


<b>UNITED STATES BANKRUPTCY COURT</b>		<b>PROOF OF CLAIM</b>
Name of Debtor: <b>Erickson Retirement Communities</b>		Case Number: <b>09-37010-sgj11</b>
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): <b>Mutual Electric Co.</b>		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.  Court Claim Number: _____ (If known)  Filed on: _____
Name and address where notices should be sent: <b>Mutual Electric Co., c/o Michael J. Madigan, Esq. and Christy A. Prince, Esq.; Kegler, Brown, Hill &amp; Ritter Co., LPA; 65 East State Street, Suite 1800; Columbus, OH 43215</b>		
Telephone number: <b>(614) 462-5400</b>		
Name and address where payment should be sent (if different from above):		<input type="checkbox"/> 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.  <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
Telephone number:		
RECEIVED  FEB 22 2010  BMC GROUP		
1. Amount of Claim as of Date Case Filed: \$ <u>491,618.37</u>		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.  <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> 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).  <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).  <input type="checkbox"/> 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).  <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).  <input type="checkbox"/> 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.
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.		
<input type="checkbox"/> 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.		
2. Basis for Claim: <u>Goods and services</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: _____		
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: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other		
Describe:		
Value of Property: \$ <u>1,284,914.00</u> Annual Interest Rate <u>   </u> %		
Amount of arrearage and other charges as of time case filed included in secured claim,		
if any: \$ _____    Basis for perfection: <u>Mechanic's Lien</u>		
Amount of Secured Claim: \$ <u>491,618.37</u> 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: <u>2/19/10</u>	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 notified address above. Attach copy of power of attorney, if any.	FOR COURT USE ONLY  Erickson Ret. Comm. LLC  00921

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

**INSTRUCTIONS FOR PROOF OF CLAIM FORM**

*The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules.*

**Items to be completed in Proof of Claim form**

**Court, Name of Debtor, and Case Number:**

Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

**Creditor's Name and Address:**

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

**1. Amount of Claim as of Date Case Filed:**

State the total amount owed to the creditor on the date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

**2. Basis for Claim:**

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the trustee or another party in interest files an objection to your claim.

**3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:**

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

**3a. Debtor May Have Scheduled Account As:**

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

**4. Secured Claim:**

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

**5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a).**

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

**6. Credits:**

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

**7. Documents:**

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

**Date and Signature:**

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

**DEFINITIONS**

**Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

**Creditor**

A creditor is a person, corporation, or other entity owed a debt by the debtor that arose on or before the date of the bankruptcy filing. See 11 U.S.C. §101 (10)

**Claim**

A claim is the creditor's right to receive payment on a debt owed by the debtor that arose on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

**Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

**Secured Claim Under 11 U.S.C. §506(a)**

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car.

A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

**Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

**Claim Entitled to Priority Under 11 U.S.C. §507(a)**

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

**Redacted**

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

**Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

**INFORMATION**

**Acknowledgment of Filing of Claim**

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (

**IN RE: ERICKSON RETIREMENT COMMUNITIES  
CASE No. 09-37010**

**PROOF OF CLAIM ATTACHMENT**

The debt is secured by a mechanic's lien. A duplicate Proof of Claim was also filed in Columbus Campus, LLC, Bankruptcy Case No. 09-37019.

Prepared by, recording requested by,  
and return to:

Robin E. Yono, Esq.  
GIARMARCO, MULLINS & HORTON, P.C.  
101 W. Big Beaver Road, Suite 1000  
Troy, MI 48084-5280  
Phone: (248) 457-7220  
Fax: (248) 457-7219



200907130101843  
Fee: \$ 72.00 T20090038474  
07/13/2009 10:58AM ND  
Robert G. Montgomery  
Franklin County Recorder

Above this line for Official Use Only

**AFFIDAVIT FOR MECHANICS' LIEN**  
(Corporation as Claimant)


State of Michigan, )  
                          )ss  
County of Livingston, ):

Richard Larese, as President of Mutual Electric Co., a Michigan corporation, whose address is 1260 Rickett Rd, Brighton, MI 48116, being first duly sworn, says that Mutual Electric Co., the lien claimant, furnished certain material or performed certain labor or work in the furtherance of improvements located on or removed to the land hereinafter described, in pursuance of a certain contract, with Columbus Campus, LLC, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, whose address is 701 Maiden Choice Lane, Cantonville, MD 21228.

