

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:

20835747900176
KRICK PLUMBING & HEATING CO
5011 46TH AVENUE
HYATTSVILLE, MD 20781

YOUR CLAIM IS SCHEDULED AS:
Schedule/Claim ID: s969
AMOUNT/CLASSIFICATION
\$11,765.00 UNSECURED

Court Claim Number: 09-37016 (If known)

Filed on:

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

RECEIVED
JAN 22 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: \$ 11,765.00

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: 1595

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.)

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

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:

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.

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:

FOR COURT USE ONLY

Date:

1/11/10

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.

D. Barry Gore VP, CFO

Erickson Ret. Comm. LLC



00569

EXHIBIT "D"
APPLICATION AND CERTIFICATE FOR PAYMENT

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

DATE: 6/19/09

FROM: Krick Plumbing & Heating Co., Inc.

PROJECT: 557RB1.5
 JOB: WOOD FRAMED RES. BLDG.
 APPLICANT NO.: 10
 PERIOD TO: 6/30/09

1. Original Contract Amount	\$	<u>1,000,000.00</u>
Pending Contract Amount \$		_____
2. Change Orders Issued to Date (Thru C.O. # _____)	\$	<u>18,670.00</u>
3. Contract Sum to Date (Line 1+2)	\$	<u>1,018,670.00</u>
4. Total Completed & Stored to Date	\$	<u>1,018,670.00</u>
5. Less Retainage (<u>0</u> %)	\$	<u> -</u>
6. Total Earned to Date Less Retainage (Line 4-5)	\$	<u>1,018,670.00</u>
7. Less Previous Requisitions	\$	<u>1,015,270.00</u>
8. Payment Due This Period (Line 6-7)	\$	<u>3,400.00</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: 6/19/09
 (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		_____
COST CODE #		_____
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 for Payment

Krick Plumbing Heating Co.

5014 46th Ave.

Hyattsville, MD 20781

To: Erickson Construction, LLC

Attn: Michael Sights

Project: Ashby Ponds R.B. 1.5

Date 6/19/2009

Period From 6/1/2009 To 6/19/2009

Retainage 0%

Item No.	Description of Work	Scheduled Value	Work Completed Previously	Work Completed This Period	Stored Materials	Completed To Date	%	Balance	
								To Finish	Retainage
1	Mobilization/Permits	20,000	20000	0	0	20000	100%	0	0
2	Bond	10,000	10000	0	0	10000	100%	0	0
3	Drains/Hydrants	3,000	3000	0	0	3000	100%	0	0
4	Garage area hung san. (test & tie-in only)	4,000	4000	0	0	4000	100%	0	0
5	Sanitary risers	79,000	79000	0	0	79000	100%	0	0
6	Sanitary run-outs	89,000	89000	0	0	89000	100%	0	0
7	Attic vents	17,500	17500	0	0	17500	100%	0	0
8	Water Service	5,000	5000	0	0	5000	100%	0	0
9	Dom. water Mains	139,000	139000	0	0	139000	100%	0	0
10	Dom. water Risers	54,000	54000	0	0	54000	100%	0	0
11	Dom. water run-outs	138,000	138000	0	0	138000	100%	0	0
12	Dom. Hot water recirc.	25,000	25000	0	0	25000	100%	0	0
13	Gas piping	10,000	10000	0	0	10000	100%	0	0
14	Fixtures rough-in	20,000	20000	0	0	20000	100%	0	0
15	Tubs/Showers	154,000	154000	0	0	154000	100%	0	0
16	Misc. fixtures	125,000	125000	0	0	125000	100%	0	0
17	Dom. hot water heaters	30,000	30000	0	0	30000	100%	0	0
18	Dom. hot water aux., (circ. pumps, et, mixing valves)	30,000	30000	0	0	30000	100%	0	0
19	Elev. sump pump	4,500	4500	0	0	4500	100%	0	0
20	HWH direct vents	2,500	2500	0	0	2500	100%	0	0
21	Insulation	17,000	17000	0	0	17000	100%	0	0
22	Heat Trace	8,500	8500	0	0	8500	100%	0	0
23	Start-Up	15,000	15000	0	0	15000	100%	0	0
TOTAL		1,000,000	1,000,000	0	0	1000000	100%	0	0

