over 90	Over 120	Outstanding Amount	
0.00	0.00	0.00	0.00	60,631.15	60,631.15	



INVOICE

Invoice Date	Customer ID	Invoice ID
04-16-2009	13058	42597
Job ID	Work Order	
30-30-11112		

To:
 ERICKSON CONSTRUCTION LLC
 703 MAIDEN CHOICE LN
 BALTIMORE, MD 21228

Job Location:
 Windcrest Phase 1B

Item	Description	Amount
MO	ONE YEAR MAINTENANCE	12,989.87
<p>The addressee of this invoice is fully liable for the payment of this invoice due and payable to LMI Landscapes, LLC at the address listed below in Adams County, Colorado. LMI Landscapes, LLC neither authorizes nor recognizes any assignment or transfer of the payment obligation of this invoice to a third party.</p>		<p>Amount Billed Total Tax</p>
<p>Office Copy</p>		<p>Retainage Held</p>
<p>DATE DUE: 05-16-2009</p>		<p>\$12,989.87</p>

EXHIBIT "D"
APPLICATION AND CERTIFICATE FOR PAYMENT

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

DATE: 4/16/09
PROJECT: 554SW1B
JOB: Site Work Phase 1B
APPLICANT NO.: 14
PERIOD TO: 4/16/09

FROM: LMI Landscapes, LLC.

1. Original Contract Amount	\$ 544,531.76
2. Change Orders Issued to Date (Thru C.O. # ___)	\$ 228,759.21
3. Contract Sum to Date (Line 1+2)	\$ 773,290.97
4. Total Completed & Stored to Date	\$ 773,290.97
5. Less Retainage (___ %)	\$ 97,622.87
6. Total Earned to Date Less Retainage (Line 4-5)	\$ 763,528.10
7. Less Previous Requisitions	\$ 750,530.23
8. Payment Due This Period (Line 6-7)	\$ 12,989.87

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: [Signature] Date: 4/16/09
 (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 554SW1B
 COST CODE # 48400-029000
 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	_____

