

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) Ascher Brother Co., Inc.

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

Name and address where notices should be sent

ASCHER BROTHERS CO, INC 3033 W FLETCHER STREET CHICAGO, IL 60618

YOUR CLAIM IS SCHEDULED AS Schedule/Claim ID s1025 AMOUNT/CLASSIFICATION \$208,228.97 UNSECURED

Court Claim Number: (If known)

Filed on

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

RECEIVED FEB 19 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: \$ 227,185.82

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 Itemized statement attached.

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:

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

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)

Nature of property or right of setoff: Real Estate Motor Vehicle Other Describe:

Value of Property: \$ Unknown Annual Interest Rate %

Amount of arrearage and other charges as of time case filed included in secured claim,

If any: \$ 227,185.82 Basis for perfection: Properly Filed Mechanics Lien

Amount of Secured Claim: \$ 227,185.82 Amount Unsecured: \$ 0

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

Amount entitled to priority:

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

If the documents are not available, please explain Documents Attached

*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

Date: 2/8/2010

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

FOR COURT USE ONLY

Erickson Ret. Comm. LLC



00916



CERTIFICATION

I, Mary Ellen Vanderverter, Recorder for the County of Lake, State of Illinois, do hereby certify this to be a true and correct copy of Document Number 6505975 recorded August 3, 2009 as it appears from the records and microfilm in my office. In witness hereof, I have hereunto set my hand and affixed the seal of my office.

DATE: November 12, 2009


[Seal]

Mary Ellen Vanderverter
Mary Ellen Vanderverter
Lake County Recorder

by *J. A. Puller*
Clerk, Recorder's Office

18 N County St – Second Floor
Waukegan, IL 60085-4358
(847) 377-2678
fax (847) 984-5860

STATE OF ILLINOIS)
) SS.
COUNTY OF LAKE)


Image# 045093320003 Type: LNM
Recorded: 05/03/2009 at 09:29:18 AM
Receipt#: 2009-00036760
Total Amt: \$39.00 Page 1 of 3
IL Rental Housing Fund: \$10.00
Lake County IL Recorder
Mary Ellen Vanderventer Recorder
File **6505975**

**SUBCONTRACTOR'S CLAIM FOR LIEN
(PRIVATE CONSTRUCTION)**

IN THE OFFICE OF THE
RECORDER OF DEEDS
LAKE COUNTY, ILLINOIS

THE UNDERSIGNED LIEN CLAIMANT, Ascher Brothers Co., Inc., of 3033 West Fletcher Street, Chicago, Illinois 60618 hereby records a claim for Mechanics' Lien against Erickson Construction, LLC c/o C T Corporation System, Registered Agent, 208 South LaSalle Street, Suite 814, Chicago, Illinois 60604 (herein referred to as "Contractor"); Lincolnshire Campus, LLC, c/o C T Corporation System, Registered Agent, 208 South LaSalle Street, Suite 814, Chicago, Illinois 60604 (herein referred to as "Owner"); Manufacturers and Traders Trust Company, c/o Mortgage Resource Department, 1 Fountain Plaza, 7th Floor, Buffalo, New York 14203 (herein referred to as "Lender"); Sedgebrook, Inc. c/o C T Corporation System, Registered Agent, 208 South LaSalle Street, Suite 814, Chicago, Illinois 60604 (herein referred to as "Lender and Operator"); Erickson Retirement Communities, LLC, c/o C T Corporation System, Registered Agent, 208 South LaSalle Street, Suite 814, Chicago, Illinois 60604 (herein referred to as "Developer"); and, Wallace Roberts & Todd, LLC, 1700 Market Street, Philadelphia, Pennsylvania 19103 (herein referred to as "Architect"), and all other persons having or claiming an interest in the below described real estate, and in support thereof states as follows:

1. On July 30, 2008, Owner owned the following described real estate in the County of Lake, State of Illinois, to wit:

3

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, LAKE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 5, 2005 AS DOCUMENT NUMBER 5870940.

Commonly known as Sedgebrook Renaissance Gardens 1.0, 960 Audubon Way, Lincolnshire, Illinois 60069, and having the following permanent index numbers 15-23-302-001 and 15-22-406-001, and herein together with all improvements referred to as the "premises."

2. On a date unknown to Lien Claimant, Owner, Owner's Tenant or one knowingly permitted by the Owner to do so entered into a contract with Contractor wherein Contractor was to provide labor, materials and equipment for the construction of repairs, alterations and improvements to and for the benefit of the premises.

3. By written contract dated July 30, 2008 and accepted October 17, 2008, Contractor made a subcontract with Lien Claimant to furnish and supply painting work, labor, materials and equipment to the premises in the amount of Three Hundred Thirty Thousand Eight Hundred and 00/100 Dollars (\$330,800.00) for said improvement.

4. At the special insistence and request of said Owner and Contractor, the Lien Claimant furnished extra and additional materials and extra and additional labor on said premises of the value of Forty-Seven Thousand Three Hundred Twenty-Four and 00/100 Dollars (\$47,324.00).

5. On May 15, 2009, Lien Claimant substantially completed all required by said contract.

6. Contractor is entitled to credits from Lien Claimant for payments of: \$169,895.03 leaving due, unpaid and owing to Lien Claimant, after allowing all credits, the sum of \$208,228.97 for which, with interest at ten percent (10%) per annum accruing from the date last worked and attorney's fees, Lien Claimant claims a lien on the premises and improvements and to monies or other considerations due or to become due from Owner under said contract between Contractor and Owner.

JENNER & BLOCK

February 18, 2010

Jenner & Block LLP
353 N. Clark Street
Chicago, IL 60654-3456
Tel 312-222-9350
www.jenner.com

Chicago
Los Angeles
New York
Washington, DC

BY OVERNIGHT DELIVERY

BMC Group, Inc.
Attn: Erickson Retirement Communities, LLC
Claims Processing
18750 Lake Drive East
Chanhassen, MN 55317

Tel 312 840-7801
Fax 312 527-0484
mmatlock@jenner.com

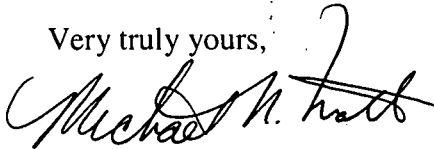
Re: In re Erickson Construction LLC, Case No. 09-37016

Ladies and Gentlemen:

Enclosed for filing in the above-referenced case is an original and two copies of the proof of claim of Ascher Brothers Co., Inc. Also enclosed is a self-addressed, prepaid overnight return envelope. Please return a filed/received stamped copy of the claim as return to me.

Should you have any questions, please don't hesitate to contact me.

Very truly yours,



Michael H. Matlock
Senior Paralegal

MHM:pjh
Enclosures