

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

PROOF OF CLAIM

Name of Debtor: **Erickson Construction, LLC**

Case Number: **09-37016**

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):

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

Name and address where notices should be sent:

20835747000911
LMI LANDSCAPES
1437 HALSEY WAY
CARROLTON, TX 75007
972-446-0020

YOUR CLAIM IS SCHEDULED AS:
Schedule/Claim ID: s1029
AMOUNT/CLASSIFICATION
\$64,761.95 UNSECURED

Court Claim Number: _____
(If known)

Filed on: _____

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

RECEIVED
JAN 08 2010
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: **\$ 64,761.95**

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.

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

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).

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.

2. Basis for Claim: **Landscape & Irrigation Installation**
(See instruction #2 on reverse side.)

3. Last four digits of any number by which creditor identifies debtor: **3058**

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: 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: \$ **64,761.95** Basis for perfection: **Lien**

Amount of Secured Claim: \$ **64,761.95** 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: **1/7/10**

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.

Jody C'Donnell, President

FOR COURT USE ONLY

Erickson Ret. Comm. LLC



00322

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

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.

Amount Billed \$4,130.80

Total Tax

Retainage Held

\$4,130.80

Original

DATE DUE: 07-19-2009

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~~

7 Repair Landscape Around Link Columns on PO Items Budget Code: 170005-48700 PO Items Total: \$4,130.80
Mill Vista Road Damages during Construction activity
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

THIS ORDER IS SUBJECT TO THE TERMS AND CONDITIONS AS STATED IN THIS DOCUMENT HEREOF AND ADDENDUM A INCLUDED.

NOTE: IF THIS ORDER INCLUDES LABOR, INDICATE SCHEDULED VALUE ABOVE.

PURCHASER:	Erickson Construction, LLC.
By:	<i>[Signature]</i> Jim Freiberg
Date:	5/14/09
Seller:	LMI Landscapes, LLC.
By:	<i>[Signature]</i> Jody O'Donnell, President
Date:	5/19/09
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	Retainage billed	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>
		<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

FROM: LMI Landscapes, LLC.

APPLICANT NO.: 14
 PERIOD TO: 4/16/09

1. Original Contract Amount	\$ <u>544,537.76</u>
2. Change Orders Issued to Date (Thru C.O. # <u> </u>)	\$ <u>228,759.21</u>
3. Contract Sum to Date (Line 1+2)	\$ <u>773,290.97</u>
4. Total Completed & Stored to Date	\$ <u>773,290.97</u>
5. Less Retainage (<u> </u> %)	\$ <u>97,628.87</u>
6. Total Earned to Date Less Retainage (Line 4-5)	\$ <u>763,528.10</u>
7. Less Previous Requisitions	\$ <u>750,538.23</u>
8. Payment Due This Period (Line 6-7)	\$ <u>12,989.87</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: 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	\$ <u> </u>
PROGRESS BILLING	\$ <u> </u>
RETAINAGE HELD	\$ <u> </u>
TOTAL AMOUNT DUE	\$ <u> </u>
PROJECT NUMBER	<u>554SW1B</u>
COST CODE #	<u>48400-029000</u>
APPROVED BY	<u> </u>
APPROVED DATE	<u> </u>

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	<u> </u>
REVIEWED BY	<u> </u>