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE
			FROM PREVIOUS APPLICATION (D+E)	FROM PREVIOUS APPLICATION (D+E)					
IRRIGATION									
1	PHASE 1	\$ 76,969.13	\$ 76,969.13	\$ -	\$ -	\$ -	\$ 76,969.13	\$ -	\$ -
2	PHASE 2	\$ 61,307.17	\$ 61,307.17	\$ -	\$ -	\$ -	\$ 61,307.17	\$ -	\$ -
3	SLEEVING	\$ 4,828.00	\$ 4,828.00	\$ -	\$ -	\$ -	\$ 4,828.00	\$ -	\$ -
4		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	SUB TOTAL	\$ 143,104.30	\$ 143,104.30	\$ -	\$ -	\$ -	\$ 143,104.30	\$ -	\$ -
CHANGE ORDERS									
1	CO#1 IRRIGATION 1A PHASE 2/3	\$ 2,776.94	\$ 2,776.94	\$ -	\$ -	\$ -	\$ 2,776.94	\$ -	\$ -
2	CO#2 CARPORTS	\$ 5,000.00	\$ 5,000.00	\$ -	\$ -	\$ -	\$ 5,000.00	\$ -	\$ -
3	CO#10 SNOW SCREEN IRRIG	\$ 2,447.00	\$ 2,447.00	\$ -	\$ -	\$ -	\$ 2,447.00	\$ -	\$ -
4	CO#11 IRRIGATION ADDS	\$ 5,357.00	\$ 5,357.00	\$ -	\$ -	\$ -	\$ 5,357.00	\$ -	\$ -
5	CO#12 ASI#16 PUMP HOUSE PIPING	\$ 2,051.00	\$ 2,051.00	\$ -	\$ -	\$ -	\$ 2,051.00	\$ -	\$ -
	CHANGE ORDER SUB TOTAL	\$ 17,631.94	\$ 17,631.94	\$ -	\$ -	\$ -	\$ 17,631.94	\$ -	\$ -
	IRRIGATION & CO TOTALS	\$ 160,736.24	\$ 160,736.24	\$ -	\$ -	\$ -	\$ 160,736.24	\$ -	\$ -
LANDSCAPE									
1	PHASE 1	\$ 176,094.80	\$ 176,094.80	\$ -	\$ -	\$ -	\$ 176,094.80	\$ -	\$ -
2	PHASE 2	\$ 140,262.38	\$ 140,262.38	\$ -	\$ -	\$ -	\$ 140,262.38	\$ -	\$ -
3	EXISTING TREE TRANSPLANTING	\$ 27,631.67	\$ 27,631.67	\$ -	\$ -	\$ -	\$ 27,631.67	\$ -	\$ -
4	SITE FURNISHINGS	\$ 6,595.00	\$ 6,595.00	\$ -	\$ -	\$ -	\$ 6,595.00	\$ -	\$ -
5	ONE YEAR MAINTENANCE	\$ 41,457.01	\$ 28,467.14	\$ 12,989.87	\$ -	\$ -	\$ 41,457.01	\$ -	\$ -
6	BOND	\$ 9,386.60	\$ 9,386.60	\$ -	\$ -	\$ -	\$ 9,386.60	\$ -	\$ -
7		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	SUB TOTAL	\$ 401,427.46	\$ 388,437.59	\$ 12,989.87	\$ -	\$ -	\$ 401,427.46	\$ -	\$ -
CHANGE ORDERS									
1	CO#1 LANDSCAPE 1A PHASE 2/3	\$ 31,095.05	\$ 31,095.05	\$ -	\$ -	\$ -	\$ 31,095.05	\$ -	\$ 761.26
2	CO#1 CEDAR SLAT FENCE LS	\$ 7,576.00	\$ 7,576.00	\$ -	\$ -	\$ -	\$ 7,576.00	\$ -	\$ 378.80
3	CO#1 ONE YEAR MAINTENANCE 1A	\$ 44,554.62	\$ 44,554.62	\$ -	\$ -	\$ -	\$ 44,554.62	\$ -	\$ 2,227.73
4	CO#1 1A PUNCH LIST LANDSCAPE	\$ 6,713.58	\$ 6,713.58	\$ -	\$ -	\$ -	\$ 6,713.58	\$ -	\$ 335.68
5	CO#2 CARPORTS	\$ 22,245.02	\$ 22,245.02	\$ -	\$ -	\$ -	\$ 22,245.02	\$ -	\$ 1,112.25
6	CO#3 MARKETING CENTER PC#6	\$ 14,400.00	\$ 14,400.00	\$ -	\$ -	\$ -	\$ 14,400.00	\$ -	\$ 720.00
7	CO#4 ASI#6	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8	CO#5 ASI#7	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
9	CO#6 RESIDENCE GARDEN DIVIDERS	\$ 3,774.00	\$ 3,774.00	\$ -	\$ -	\$ -	\$ 3,774.00	\$ -	\$ 188.70
10	CO#7 POND A REWORKS	\$ 29,612.00	\$ 29,612.00	\$ -	\$ -	\$ -	\$ 29,612.00	\$ -	\$ 1,480.60
11	CO#8 ASI#6	\$ 8,219.00	\$ 8,219.00	\$ -	\$ -	\$ -	\$ 8,219.00	\$ -	\$ 410.95
12	CO#9 DUCT FOR BROKEN COMCAST CONDUIT	\$ (1,256.00)	\$ (1,256.00)	\$ -	\$ -	\$ -	\$ (1,256.00)	\$ -	\$ (62.80)
13	CO#10 SNOW SCREEN	\$ 5,905.00	\$ 5,905.00	\$ -	\$ -	\$ -	\$ 5,905.00	\$ -	\$ 295.25
14	CO#11 LANDSCAPE ADDS	\$ 38,289.00	\$ 38,289.00	\$ -	\$ -	\$ -	\$ 38,289.00	\$ -	\$ 1,914.45
15		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	CHANGE ORDER SUB TOTAL	\$ 211,127.27	\$ 211,127.27	\$ -	\$ -	\$ -	\$ 211,127.27	\$ -	\$ 9,762.87
	LANDSCAPE & CO TOTALS	\$ 612,554.73	\$ 599,564.86	\$ 12,989.87	\$ -	\$ -	\$ 612,554.73	\$ -	\$ 9,762.87
	GRAND TOTAL	\$ 773,290.97	\$ 760,301.10	\$ 12,989.87	\$ -	\$ -	\$ 773,290.97	\$ -	\$ 9,762.87



