

(B)

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:

20835747002535 BUTLER BALANCING COMPANY INC PO BOX 72256 THORNDALE, PA 19372

YOUR CLAIM IS SCHEDULED AS: Schedule/Claim ID: s984 AMOUNT/CLASSIFICATION \$1,600.00 UNSECURED

Court Claim Number: (If known)

Filed on:

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

Butler Balancing Co Inc 1657 BONDVILLE RD Downingtown, PA 19335 Telephone number: (610) 873-6905

RECEIVED FEB 24 2010

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.

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

1. Amount of Claim as of Date Case Filed: \$ 1,600.00

BMC GROUP

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: Services Rendered (See instruction #2 on reverse side.)

3. Last four digits of any number by which creditor identifies debtor: 5980

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: \$ Basis for perfection:

Amount of Secured Claim: \$ 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: 2/22/10

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.

John S. Palumbo Secretary/Treasurer

FOR COURT USE ONLY

Erickson Ret. Comm. LLC



01023

"EXHIBIT E"

Sub: Butler Balancing Co., Inc.
Cost Code: 512EC10-48400-159900

CONTRACTORS, SUBCONTRACTORS AND SUPPLIER
PARTIAL RELEASE OF LIENS

STATE OF: Pennsylvania

COUNTY OF: Chester

Original Contract Amount:	\$ 28,000.00
Approved Change Orders:	\$ 1,600.00
Adjusted Contract Amount	\$ 29,600.00
Completed to Date:	\$ 27,000.00
Retention:	\$ 2,600.00
Total Earned (Less Retention):	\$ 24,400.00
Previous Payments:	\$ 21,060.00
Current Payment:	\$ 3,340.00
Contract Balance:	\$ 5,300.00

TO: CHICAGO TITLE INSURANCE COMPANY (Title Insurer)
 _____ (Lender)
 _____ (Owner)
 _____ (Contractor)

The UNDERSIGNED being duly sworn states that he is the Controller (title) of Butler Balancing Co. Inc. (firm) who has a contract with Erickson Construction for furnishing air & water balancing for the improvements being erected on real estate known and identified as Maris Grove Renaissance Gardens 1.0 located in Delaware County, State of Pennsylvania and owned by Concord Campus, L.P.

The UNDERSIGNED, for and in consideration of the sum of Three thousand, six hundred dollars (3,600.00) in payment of invoice or application dated 4/20/09 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby waive and release any and all liens or claims of right of lien on the aforementioned property and improvements thereon, and on monies or other consideration due or to become due on account of labor or services, materials, fixtures or apparatus heretofore furnished, prior to 5/20/09, except for the retention stated above.

The UNDERSIGNED, respectfully warrants that the contract status set forth above is an accurate statement, and no other sums are claimed, that all laborers, subcontractors, and suppliers employed by him have been paid all sums previously due and all current sums due out of this payment and that none of such laborers, subcontractors or suppliers is or will be entitled to claim or assert any claim against the above described real estate or the improvements thereon for labor or materials furnished to or for the account of the undersigned. (Upon request, the undersigned shall list the name of each of his subcontractors, and suppliers, with contract and payment status, on CTI form F-3926 - Contractors and Subcontractors Affidavit, attach same hereto and upon request furnish waivers from said parties).

Signed this 21st day of May, 2009.

Butler Balancing Co. Inc.
Subcontractor
By: [Signature]
Controller

Signed and sworn to before me this 21st day of May, 2009.

My Commission Expires: Sept 3, 2011

[Signature]
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Crystal L. Peterson, Notary Public
Calm Twp., Chester County
My Commission Expires Sept. 3, 2011
Member, Pennsylvania Association of Notaries

EXHIBIT "D"
APPLICATION AND CERTIFICATE FOR PAYMENT

TO: ERICKSON Construction, L.L.C.
 703 Maiden Choice Lane
 Baltimore, MD 21228

DATE: May 20, 2009

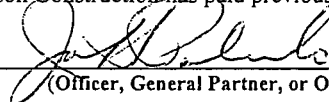
FROM: Butler Balancing Co., Inc.

PROJECTS: 512EC10
 Job: Maris Grove Renaissance Gardens
 APPLICANT NO. 4
 PERIOD TO: April 26, 2009

1. Original Contract Amount	\$ 28,000.00
2. Change Orders Issued to Date (CO#1 Thru C.O. #2)	\$ 1,600.00
3. Contract Sum to Date (Line 1+2)	\$ 29,600.00
4. Total Completed & Stored to Date	\$ 27,000.00
5. Less Retainage (10 %)	\$ 2,700.00
6. Total Earned to Date Less Retainage (Line 4-5)	\$ 24,300.00
7. Less Previous Requisitions	\$ 21,060.00
8. Payment Due This Period (Line 6-7)	\$ 3,240.00

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: 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>512EC10</u>
COST CODE #	<u>48400-159900</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	_____

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 1 OF 2 PAGES

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing

APPLICATION NO: 4

Contractor's signed certification is attached.

APPLICATION DATE: May 20, 2009

In tabulations below, amounts are stated to the nearest dollar.

PERIOD TO: April 26, 2009

Use Column I on Contracts where variable retainage for line items may apply.