The first of the labor or work was performed or material was furnished on the 20<sup>th</sup> day of October, 2008. The last of the labor or work was performed or material was furnished on the 12th day of May, 2009 and there is justly and truly due Mutual Electric Co., the lien claimant, therefore from Columbus Campus, LLC, the owner, part owner, lessee, original contractor, subcontractor, or other person, as the case may be, over and above all legal setoffs, the sum of Four Hundred Ninety One Thousand Six Hundred Eighteen and 37/100 (\$491,618.37) dollars, for which amount Mutual Electric Co., the lien claimant, claims a lien on the land, building, or leasehold, of which Columbus Campus, LLC is or was the owner, part owner, or lessee, as the case may be, which property is described as follows:

See attached Exhibit A

Mutual Electric Co.

  
By: Richard Larese  
Its: President

Attest:

  
Secretary

STATE OF MICHIGAN  
COUNTY OF LIVINGSTON

Sworn to before me and subscribed in my presence this 9<sup>th</sup> day of July,  
2009.

Lisa L. Acree  
Notary Public

LISA L. ACREE  
NOTARY PUBLIC LIVINGSTON CO., MI  
MY COMMISSION EXPIRES JULY 15, 2014

**EXHIBIT A**

77.019 ACRES

Situate in the State of Ohio, County of Franklin, City of Hilliard, lying in Virginia Military Survey Nos. 3000 and 4854, being part of the 40.924 and all of the 0.742 acre tracts conveyed to Columbus Campus LLC by deed of record in Instrument Number \_\_\_\_\_ and part of the 45.957 acre tract conveyed to Columbus Campus LLC by deed of record in Instrument Number \_\_\_\_\_ (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at Franklin County Goodwin Survey Monument Number 0005 RESET found at the centerline intersection of Davidson Road (variable width) and Leap Road (variable width);

Thence South  $23^{\circ} 37' 07''$  East, a distance of 1243.56 feet, with the centerline of said Leap Road, to a point;

Thence North  $66^{\circ} 22' 53''$  East, a distance of 50.00 feet, across the right-of-way of said Leap Road and entering said 45.957 acre tract, to an iron pin set, the TRUS POINT OF BEGINNING;

Thence across said 45.957 acre tract, the following courses and distances:

North  $68^{\circ} 44' 53''$  East, a distance of 556.74 feet, to an iron pin set at a point of curvature;

With said curve to the left, having a central angle of  $69^{\circ} 08' 20''$ , a radius of 1099.00 feet, an arc length of 175.29 feet, and a chord which bears North  $60^{\circ} 37' 51''$  East, a chord distance of 175.11 feet, to an iron pin set;

North  $23^{\circ} 37' 07''$  West, a distance of 384.33 feet, to an iron pin set in the line common to said 45.957 acre tract and the remainder of the original Tract Three conveyed to Wolpert Enterprises, Limited by deed of record in Instrument Number 200204080088414;

Thence North  $84^{\circ} 08' 15''$  East, a distance of 1139.40 feet, with the northerly line of said 45.957 and 0.742 acre tracts and with the southerly line of the remainder of said Tract Three, the southerly line of the remainder of the original Tract Two conveyed to Wolpert Enterprises, Limited by deed of record in Instrument Number 200204080088414 and a southerly line of the remainder of the original Tract 1 conveyed to Ansmil Limited Partnership by deed of record in Official Record 32225 G17, to an iron pin set;

Thence South  $05^{\circ} 55' 17''$  East, a distance of 353.64 feet, with the line common to said 0.742 acre tract and the remainder of said original Tract 1, to an iron pin set at a point of curvature;