INVOICE

Invoice Date	Customer ID	Invoice ID
05-20-2009	13058	42978
Job ID	Work Order	
30-30-11112		

To:
ERICKSON CONSTRUCTION LLC
 703 MAIDEN CHOICE LN
 BALTIMORE, MD 21228

Job Location: Windcrest Phase 1B

Item	Description	Amount
LS	CHANGE ORDER #13 LANDSCAPE	20,725.49
LS	RENAISSANCE GARDENS	26,915.79
<p>The addressee of this invoice is fully liable for the payment of this invoice due and payable to LMI Landscapes, LLC at the address listed below in Adams County, Colorado. LMI Landscapes, LLC neither authorizes nor recognizes any assignment or transfer of the payment obligation of this invoice to a third party.</p>		<p>Amount Billed Total Tax</p>
<p>Original</p>		<p>Retainage Held</p>
<p>DATE DUE: 06-20-2009</p>		<p>\$47,641.28</p> <p>2,382.06</p> <p>\$45,259.22</p>

EXHIBIT "D"
APPLICATION AND CERTIFICATE FOR PAYMENT

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

DATE: 5/20/09
 PROJECT: 554SW1B
 JOB: Site Work Phase 1B
 APPLICANT NO.: 5
 PERIOD TO: 5/20/09

FROM: LMI Landscapes, LLC.

1. Original Contract Amount	\$	<u>544,531.76</u>
2. Change Orders Issued to Date (Thru C.O. # _____)	\$	<u>276,400.49</u>
3. Contract Sum to Date (Line 1+2)	\$	<u>820,932.25</u>
4. Total Completed & Stored to Date	\$	<u>820,932.25</u>
5. Less Retainage (_____ %)	\$	<u>12,144.94</u>
6. Total Earned to Date Less Retainage (Line 4-5)	\$	<u>808,787.31</u>
7. Less Previous Requisitions	\$	<u>76,352.10</u>
8. Payment Due This Period (Line 6-7)	\$	<u>45,259.21</u>

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: [Signature] Date: 5/21/09
 (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		<u>554SW1B</u>
COST CODE #		<u>48400-029000</u>
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	_____

EC: _____ Sub: [Signature]

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.
 In tabulations below, amounts are stated to the nearest dollar.
 Use Column 1 on Contracts where variable retainage for line items may apply.