Application for Payment

Krick Plumbing Heating Co.
 5011 46th Ave.
 Hyattsville, MD 20781

Change Orders

Item No.	Description of Work	Scheduled Value	Work Completed		Materials To Date	Stored Completed	Complete %	Balance To Finish	Retainage
			Previously	This Period					
1	KPH CO #6,7&8 New Mop Sink, Exp Loops & OT	7814.00	7,814.00	0.00	0.00	7,814.00	100%	0.00	0.00
2	KPH CO #2,3 Circ Pump & Mixing Valves	7456.00	7,456.00	0.00	0.00	7,456.00	100%	0.00	0.00
3	KPH CO #11,10,5,4,1,9	3400.00	0.00	3,400.00	0.00	3,400.00	100%	0.00	0.00
4		0	0	0	0	0.00	#DIV/0!	0.00	0.00
TOTAL		18,670	15,270	3,400	0	18,670	100%	0.00	0.00

EXHIBIT "D"
APPLICATION AND CERTIFICATE FOR PAYMENT

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

DATE: 6/22/09
 PROJECT: 557RB16
 JOB: Residential wood building over a
 cast in place concrete parking garage
 with 14" post tension deck.


FROM: Krick Plumbing & Heating Co., Inc.

APPLICANT NO.: 5
 PERIOD TO: 6/30/09

1. Original Contract Amount	\$ 1,000,000.00
2. Change Orders Issued to Date (Thru C.O. #)	\$ (-925,000.00)
3. Contract Sum to Date (Line 1+2)	\$ 75,000.00
4. Total Completed & Stored to Date	\$ 75,000.00
5. Less Retainage (%)	\$ -
6. Total Earned to Date Less Retainage (Line 4-5)	\$ 75,000.00
7. Less Previous Requisitions	\$ 67,500.00
8. Payment Due This Period (Line 6-7)	\$ 7,500.00

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:  Date: 6/22/09
 (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 557RB16
 COST CODE # 48400-154000
 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 for Payment

Krick Plumbing Heating Co.

5011 46th Ave.

Hyattsville, MD 20781

To: Erickson Construction, LLC

Attn: Alan Jackson

Project: Ashby Ponds ILB 1.6

Date 6/22/2009

Period From 6/1/2009 To: 6/30/2009

Retainage 0%

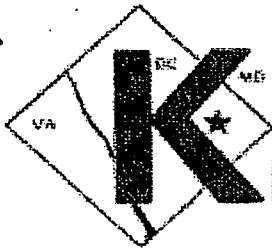
Item No.	Description of Work	Scheduled Value	Work Completed Previously	Work Completed This Period	Stored Materials	Completed To Date	% Complete	Balance To Finish	Retainage
1	Mobilization/Bonds/Permits	35,000	35,000	0	0	35,000	100%	0	0
2	Below Grade Garage Drainage	25,000	25,000	0	0	25,000	100%	0	0
3	Foundation Drainage NIC	0	0	0	0	0	#DIV/0!	0	0
4	Garage Area Hung Sanitary	73,000	10,000	0	0	10,000	14%	63,000	0
5	Misc. Drains/Hydrants	5,000	4,500	0	0	4,500	90%	500	0
6	Sanitary Risers	90,000	500	0	0	500	1%	89,500	0
7	Sanitary Run-outs	100,000	0	0	0	0	0%	100,000	0
8	Attic Vents	18,000	0	0	0	0	0%	18,000	0
9	Dom. Water Mains	145,000	0	0	0	0	0%	145,000	0
10	Dom. Water Risers	45,000	0	0	0	0	0%	45,000	0
11	Dom Water Recirc	25,000	0	0	0	0	0%	25,000	0
12	Gas Piping	10,000	0	0	0	0	0%	10,000	0
13	Fixture Rough-in	20,000	0	0	0	0	0%	20,000	0
14	Tubs/Showers	170,000	0	0	0	0	0%	170,000	0
15	Misc. Fixtures	135,000	0	0	0	0	0%	135,000	0
16	Dom. Hot Water Heaters	30,000	0	0	0	0	0%	30,000	0
17	Dom. Hot Water Aux's (circ. Pumps, ET, mix valves)	30,000	0	0	0	0	0%	30,000	0
18	Elev Sump	4,500	0	0	0	0	0%	4,500	0
19	HWH Direct Vents	2,500	0	0	0	0	0%	2,500	0
20	Insulation	17,000	0	0	0	0	0%	17,000	0
21	Heat Trace	5,000	0	0	0	0	0%	5,000	0
22	Start-up	15,000	0	0	0	0	0%	15,000	0
TOTAL		1,000,000	75,000	0	0	75,000	8%	925,000	0