Thence with said curve to the left, having a central angle of  $17^{\circ} 44' 53''$ , a radius of 1332.49 feet, an arc length of 412.75 feet, and a chord which bears South  $14^{\circ} 47' 43''$  East, a chord distance of 411.10 feet, with an easterly line of said 0.742 and 45.957 acre tracts and a westerly line of the remainder of said original Tract 1 and original Tract Two, to an iron pin set at a point of tangency;

Thence South  $23^{\circ} 40' 10''$  East, a distance of 353.83 feet, with an easterly line of said 45.957 and 40.924 acre tracts, and with a westerly line of the remainders of said original Tract Two and original Parcel Two, Tract Two conveyed to Ansmil Limited Partnership by deed of record in Official Records 32225 G17 and 32225 I05, to an iron pin set;

Thence continuing with the line common to said 40.924 acre tract, the remainder of said original Parcel Two, Tract Two and the remainder of the original Parcel Two, Tract Three conveyed to Ansmil Limited Partnership by deed of record in Official Records 32225 G17 and 32225 I05, the following courses and distances:

South  $01^{\circ} 52' 05''$  East, a distance of 53.85 feet, to an iron pin set;

South  $23^{\circ} 40' 10''$  East, a distance of 105.00 feet, to an iron pin set;

South  $45^{\circ} 28' 15''$  East, a distance of 53.85 feet, to an iron pin set;

South  $23^{\circ} 40' 10''$  East, a distance of 514.24 feet, to an iron pin set at a point of curvature;

With said curve to the right, having a central angle of  $08^{\circ} 02' 24''$ , a radius of 1390.00 feet, an arc length of 195.65 feet, and a chord which bears South  $19^{\circ} 31' 58''$  East, a chord distance of 194.89 feet, to an iron pin set;

South  $74^{\circ} 23' 14''$  West, a distance of 20.00 feet, to an iron pin set;

77.019 ACRES

With a curve to the right, having a central angle of  $01^{\circ} 02' 00''$ , a radius of 1370.00 feet, an arc length of 24.71 feet, and a chord which bears South  $15^{\circ} 06' 46''$  East, a chord distance of 24.71 feet, to an iron pin set:

- South  $76^{\circ} 07' 35''$  West, a distance of 82.51 feet, to an iron pin set;
- South  $70^{\circ} 47' 34''$  West, a distance of 286.15 feet, to an iron pin set;
- South  $68^{\circ} 02' 13''$  West, a distance of 159.38 feet, to an iron pin set;
- South  $82^{\circ} 20' 53''$  West, a distance of 300.01 feet, to an iron pin set;
- South  $76^{\circ} 34' 35''$  West, a distance of 307.14 feet, to an iron pin set;
- South  $82^{\circ} 47' 36''$  West, a distance of 138.56 feet, to an iron pin set;
- North  $79^{\circ} 55' 50''$  West, a distance of 85.56 feet, to an iron pin set;
- North  $71^{\circ} 18' 50''$  West, a distance of 150.01 feet, to an iron pin set;
- North  $65^{\circ} 38' 53''$  West, a distance of 208.41 feet, to an iron pin set;
- North  $57^{\circ} 48' 25''$  West, a distance of 129.32 feet, to an iron pin set;
- North  $59^{\circ} 01' 48''$  West, a distance of 170.88 feet, to an iron pin set;
- North  $67^{\circ} 18' 16''$  West, a distance of 37.59 feet, to an iron pin set;
- North  $80^{\circ} 44' 53''$  West, a distance of 8.85 feet, to an iron pin set;

Thence across said 40.824 and 45.957 acre tracts, the following courses and distances:

North  $02^{\circ} 32' 02''$  East, a distance of 270.84 feet, to an iron pin set at a point of curvature;

With said curve to the left, having a central angle of  $25^{\circ} 09' 10''$ , a radius of 600.00 feet, an arc length of 273.87 feet, and a chord which bears North  $10^{\circ} 32' 33''$  West, a chord distance of 271.50 feet, to an iron pin set;

North  $23^{\circ} 37' 07''$  West, a distance of 682.05 feet, to the TRUE POINT OF BEGINNING, containing 77.019 acres, more or less.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

This description is based on existing record and field work performed in December, 2006.