APPLICATION NUMBER: 15
 APPLICATION DATE: 5/20/2009
 PERIOD TO: 5/20/2009
 ARCHITECT'S PROJECT NO.:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED FROM PREVIOUS APPLICATION (D+E)		E WORK COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE
			D	E					
IRRIGATION									
1	PHASE 1	\$ 76,989.13	\$ 76,989.13	\$ -	\$ -	\$ -	\$ 76,989.13	100%	\$ -
2	PHASE 2	\$ 61,307.17	\$ 61,307.17	\$ -	\$ -	\$ -	\$ 61,307.17	100%	\$ -
3	SLEEVING	\$ 4,828.00	\$ 4,828.00	\$ -	\$ -	\$ -	\$ 4,828.00	100%	\$ -
4		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	100%	\$ -
5		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	100%	\$ -
	SUB TOTAL	\$ 143,104.30	\$ 143,104.30	\$ -	\$ -	\$ -	\$ 143,104.30	100%	\$ -
CHANGE ORDERS									
1	COR1 IRRIGATION 1A PHASE 2/3	\$ 2,776.94	\$ 2,776.94	\$ -	\$ -	\$ -	\$ 2,776.94	100%	\$ -
2	COR2 CARPORTS	\$ 5,000.00	\$ 5,000.00	\$ -	\$ -	\$ -	\$ 5,000.00	100%	\$ -
3	COR10 SNOW SCREEN IRRIG	\$ 2,447.00	\$ 2,447.00	\$ -	\$ -	\$ -	\$ 2,447.00	100%	\$ -
4	COR11 IRRIGATION ADDS	\$ 5,357.00	\$ 5,357.00	\$ -	\$ -	\$ -	\$ 5,357.00	100%	\$ -
5	COR12 ASI#16 PUMP HOUSE PIPING	\$ 2,051.00	\$ 2,051.00	\$ -	\$ -	\$ -	\$ 2,051.00	100%	\$ -
	CHANGE ORDER SUB TOTAL	\$ 17,631.94	\$ 17,631.94	\$ -	\$ -	\$ -	\$ 17,631.94	100%	\$ -
	IRRIGATION & CO TOTALS	\$ 160,736.24	\$ 160,736.24	\$ -	\$ -	\$ -	\$ 160,736.24	100%	\$ -
LANDSCAPE									
1	PHASE 1	\$ 176,094.80	\$ 176,094.80	\$ -	\$ -	\$ -	\$ 176,094.80	100%	\$ -
2	PHASE 2	\$ 140,262.38	\$ 140,262.38	\$ -	\$ -	\$ -	\$ 140,262.38	100%	\$ -
3	EXISTING TREE TRANSPLANTING	\$ 27,631.67	\$ 27,631.67	\$ -	\$ -	\$ -	\$ 27,631.67	100%	\$ -
4	SITE FURNISHINGS	\$ 6,595.00	\$ 6,595.00	\$ -	\$ -	\$ -	\$ 6,595.00	100%	\$ -
5	ONE YEAR MAINTENANCE	\$ 41,457.01	\$ 41,457.01	\$ -	\$ -	\$ -	\$ 41,457.01	100%	\$ -
6	BOND	\$ 9,386.60	\$ 9,386.60	\$ -	\$ -	\$ -	\$ 9,386.60	100%	\$ -
7		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -
8		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -
	SUB TOTAL	\$ 401,427.46	\$ 401,427.46	\$ -	\$ -	\$ -	\$ 401,427.46	100%	\$ -
CHANGE ORDERS									
1	COR1 LANDSCAPE 1A PHASE 2/3	\$ 31,095.05	\$ 31,095.05	\$ -	\$ -	\$ -	\$ 31,095.05	100%	\$ -
2	COR1 CEDAR SLAT FENCE LS	\$ 7,576.00	\$ 7,576.00	\$ -	\$ -	\$ -	\$ 7,576.00	100%	\$ -
3	COR1 ONE YEAR MAINTENANCE 1A	\$ 44,554.62	\$ 44,554.62	\$ -	\$ -	\$ -	\$ 44,554.62	100%	\$ -
4	COR1 1A PUNCH LIST LANDSCAPE	\$ 6,713.58	\$ 6,713.58	\$ -	\$ -	\$ -	\$ 6,713.58	100%	\$ -
5	COR2 CARPORTS	\$ 22,245.02	\$ 22,245.02	\$ -	\$ -	\$ -	\$ 22,245.02	100%	\$ -
6	COR3 MARKETING CENTER PC#6	\$ 14,400.00	\$ 14,400.00	\$ -	\$ -	\$ -	\$ 14,400.00	100%	\$ -
7	COR4 ASI#6	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -
8	COR5 ASI#7	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -
9	COR6 RESIDENCE GARDEN DIVIDERS	\$ 3,774.00	\$ 3,774.00	\$ -	\$ -	\$ -	\$ 3,774.00	100%	\$ -
10	COR7 POND A REWORKS	\$ 29,612.00	\$ 29,612.00	\$ -	\$ -	\$ -	\$ 29,612.00	100%	\$ -
11	COR8 ASI#6	\$ 8,219.00	\$ 8,219.00	\$ -	\$ -	\$ -	\$ 8,219.00	100%	\$ -
12	COR9 DEDUCT FOR BROKEN COMCAST CONDUIT	\$ (1,256.00)	\$ (1,256.00)	\$ -	\$ -	\$ -	\$ (1,256.00)	100%	\$ (62.80)
13	COR10 SNOW SCREEN	\$ 5,905.00	\$ 5,905.00	\$ -	\$ -	\$ -	\$ 5,905.00	100%	\$ -
14	COR11 LANDSCAPE ADDS	\$ 38,289.00	\$ 38,289.00	\$ -	\$ -	\$ -	\$ 38,289.00	100%	\$ -
15	COR13 POND A RESTORATION WORK	\$ 20,725.49	\$ 20,725.49	\$ -	\$ -	\$ -	\$ 20,725.49	100%	\$ -
16	RENAISSANCE GARDENS AND POND B TEMP COND GESC PLAN	\$ 26,915.79	\$ 26,915.79	\$ -	\$ -	\$ -	\$ 26,915.79	100%	\$ -
	CHANGE ORDER SUB TOTAL	\$ 258,768.55	\$ 211,127.27	\$ 47,641.28	\$ -	\$ -	\$ 258,768.55	100%	\$ 12,144.94
	LANDSCAPE & CO TOTALS	\$ 660,196.01	\$ 612,554.73	\$ 47,641.28	\$ -	\$ -	\$ 660,196.01	100%	\$ 12,144.94
	GRAND TOTAL	\$ 820,932.25	\$ 773,290.97	\$ 47,641.28	\$ -	\$ -	\$ 820,932.25	100%	\$ 12,144.94