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)	WORK COMPLETED THIS PERIOD					
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									
IRRIGATION 1A PHASE 2/3									
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									
PHASE 1									
1	PHASE 1	\$ 176,094.80	\$ 176,094.80	\$ -	\$ -	\$ -	\$ 176,094.80	\$ -	\$ -
2	EXISTING TREE TRANSPLANTING	\$ 140,262.38	\$ 140,262.38	\$ -	\$ -	\$ -	\$ 140,262.38	\$ -	\$ -
3	SITE FURNISHINGS	\$ 27,631.67	\$ 27,631.67	\$ -	\$ -	\$ -	\$ 27,631.67	\$ -	\$ -
4	ONE YEAR MAINTENANCE	\$ 6,595.00	\$ 6,595.00	\$ -	\$ -	\$ -	\$ 6,595.00	\$ -	\$ -
5	BOND	\$ 41,457.01	\$ 28,467.14	\$ 12,989.87	\$ -	\$ -	\$ 41,457.01	\$ -	\$ -
6		\$ 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									
LANDSCAPE 1A PHASE 2/3									
1	CO#1 LANDSCAPE 1A PHASE 2/3	\$ 31,095.05	\$ 31,095.05	\$ -	\$ -	\$ -	\$ 31,095.05	\$ -	\$ -
2	CO#1 CEDAR SLAT FENCE LS	\$ 7,576.00	\$ 7,576.00	\$ -	\$ -	\$ -	\$ 7,576.00	\$ -	\$ -
3	CO#1 ONE YEAR MAINTENANCE 1A	\$ 44,554.62	\$ 44,554.62	\$ -	\$ -	\$ -	\$ 44,554.62	\$ -	\$ -
4	CO#1 1A PUNCH LIST LANDSCAPE	\$ 6,713.58	\$ 6,713.58	\$ -	\$ -	\$ -	\$ 6,713.58	\$ -	\$ -
5	CO#2 CARPORTS	\$ 22,245.02	\$ 22,245.02	\$ -	\$ -	\$ -	\$ 22,245.02	\$ -	\$ -
6	CO#3 MARKETING CENTER PC#6	\$ 14,400.00	\$ 14,400.00	\$ -	\$ -	\$ -	\$ 14,400.00	\$ -	\$ -
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	\$ -	\$ -
10	CO#7 POND A REWORKS	\$ 29,612.00	\$ 29,612.00	\$ -	\$ -	\$ -	\$ 29,612.00	\$ -	\$ -
11	CO#8 ASI#6	\$ 8,219.00	\$ 8,219.00	\$ -	\$ -	\$ -	\$ 8,219.00	\$ -	\$ -
12	CO#9 DEDUCT FOR BROKEN COMCAST CONDUIT	\$ (1,256.00)	\$ (1,256.00)	\$ -	\$ -	\$ -	\$ (1,256.00)	\$ -	\$ -
13	CO#10 SNOW SCREEN	\$ 5,905.00	\$ 5,905.00	\$ -	\$ -	\$ -	\$ 5,905.00	\$ -	\$ -
14	CO#11 LANDSCAPE ADDS	\$ 38,289.00	\$ 38,289.00	\$ -	\$ -	\$ -	\$ 38,289.00	\$ -	\$ -
15		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	CHANGE ORDER SUB TOTAL	\$ 211,127.27	\$ 211,127.27	\$ -	\$ -	\$ -	\$ 211,127.27	\$ -	\$ -
	LANDSCAPE & CO TOTALS	\$ 612,554.73	\$ 599,564.86	\$ 12,989.87	\$ -	\$ -	\$ 612,554.73	\$ -	\$ -
	GRAND TOTAL	\$ 773,290.97	\$ 760,301.10	\$ 12,989.87	\$ -	\$ -	\$ 773,290.97	\$ -	\$ -



INVOICE

Invoice Date	Customer ID	Invoice ID
05-20-2009	13058	42978
Job ID	Work Order	
30-30-1112		

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>\$47,641.28</p>
<p>Original</p>		<p>Retainage Held</p> <p>2,382.06</p>
<p>DATE DUE: 06-20-2009</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

FROM: LMI Landscapes, LLC.

APPLICANT NO.: 5
 PERIOD TO: 5/20/09

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>76,352.80</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	_____

LMI# 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.

