

UNITED STATES BANKRUPTCY COURT Northern District of Texas (Dallas Division)

PROOF OF CLAIM

Name of Debtor: ERICKSON RETIREMENT COMMUNITIES

Case Number: 09-37010-SG11

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): CURTIS ENGINE & EQUIPMENT INC

Check this box to indicate that this claim amends a previously filed claim.

Name and address where notices should be sent:

20835749002591 CURTIS ENGINE & EQUIPMENT INC 3918 VERO ROAD STE K&L BALTIMORE, MD 21227-1516

RECEIVED DEC 28 2009

Court Claim Number: (If known)

Filed on:

Name and address where payment should be sent (if different from above): BMC GROUP

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.

Telephone number:

Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ 503.50

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.

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.

2. Basis for Claim: SERVICES PERFORMED (See instruction #2 on reverse side.)

Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).

3. Last four digits of any number by which creditor identifies debtor: 3837

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).

3a. Debtor may have scheduled account as: (See instruction #3a on reverse side.)

4. Secured Claim (See instruction #4 on reverse side.)

Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).

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).

Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).

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.

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: Real Estate Motor Vehicle 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: \$ Basis for perfection:

Amount of Secured Claim: \$ 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: 12/23/09

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.

R.I. Wason RONALD L. WASON VP FINANCE

FOR COURT USE ONLY

Erickson Ret. Comm. LLC



00179

# Curtis Engine & Equipment, Inc.

3920 Vero Road • Suites I & J • Baltimore, MD 21227-1516  
 410-536-1203 • 800-573-9200 • Fax 410-536-2098  
 Web Address: www.curtisengine.com



## INVOICE

Federal ID No. 52-0542801

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ERICKSON RETIREMENT  
 COMMUNITIES  
 MAIL STOP 101  
 PO BOX 301  
 LINTHICUM MD 21901

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ERICKSON RETIREMENT <sup>410-402-2490</sup>  
 COMMUNITIES  
 5525 RESEARCH PARK DRIVE  
 BALTIMORE MD 21228

INVOICE NO.	INVOICE DATE	ORDER NO.	ORDER DATE	CUST. NO.	CUSTOMER P.O. NO.	TERMS	SALESPERSON
50066	10/09/09	53506	10/08/09	3337	ROBERT ALBRIGHT	NET 30 DAYS	HOU

QUANTITY	U/M	ITEM/DESCRIPTION	DISC.	UNIT PRICE	AMOUNT
		***** DUPLICATE COPY *****			
		Contract#: 3337 PERFORMED GENERATOR PM INSPECTION			
		S/O:00100027197 Date:10/08/09 Tech:15 STUART THACKER			
		PMSEV KATOLIGHT CD1000RX6T2 SN:157971-0508			475.00
4	Hrs	RT-GEN REGULAR TIME - GENERATOR 09/29/09 *** Non-Billable ***		0.000	.00
		Subtotal			475.00
		Sales Tax			28.50
		Total Due On 11/08/09			503.50
THANKS FOR YOUR BUSINESS					

*Generator Specialists for Over 60 Years*

SEE REVERSE SIDE FOR TERMS OF SALE  
 AND LIMITED WARRANTY POLICY.

CUSTOMER

F.O.B. Shipping Point

**LIMITED WARRANTY POLICY**  
of  
**CURTIS ENGINE & EQUIPMENT, INC.**  
for  
**Service, Repair, Parts and Material**

**1. PARTS AND MATERIAL.** Curtis does not warrant, either expressly or impliedly, any parts or material. The owner's sole remedy is the warranty of the manufacturer.

**2. SERVICE, REPAIR, AND WORKMANSHIP.** Curtis warrants service and repairs as free from defects in workmanship for ninety (90) days following completion of the work order. For this purpose, the date of the invoice is the first day of the ninety (90) day period and all claims must be made within the ninety (90) day period.

**3. LIMIT OF LIABILITY.** The liability of Curtis and the remedy of the owner for defects in workmanship are limited to repair of the goods upon return to Curtis Engine & Equipment, Inc., 3920 Vero Road, Suites I & J, Baltimore, MD 21227-1516, freight prepaid. In no event is Curtis liable for incidental or consequential damages due to defective service, repair, workmanship, parts or material.

**4. ADJUSTMENTS.** Where work is performed at any location other than 3920 Vero Road, Suites I & J, Baltimore, MD:

Except as indicated below, this warranty does not include travel time and mileage labor for the removal of the product from its application and reinstallation:

- a) Where the customer requested removal and installation and Curtis invoiced on the warranted work order, Curtis will pay up to a maximum of 8 hours.
- b) Curtis will pay travel time and mileage up to a maximum of 4 hours and 150 miles.

THIS WARRANTY AND CURTIS' OBLIGATION HEREUNDER IS IN LIEU OF ALL WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING WITHOUT LIMITATION THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, AND ALL OTHER OBLIGATIONS OR LIABILITIES, INCLUDING BUT NOT LIMITED TO, LIABILITY FOR INCIDENTAL AND CONSEQUENTIAL DAMAGE.

**TERMS**

Our terms are net 30 days from the date of invoice. A service charge of 1½% per month (18% per annum) is assessed on past due balances.

Should it become necessary to collect past due amounts through an attorney, the undersigned agrees to pay all costs of collecting the obligation including an attorney's fee of 25%.

Storage charges on unclaimed equipment after 30 days will be \$10.00 per day.

**CURTIS ENGINE & EQUIPMENT, INC.**  
3920 VERO ROAD  
SUITES I & J  
BALTIMORE, MD 21227-1516  
410-536-1203  
800-573-9200  
FAX 410-536-2098

## UNITED STATES BANKRUPTCY COURT Northern District of Texas

**Notice of  
Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines**

A chapter 11 bankruptcy case concerning the debtor(s) listed below was filed on 10/19/09.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below.

**NOTE:** The staff of the bankruptcy clerk's office cannot give legal advice.

**See Reverse Side For Important Explanations**

Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Erickson Retirement Communities, LLC  
701 Maiden Choice Lane  
Baltimore, MD 21228

Case Number:  
09-37010-sgj11

Social Security / Individual Taxpayer ID / Employer Tax ID / Other  
nos:  
52-2003375

Attorney for Debtor(s) (name and address):

Vincent P. Slusher  
DLA Piper LLP US  
1717 Main Street  
Suite 4600  
Dallas, TX 75201  
Telephone number: (214) 743-4572

**Meeting of Creditors**

Date: **November 30, 2009**

Time: **02:00 PM**

Location: **Office of the U.S. Trustee, 1100 Commerce St., Room 752, Dallas, TX 75242**

**Deadline to File a Proof of Claim**

Proof of claim must be *received* by the bankruptcy clerk's office by the following deadline:

For all creditors (except a governmental unit): **2/28/10**

For a governmental unit:

**Creditor with a Foreign Address:**

A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.

**Deadline to File a Complaint to Determine Dischargeability of Certain Debts:**

**Creditors May Not Take Certain Actions;**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

**Address of the Bankruptcy Clerk's Office:**

1100 Commerce Street  
Room 1254  
Dallas, TX 75242  
Telephone number: 214-753-2000

**For the Court:**

Clerk of the Bankruptcy Court:  
Tawana C. Marshall

Hours Open: Monday - Friday 8:30 AM - 4:30 PM

Date: 10/23/09