INVOICE

Invoice Date	Customer ID	Invoice ID
05-20-2009	13058	43168
Job ID	Work Order	
30-30-11112		

To:
 ERICKSON CONSTRUCTION LLC
 703 MAIDEN CHOICE LN
 BALTIMORE, MD 21228

Job Location:
 Windcrest Phase 1B

Item	Description	Amount
	Retainage	2,382.06
<p>The addressee of this invoice is fully liable for the payment of this invoice due and payable to LMI Landscapes, LLC at the address listed below in Adams County, Colorado. LMI Landscapes, LLC neither authorizes nor recognizes any assignment or transfer of the payment obligation of this invoice to a third party.</p>		<p>Amount Billed</p> <p>Total Tax</p>
<p>Original</p> <p>DATE DUE: 06-20-2009</p>		<p>Retainage Held</p> <p>\$2,382.06</p>

EXHIBIT "D"
APPLICATION AND CERTIFICATE FOR PAYMENT

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

DATE: 5/20/09

FROM: LMI Landscapes, LLC.

PROJECT: 554SW1B
JOB: Site Work Phase 1B
APPLICANT NO.: 16 Retainax
PERIOD TO: 5/20/09

1. Original Contract Amount	\$	544,531.76
2. Change Orders Issued to Date (Thru C.O. # ___)	\$	276,400.49
3. Contract Sum to Date (Line 1+2)	\$	820,932.25
4. Total Completed & Stored to Date	\$	820,932.25
5. Less Retainage (___ %)	\$	0.00
6. Total Earned to Date Less Retainage (Line 4-5)	\$	820,932.25
7. Less Previous Requisitions	\$	808,787.31
8. Payment Due This Period (Line 6-7)	\$	12,144.94

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: [Signature] Date: 5/21/09
 (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		554SW1B
COST CODE #		48400-029000
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	_____

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached. In tabulations below, amounts are stated to the nearest dollar. Use Column 1 on Contracts where variable retainage for line items may apply.