AIA DOCUMENT G703 APPLICATION NUMBER: 15 APPLICATION DATE: 5/20/2009 PERIOD TO: 5/20/2009 ARCHITECT'S PROJECT NO.:

ITEM NO.	DESCRIPTION OF WORK	C		D		E		F	G	H	I
		SCHEDULED VALUE	WORK COMPLETED FROM PREVIOUS APPLICATION (D+E)	WORK COMPLETED THIS PERIOD	MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G/C)				
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%	\$ -
2	CO#1 CEDAR SLAT FENCE LS	\$ 7,576.00	\$ 7,576.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,576.00	100%	\$ -
3	CO#1 ONE YEAR MAINTENANCE 1A	\$ 44,554.62	\$ 44,554.62	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 44,554.62	100%	\$ -
4	CO#1 1A PUNCH LIST LANDSCAPE	\$ 6,713.58	\$ 6,713.58	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,713.58	100%	\$ -
5	CO#2 CARPORTS	\$ 22,245.02	\$ 22,245.02	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 22,245.02	100%	\$ -
6	CO#3 MARKETING CENTER PC#6	\$ 14,400.00	\$ 14,400.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,400.00	100%	\$ -
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%	\$ -
10	CO#7 POND A REWORKS	\$ 29,612.00	\$ 29,612.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 29,612.00	100%	\$ -
11	CO#8 ASI#8	\$ 8,219.00	\$ 8,219.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,219.00	100%	\$ -
12	CO#9 DEDUCT FOR BROKEN COMCAST CONDUIT	\$ (1,256.00)	\$ (1,256.00)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (1,256.00)	100%	\$ -
13	CO#10 SNOW SCREEN	\$ 5,905.00	\$ 5,905.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,905.00	100%	\$ -
14	CO#11 LANDSCAPE ADDS	\$ 38,289.00	\$ 38,289.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 38,289.00	100%	\$ -
15	CO#13 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%	\$ -
	LANDSCAPE & CO TOTALS	\$ 660,196.01	\$ 612,554.73	\$ 47,641.28	\$ -	\$ -	\$ -	\$ -	\$ 660,196.01	100%	\$ -
	GRAND TOTAL	\$ 820,932.25	\$ 773,290.97	\$ 47,641.28	\$ -	\$ -	\$ -	\$ -	\$ 820,932.25	100%	\$ -



INVOICE

Invoice Date	Customer ID	Invoice ID
05-20-2009	13058	43168
Job ID	Work Order	
30-30-1112		

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 Total Tax</p>
<p>Original</p>		<p>Retainage Held</p>
<p>DATE DUE: 06-20-2009</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

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

FROM: LMI Landscapes, LLC.

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		E	F	G	H	I
		SCHEDULED VALUE	WORK COMPLETED FROM PREVIOUS APPLICATION (D+E)					
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 PLUNCH LIST LANDSCAPE	\$ 6,713.68	\$ 6,713.68	\$ -	\$ -	\$ 6,713.68	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	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -
8	CO#5 ASI#7	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -
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: 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 County of Douglas County Legal Description attached.	Name of Project: WindCrest 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)	\$

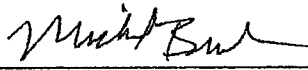
In addition, the costs for filing/recording this lien and attorney's fees and court costs according to proof. Further, and assuming allowed by State law, the following is requested (circle one): (a) interest at the legal rate from and after the due date or (b) finance charges at _____ % per month from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

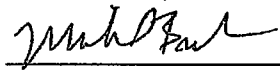

(Signature)

#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

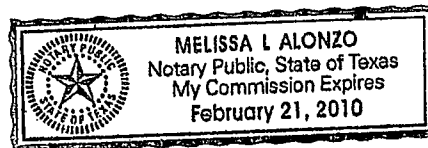
Subscribed and sworn to before me in the County of Dallas, State of Texas, on this date of October 20, 2009.

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

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

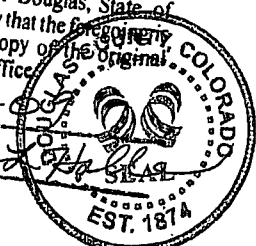
LMI Landscapes, Inc.
 (Name of Claimant/Co. Furnishing Material and Equipment)

Name & Title: Michael Burks, CFO

Michael Burks
 (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
 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