Application for Payment

Krick Plumbing Heating Co.
 5011 46th Ave.
 Hyattsville, MD 20781

Change Orders

Item No.	Description of Work	Scheduled Value	Work Completed Previously	Work Completed This Period	Stored Materials To Date	Complete %	Balance To Finish	Retainage
1	REDUCE CONTRACT PRICE	(925000.00)	0.00	-925,000.00	0.00	100%	0.00	0.00
2		0.00	0.00	0.00	0.00	#DIV/0!	0.00	0.00
3		0.00	0	0	0	#DIV/0!	0.00	0.00
4		0	0	0	0	#DIV/0!	0.00	0.00
	TOTAL	-925,000	0	-925,000	0	100%	0.00	0.00



(301) 927-5284

FAX (301) 927-2728

PLUMBING & HEATING COMPANY, INC.

5011 46th AVE. ♦ HYATTSVILLE, MD 20781

INVOICE

To: Erickson Construction @ Ashby Ponds
20159 Loudoun County Parkway
Ashburn, VA 20147

Date: 18-Jun-09

Invoice No.: 2235

Attn: Mike Sights

Order No.: _____

Project: Ashby Ponds ILB 1.4

Terms: Due Upon Receipt

Description of work installed:

Revise duct work at relocated louver located in CB 1.0

Please find the attached KPH PO # 24.

INVOICE TOTAL = \$865.00

KPH OFFICE USE ONLY

Job No. : - <u>KP 93-Q</u>	Total Invoice / Project Amount	\$865.00
	Amount Invoiced	\$ 865.00
	Amount Paid	\$ -
	Paid Date	
	Balance Due	\$ 865.00

xc: RG, PD, MB, K-25

2235



(301) 927-5284

FAX (301) 927-2728

PLUMBING & HEATING COMPANY, INC.

5011 46th AVE. • HYATTSVILLE, MD 20781

4/10/2009

Attn: Don Landers
Erickson Construction @ Ashby Ponds
21222 Ashby Ponds Blvd.
Ashburn, VA 20147

RE: Ashby Ponds CB 1.0 CO #: KP-47-W-0024
Description: Revise Ductwork at Relocated Louver

CHANGE REQUEST

Work Description: Time and material to demo and relocate ductwork at relocated louver. All work is to be done during normal work hours. Louver relocation is by others.

All work is to be performed under the same terms and conditions as specified in the original contract unless otherwise stipulated. Proposal is good for 30 days after the date listed above. After 30 days, KPH reserves the right to withdraw or revise this proposal.

TOTAL CHANGE REQUEST

\$865.00

Sincerely,

Chris Wheeler, Project Manager
Krick Plumbing & Heating

File: K-17

CC: PM, RG, MB, SW, PD

Krick Plumbing Heating Co.
5011 46th Ave.
Hyattsville, MD 20781

To: Erickson Construction
Job Name Ashby Ponds CB 1.0
P.C. # -
A.S.I. # -
RFI # -

Date: 4/10/2009
Job No.
KPH CO No.

Description: Demo and relocate ductwork at relocated louver.

1. Permits		\$0.00
2. Equipment	\$0.00	
3. Rough Material	\$125.00	
4. Misc. Equipment	\$0.00	
5. Material & Equipment Sub-Total		\$125.00
6. Sales Tax	6.0%	\$7.50
7. Labor Cost		
a. Plumbing MH	\$0.00	
b. SM MH	\$616.00	
8. Labor Cost		\$616.00
9. Jobsite Expenses		
a. Equipment Rental	\$0.00	
b. Welding Machine	\$0.00	
c. Core Drill	\$0.00	
d. Excavation	\$0.00	
10. Jobsite Expenses Sub - Total		\$0.00
11. Subcontractors		
a. Sheet Metal	\$0.00	
b. Insulation	\$0.00	
c. Temp. Controls	\$0.00	
d. Balancing	\$0.00	
e. Misc.	\$0.00	
12. Subcontractor Sub - Total		\$0.00
13. Misc. Expenses		
a. Engineering, Drafting, Reproductions	\$0.00	
b. As-Built Drawings, O&M Manuals	\$0.00	
14. Misc. Expenses Sub- Total		\$0.00
15. Change Order Subtotal		\$748.50
16. Overhead	10%	\$74.85
17. Profit	5%	\$41.17
18. Bond	0%	\$0.00
19. TOTAL CHANGE ORDER AMOUNT		\$864.52