APPLICATION NUMBER: 16-RETAINAGE
 APPLICATION DATE: 5/20/2009
 PERIOD TO: 5/20/2009
 ARCHITECT'S PROJECT NO.:

ITEM NO.	DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED FROM PREVIOUS APPLICATION (D+E)	E WORK COMPLETED THIS PERIOD	F MATERIALS STORED PRESENTLY (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G/C)	H BALANCE TO FINISH (C-G)	I RETAINAGE
IRRIGATION									
1	PHASE 1	\$ 76,969.13	\$ 76,969.13	\$ -	\$ -	\$ 76,969.13	100%	\$ -	\$ -
2	PHASE 2	\$ 61,307.17	\$ 61,307.17	\$ -	\$ -	\$ 61,307.17	100%	\$ -	\$ -
3	SLEEVING	\$ 4,828.00	\$ 4,828.00	\$ -	\$ -	\$ 4,828.00	100%	\$ -	\$ -
4		\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -
5		\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -
	SUB TOTAL	\$ 143,104.30	\$ 143,104.30	\$ -	\$ -	\$ 143,104.30	100%	\$ -	\$ -
CHANGE ORDERS									
1	CO#1 IRRIGATION 1A PHASE 2/3	\$ 2,776.94	\$ 2,776.94	\$ -	\$ -	\$ 2,776.94	100%	\$ -	\$ -
2	CO#2 CARPORTS	\$ 5,000.00	\$ 5,000.00	\$ -	\$ -	\$ 5,000.00	100%	\$ -	\$ -
3	CO#10 SNOW SCREEN IRRIG	\$ 2,447.00	\$ 2,447.00	\$ -	\$ -	\$ 2,447.00	100%	\$ -	\$ -
4	CO#11 IRRIGATION ADDS	\$ 5,357.00	\$ 5,357.00	\$ -	\$ -	\$ 5,357.00	100%	\$ -	\$ -
5	CO#12 ASI#16 PUMP HOUSE PIPING	\$ 2,051.00	\$ 2,051.00	\$ -	\$ -	\$ 2,051.00	100%	\$ -	\$ -
	CHANGE ORDER SUB TOTAL	\$ 17,631.94	\$ 17,631.94	\$ -	\$ -	\$ 17,631.94	100%	\$ -	\$ -
	IRRIGATION & CO TOTALS	\$ 160,736.24	\$ 160,736.24	\$ -	\$ -	\$ 160,736.24	100%	\$ -	\$ -
LANDSCAPE									
1	PHASE 1	\$ 176,094.80	\$ 176,094.80	\$ -	\$ -	\$ 176,094.80	100%	\$ -	\$ -
2	PHASE 2	\$ 140,262.38	\$ 140,262.38	\$ -	\$ -	\$ 140,262.38	100%	\$ -	\$ -
3	EXISTING TREE TRANSPLANTING	\$ 27,631.67	\$ 27,631.67	\$ -	\$ -	\$ 27,631.67	100%	\$ -	\$ -
4	SITE FURNISHINGS	\$ 6,595.00	\$ 6,595.00	\$ -	\$ -	\$ 6,595.00	100%	\$ -	\$ -
5	ONE YEAR MAINTENANCE	\$ 41,457.01	\$ 41,457.01	\$ -	\$ -	\$ 41,457.01	100%	\$ -	\$ -
6	BOND	\$ 9,386.60	\$ 9,386.60	\$ -	\$ -	\$ 9,386.60	100%	\$ -	\$ -
7		\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -
8		\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -
	SUB TOTAL	\$ 401,427.46	\$ 401,427.46	\$ -	\$ -	\$ 401,427.46	100%	\$ -	\$ -
CHANGE ORDERS									
1	CO#1 LANDSCAPE 1A PHASE 2/3	\$ 31,095.05	\$ 31,095.05	\$ -	\$ -	\$ 31,095.05	100%	\$ -	\$ 761.26
2	CO#1 CEDAR SLAT FENCE LS	\$ 7,576.00	\$ 7,576.00	\$ -	\$ -	\$ 7,576.00	100%	\$ -	\$ 378.80
3	CO#1 ONE YEAR MAINTENANCE 1A	\$ 44,554.62	\$ 44,554.62	\$ -	\$ -	\$ 44,554.62	100%	\$ -	\$ 2,227.73
4	CO#1 1A PUNCH LIST LANDSCAPE	\$ 6,713.58	\$ 6,713.58	\$ -	\$ -	\$ 6,713.58	100%	\$ -	\$ 335.68
5	CO#2 CARPORTS	\$ 22,245.02	\$ 22,245.02	\$ -	\$ -	\$ 22,245.02	100%	\$ -	\$ 1,112.25
6	CO#3 MARKETING CENTER PC#6	\$ 14,400.00	\$ 14,400.00	\$ -	\$ -	\$ 14,400.00	100%	\$ -	\$ 720.00
7	CO#4 ASI#6	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -	\$ -
8	CO#5 ASI#7	\$ -	\$ -	\$ -	\$ -	\$ -	0%	\$ -	\$ -
9	CO#6 RESIDENCE GARDEN DIVIDERS	\$ 3,774.00	\$ 3,774.00	\$ -	\$ -	\$ 3,774.00	100%	\$ -	\$ 188.70
10	CO#7 POND A REWORKS	\$ 29,612.00	\$ 29,612.00	\$ -	\$ -	\$ 29,612.00	100%	\$ -	\$ 1,480.60
11	CO#8 ASI#6	\$ 8,219.00	\$ 8,219.00	\$ -	\$ -	\$ 8,219.00	100%	\$ -	\$ 410.95
12	CO#9 DEDUCT FOR BROKEN COMCAST CONDUIT	\$ (1,256.00)	\$ (1,256.00)	\$ -	\$ -	\$ (1,256.00)	100%	\$ -	\$ (62.80)
13	CO#10 SNOW SCREEN	\$ 5,905.00	\$ 5,905.00	\$ -	\$ -	\$ 5,905.00	100%	\$ -	\$ 295.25
14	CO#11 LANDSCAPE ADDS	\$ 38,289.00	\$ 38,289.00	\$ -	\$ -	\$ 38,289.00	100%	\$ -	\$ 1,914.45
15	CO#13 POND A RESTORATION WORK	\$ 20,725.49	\$ 20,725.49	\$ -	\$ -	\$ 20,725.49	100%	\$ -	\$ 1,036.27
16	RENAISSANCE GARDENS AND POND B TEMP COND GESC PLAN	\$ 26,915.79	\$ 26,915.79	\$ -	\$ -	\$ 26,915.79	100%	\$ -	\$ 1,345.79
	CHANGE ORDER SUB TOTAL	\$ 258,768.55	\$ 258,768.55	\$ -	\$ -	\$ 258,768.55	100%	\$ -	\$ 12,144.94
	LANDSCAPE & CO TOTALS	\$ 660,196.01	\$ 660,196.01	\$ -	\$ -	\$ 660,196.01	100%	\$ -	\$ 12,144.94
	GRAND TOTAL	\$ 820,932.25	\$ 820,932.25	\$ -	\$ -	\$ 820,932.25	100%	\$ -	\$ 12,144.94

