

UNITED STATES BANKRUPTCY COURT Northern District of Texas

PROOF OF CLAIM

Name of Debtor: Erickson Construction, LLC

Case Number: 09-37016-sqi11

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): Sherman Mechanical, Inc.

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

Name and address where notices should be sent:

James F. Bishop & Associates  
550 W. Woodstock Street, Crystal Lake, IL 60014

FILED  
FEB 08 2010

Court Claim Number: (If known)

Telephone number: (815) 455-0244

Filed on:

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

Sherman Mechanical, Inc.  
1075 Alexander Court, Cary, IL 60013

TAWANA C. MARSHALL, CLERK  
U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

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: (847) 462-1020

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

1. Amount of Claim as of Date Case Filed: \$ 268,512.00

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.

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.

Specify the priority of the claim.

2. Basis for Claim: construction contract (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: 1414

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.)

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

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

RECEIVED

Value of Property: \$ 1,000,000.00 Annual Interest Rate 9%

FEB 11 2010

Amount of arrearage and other charges as of time case filed included in secured claim if any: \$ 268,512.00 Basis for perfection: mechanic's lien

BMC GROUP

Amount of Secured Claim: \$ 268,512.00 Amount Unsecured: \$

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).

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

Other - Specify applicable paragraph of 11 U.S.C. §507 (a)( ).

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.)

Amount entitled to priority:

\$

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

\*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.

If the documents are not available, please explain:

Date: 02/01/2010

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.

David A. Kerrigan

David Kerrigan, President

FOR COURT USE ONLY

Erickson Ret. Comm. LLC



00840



MECHANIC'S LIEN:  
CLAIM

STATE OF ILLINOIS

COUNTY OF Lake

Image# 044981310002 Type: LNF  
Recorded: 07/07/2009 at 09:14:37 AM  
Receipt#: 2009-00031841  
Total Amt: \$39,00 Page 1 of 2  
IL Rental Housing Fund: \$10.00  
Lake County IL Recorder  
Mary Ellen Vanderverter Recorder  
File **6493803**

SHERMAN MECHANICAL, INC.

CLAIMANT

-VS-

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

DEFENDANT(S)

The claimant, SHERMAN MECHANICAL, INC. of Cary, IL 60013, County of McHenry, hereby files a claim for lien against ERICKSON CONSTRUCTION, LLC, contractor of 703 Maiden Choice Lane, Baltimore, State of MD and Lincolnshire Campus, LLC Chicago, IL 60604-1101 {hereinafter referred to as "owner(s)"} and Sedgebrook, Inc. Chicago, IL 60604-1101 Manufacturers and Traders Trust Company, as Bond Trustee Buffalo, NY 14203 {hereinafter referred to as "lender(s)"} and states:

That on or about 11/16/2007, the owner owned the following described land in the County of Lake, State of Illinois to wit:

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

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

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

and ERICKSON CONSTRUCTION, LLC was the owner's contractor for the improvement thereof. That on or about 11/16/2007, said contractor made a subcontract with the claimant to provide labor and material for plumbing for and in said improvement, and that on or about 05/15/2009 the claimant completed thereunder all that was required to be done by said contract.

The following amounts are due on said contract:

Contract	\$1,833,122.00
Extras/Change Orders	\$0.00
Credits	\$0.00
Payments	\$1,564,609.50
<b>Total Balance Due</b>	<b>\$268,512.50</b>

leaving due, unpaid and owing to the claimant after allowing all credits, the sum of **Two Hundred Sixty-Eight Thousand Five Hundred Twelve and Five Tenths (\$268,512.50) Dollars**, for which, with interest, the Claimant claims a lien on said land, beneficial interests, if any, and improvements, and on the moneys or other considerations due or to become due from the owner under said contract.

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

IN WITNESS WHEREOF, the undersigned has signed this instrument on June 23, 2009.

SHERMAN MECHANICAL, INC.

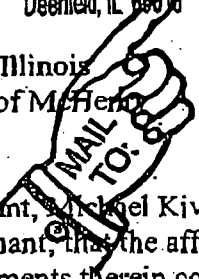
BY: [Signature]  
Michael Kivland President

Prepared By:

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

VERIFICATION

State of Illinois  
County of McHenry

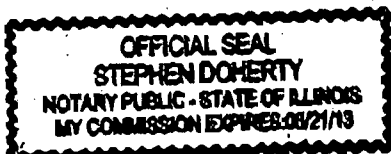


The affiant, Michael Kivland, being first duly sworn, on oath deposes and says that the affiant is President of the claimant, that the affiant has read the foregoing claim for lien and knows the contents thereof, and that all the statements therein contained are true.

[Signature]  
Michael Kivland President

Subscribed and sworn to  
before me this June 23, 2009.

[Signature]  
Notary Public's Signature



**LAW OFFICE OF  
JAMES F. BISHOP & ASSOCIATES**

550 Woodstock Street  
Crystal Lake, Illinois 60014  
(815) 455-0244  
FACSIMILE (815) 455-7124

**JAMES BISHOP**

Admitted in Illinois and Nevada  
Direct Number:  
(815) 455-1414

[WWW.JBISHOPLAW.COM](http://WWW.JBISHOPLAW.COM)

E-mail: [jfbishop33@yahoo.com](mailto:jfbishop33@yahoo.com)

February 2, 2010

U.S. Bankruptcy Court  
Northern District of Texas  
1100 Commerce Street, Room 1254  
Dallas, Texas 75242-1496

RE: Sherman Mechanical, Inc. Proof of Claim relating to Erickson  
Retirement Communities, LLC, et al.  
Case No. 09-37016-sgi11)

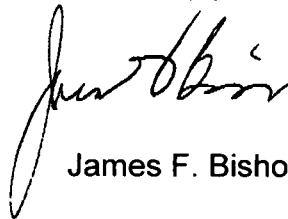
Dear Clerk:

Please find enclosed Sherman Mechanical, Inc.'s original Proof of Claim in the above referenced matter along with supporting documents.

Also enclosed is a copy of Sherman's Proof of Claim to be file stamped and returned to our office in the self addressed stamped envelope.

Should you have any questions please contact the undersigned. Your assistance in this matter is greatly appreciated.

Very truly yours,



James F. Bishop

JFB:naw  
encls.

C:\JFB\Sherman Mechanical\Erickson Retirement Bankruptcy--Texas\Bankruptcy Clerk letter February 2, 2010.doc