Bearings are based on the Ohio State Plane Coordinate System, South Zone, as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FCGS 0005 RIBBT and FCGS 0005, having a bearing of North  $23^{\circ} 37' 07''$  West, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.



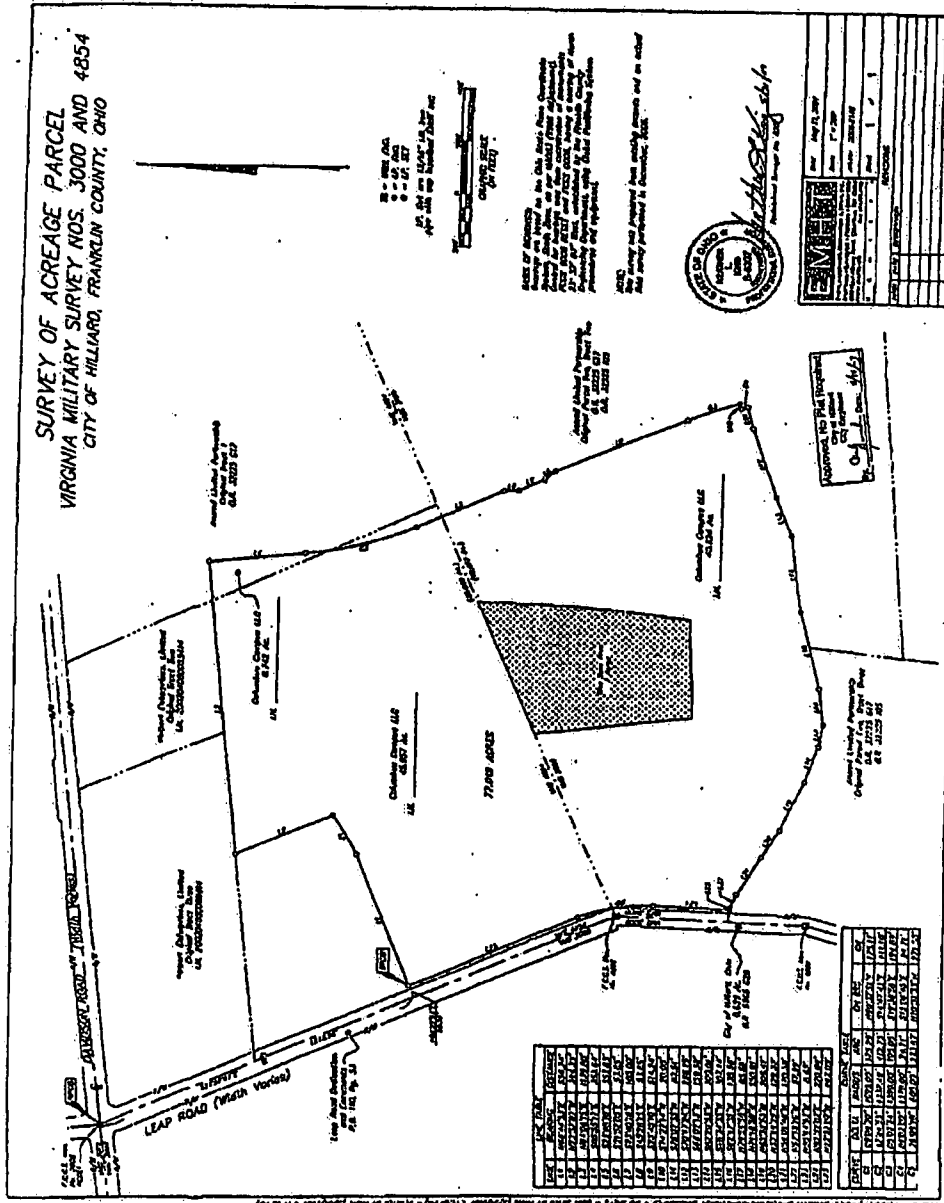
EVANS, MCHWART, HAMBLETON, & TILTON, INC.  
*Heather L. King* 5/11/07  
 Heather L. King Date  
 Professional Surveyor No. 8307