STATEMENT OF LIEN

The undersigned makes the following Statement of Lien:

Owner / Reputed Owner with Address:		Lien Claimant and Address:	
Erickson Construction, L.L.C.		LMI Landscapes, Inc.	
MSRESS III DENVER CAMPUS LLC		1437 Halsey Way	
701 Maiden Choice Rd.		Carrollton, TX 75007	
Baltimore, MD 21228		Phone: 972-446-0020 Fax: 972-446-0028	
Property Subject to the Lien:		Name of Project: <u>WindCrest</u>	
Lot 1-2 Erickson Subdivision 1			
County of <u>Douglas County</u>		Person/Entity with whom claimant contracted:	
____ Legal Description attached.		Erickson Construction, L.L.C.	

1. A general description of the labor, materials, services, and/or equipment furnished is:

Labor and Materials to Install Landscape and Irrigation

2. Amount Owning: As of the date below, the sum of \$ 64,761.95, itemized:

Total Owed/Billed on Base Contract for Entire Job	\$64,761.95
All Extras	\$
Less All Payments (Invoices attached—Optional)	\$


In addition, the costs for filing/recording this lien and attorney's fees and court costs according to proof. Further, and assuming allowed by State law, the following is requested (circle one): (a) interest at the legal rate from and after the due date or (b) finance charges at _____ % per month from the due date.

3. The name and address of the general contractor is: Erickson Construction, L.L.C
701 Maiden Choice Rd, Baltimore, MD 21228

Dated: 10/20/09

LMI Landscapes, Inc.
 (Name of Claimant/Co. Furnishing Material and Equipment)

Name & Title: Michael Burks, CFO



 (Signature)

#2009086011, 11/10/2009 at 01:33:10 PM,
 1 OF 2, Rec Fee \$11.00
 Douglas County CO Jack Arrowsmith,
 Clerk & Recorder

NOTARY

STATE OF TEXAS
COUNTY OF DALLAS

I, Michael Burks, being of lawful age and being first duly sworn upon oath, do say that I am the Chief Financial Officer of the claimant herein named; that I have read the within amended statement of lien and abstract of indebtedness and know the contents thereof; and that the same is true and correct, to the best of my knowledge, information and belief, and is made on behalf of the claimant.



Michael Burks, CFO

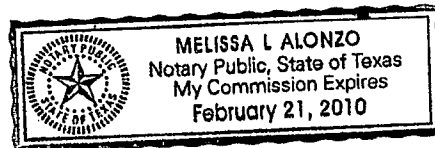
Subscribed and sworn to before me in the County of Dallas, State of Texas, on this date of October 20, 2009.

Witness my hand and official seal.



Notary Public

My Commission Expires: 2/21/2010



STATEMENT OF LIEN

The undersigned makes the following Statement of Lien:

Owner / Reputed Owner with Address: Erickson Construction, L.L.C. MSRESS III DENVER CAMPUS LLC 701 Maiden Choice Rd. Baltimore, MD 21228	Lien Claimant and Address: LMI Landscapes, Inc. 1437 Halsey Way Carrollton, TX 75007 Phone: 972-446-0020 Fax: 972-446-0028
Property Subject to the Lien: Lot 1-2 Erickson Subdivision 1	Name of Project: WindCrest
County of Douglas County Legal Description attached.	Person/Entity with whom claimant contracted: Erickson Construction, L.L.C.

1. A general description of the labor, materials, services, and/or equipment furnished is:

Labor and Materials to Install Landscape and Irrigation

2. Amount Owning: As of the date below, the sum of \$ 64,761.95, itemized:

Total Owed/Billed on Base Contract for Entire Job	\$64,761.95
All Extras	\$
Less All Payments (Invoices attached—Optional)	\$

In addition, the costs for filing/recording this lien and attorney's fees and court costs according to proof. Further, and assuming allowed by State law, the following is requested (circle one): (a) interest at the legal rate from and after the due date or (b) finance charges at % per month from the due date.

3. The name and address of the general contractor is: Erickson Construction, L.L.C
701 Maiden Choice Rd, Baltimore, MD 21228

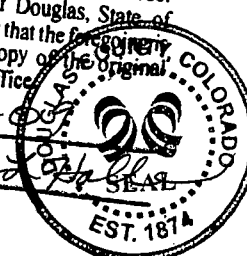
Dated: 10/20/09 LMI Landscapes, Inc.
(Name of Claimant/Co. Furnishing Material and Equipment)

Name & Title: Michael Burks, CFO (Signature)

County Clerk and Recorder
in and for the County of Douglas, State of
Colorado, do hereby certify that the foregoing
a full, true and correct copy of the original
document recorded in my office.

Date 11-10-09

By Karen [Signature]
Deputy Clerk & Recorder



NOTARY

STATE OF TEXAS
COUNTY OF DALLAS

I, Michael Burks, being of lawful age and being first duly sworn upon oath, do say that I am the Chief Financial Officer of the claimant herein named; that I have read the within amended statement of lien and abstract of indebtedness and know the contents thereof; and that the same is true and correct, to the best of my knowledge, information and belief, and is made on behalf of the claimant.



Michael Burks, CFO

Subscribed and sworn to before me in the County of Dallas, State of Texas, on this date of October 20, 2009.

Witness my hand and official seal.



Notary Public

My Commission Expires: 2/21/2010