FILED 7/24/07  
77.019 ac 42116

Checked *OK*  
 PRELIMINARY APPROVAL  
 FRANKLIN COUNTY ENGINEERING DEPT.  
 DATE: 7/24/07 BY: *AS?*

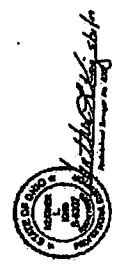
Approved, No Plat Required  
 City of Hilliard  
 City Engineer  
 By: *Chris* Date: 9/16/07

**SURVEY OF ACREAGE PARCEL**  
**VIRGINIA MILITARY SURVEY NOS. 3000 AND 4854**  
**CITY OF HILLIARD, FRANKLIN COUNTY, OHIO**



1/4 = 100 AC.  
 1/2 = 200 AC.  
 3/4 = 300 AC.  
 1 = 400 AC.  
 1 1/4 = 500 AC.  
 1 1/2 = 600 AC.  
 1 3/4 = 700 AC.  
 2 = 800 AC.  
 2 1/4 = 900 AC.  
 2 1/2 = 1000 AC.  
 2 3/4 = 1100 AC.  
 3 = 1200 AC.  
 3 1/4 = 1300 AC.  
 3 1/2 = 1400 AC.  
 3 3/4 = 1500 AC.  
 4 = 1600 AC.  
 4 1/4 = 1700 AC.  
 4 1/2 = 1800 AC.  
 4 3/4 = 1900 AC.  
 5 = 2000 AC.

NOTE: All measurements are based on the original survey of the Virginia Military Survey Nos. 3000 and 4854. The original survey was conducted by the U.S. Army in 1815. The present survey was conducted by the City of Hilliard in 1985. The present survey was conducted by the City of Hilliard in 1985. The present survey was conducted by the City of Hilliard in 1985.



DATE	1985	
BY	[Signature]	
FOR	CITY OF HILLIARD	
PROJECT	SURVEY OF ACREAGE PARCEL	
SCALE	AS SHOWN	
REVISIONS		
NO.	DATE	DESCRIPTION
1		
2		
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10		

NO.	ACRES	FRAC.	TOTAL ACRES
1	1.0000	1/4	1.0000
2	1.0000	1/4	1.0000
3	1.0000	1/4	1.0000
4	1.0000	1/4	1.0000
5	1.0000	1/4	1.0000
6	1.0000	1/4	1.0000
7	1.0000	1/4	1.0000
8	1.0000	1/4	1.0000
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97	1.0000	1/4	1.0000
98	1.0000	1/4	1.0000
99	1.0000	1/4	1.0000
100	1.0000	1/4	1.0000

Prepared by the Surveyor General of Ohio  
 and the Surveyor General of Franklin County, Ohio



MARY F. BRENNING  
JOHN P. BRODY  
ROBERT G. COHEN  
KENNETH R. COOKSON  
LAWRENCE F. FEHELEY  
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\*Resident in Marion Office

February 19, 2010

*Sent Via Federal Express*

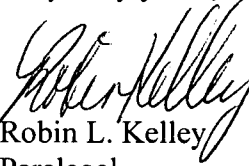
BMC Group, Inc.  
Attention: Erickson Retirement Communities, LLC  
Claims Processing  
18750 Lake Drive East  
Chanhassen, MN 55317

Re: Erickson Retirement Communities  
Case No. 09-37010  
Our Client: Mutual Electric Co.

Dear Sir/Madam:

Please find enclosed herewith the original plus two copies of a Proof of Claim for filing. After filing the original, I would appreciate it if you would return a time-stamped copy of same in the enclosed self-addressed, stamped envelope. Thank you for your assistance with this matter.

Very truly yours,

  
Robin L. Kelley  
Paralegal

Enclosures