ARCHITECT'S PROJECT NO:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN- DOR E)	G TOTAL		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD			COMPLETED AND STORED TO DATE (D+E+F)	% (G + C)		
1	Mobilization (paperwork/visits)	\$4,000.00	\$4,000.00				\$4,000.00	100.00%	\$0.00	\$400.00
2	Air & Water Balancing	24,000.00	19,400.00	2,000.00			21,400.00	89.17%	2,600.00	2,140.00
3	Change Order #1	1,200.00		1,200.00			1,200.00	100.00%	0.00	120.00
4	Change Order #2	400.00		400.00			400.00	100.00%	0.00	40.00
GRAND TOTALS		\$29,600.00	\$23,400.00	\$3,600.00		\$0.00	\$27,000.00	91.22%	\$2,600.00	\$2,700.00

Users may obtain validation of this document by requesting of the license a completed AIA Document D401 - Certification of Document's Authenticity

Handwritten notes:
 Paid see check
 copy of check attached
 4/23/09
 Did not pay
 See check # 472824

Butler Balancing Co. Inc.

From: Butler Balancing Co. Inc. [butlerbalancing@comcast.net]
Sent: Wednesday, May 20, 2009 2:13 PM
To: Kathy Gurnee
Subject: May Billing for RG



2009052014112617
9.pdf

Hi Kathy,

Thanks for you help earlier.
Attached is our May Billing for RG 1.0,
Signed & notarized originals will be mailed.

Thank you,
Jeanie Miller

Butler Balancing Co. Inc.
(P) 610-873-6905
(F) 610-873-6908
(C) 610-389-2084

Butler Balancing Company, Inc.
P. O. Box 72256
Thorndale, PA 19372
(610) 873-6905

Erickson Construction, LLC
115 Brinton Lake Road
Glen Mills, PA. 19342

Invoice number 32113
Date 4/26/2009

Contract: APR.08.124
Renasissance Gardens (MG)
Scope of Work: Air & Water Balancing

Customer ID: ERI02
Purchase Order: AIA

Work Performed Through April 26, 2009
Terms: 5% 10th Following Net 11th

Invoice total 2,000.00

Contract Summary

Original contract amount	28,000.00
Approved changes	0.00
Revised contract amount	<u>28,000.00</u>
Invoice to date	<u>25,400.00</u>
Remaining to invoice	2,600.00
Percent billed	90.71%

Contract

<u>Outstanding invoices</u>	<u>Number</u>	<u>Date</u>	<u>Amount</u>
Invoice	31707	1/11/2009	80.00
Invoice	31758	1/18/2009	160.00
Invoice	31900	3/1/2009	2,400.00
Invoice	31933	3/8/2009	1,600.00
Invoice	32033	4/5/2009	10,000.00
Invoice	3205501	4/5/2009	1,200.00
Invoice	32059	4/12/2009	4,000.00
Invoice	32088	4/19/2009	3,000.00
Invoice	3208901	4/19/2009	400.00
Invoice	32113	4/26/2009	2,000.00

Total unpaid invoices 24,840.00

*Paid
Check # 72829*

ded Care 1.0


		INVOICE AMOUNT	RETAINAGE	PAYMENT
Contract Amount		28,000.00	0.00	0.00
Completed Prior Period		25,400.00	2,540.00	22,860.00
Completed This Period		0.00	0.00	0.00
Completed to Date		25,400.00	2,540.00	22,860.00
Contract Balance		2,600.00	2,540.00	5,140.00
<i>Tax</i> <u>32113</u>		<u>2,000.00</u>	<u>200.00</u>	<u>1,800.00</u>
<i>Job # A7208:24</i>				
CHECK DATE	9/23/2009	CHECK NUMBER	72824	
				1,800.00

THE FACE OF THIS CHECK IS PRINTED WITH A COLORED BACKGROUND AND THE BACK CONTAINS A FACSIMILE WATERMARK. HOLD AT AN ANGLE TO VIEW.

Erickson Construction, LLC Operating Account 701 Maiden Choice Lane Baltimore, MD 21228	PNC Bank P.O. Box 324 Baltimore, MD 21203-0324	7-61/520 DATE: 9/23/2009 CHECK NO.: 72824 AMOUNT: 1,800.00
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ONE THOUSAND EIGHT HUNDRED AND 00/100*****

PAY TO THE ORDER OF: BUTLER BALANCING
 1657 BONDSVILLE ROAD
 DOWNINGTOWN PA 19335


 Acc 10300
 Renaissance Card
 MARUS GROVE

⑈00072824⑈ ⑆054000030⑆ 5501360699⑈

Butler Balancing Company, Inc.
P. O. Box 72256
Thorndale, PA 19372
(610) 873-6905

Erickson Construction, LLC
115 Brinton Lake Road
Glen Mills, PA. 19342

Invoice number 3205501
Date 4/5/2009

Contract: APR.08.124
Renaissance Gardens (MG)
Scope of Work: Change Order #1

Customer ID: ERI02
Purchase Order: AIA

Work Performed Through April 5, 2009
Terms: 5% 10th Following Net 11th

Invoice total 1,200.00

Contract-Summary

Original contract amount	1,200.00
Approved changes	0.00
Revised contract amount	<u>1,200.00</u>
Invoice to date	<u>1,200.00</u>
Remaining to invoice	0.00
Percent billed	100.00%

Unpaid¹

Contract

<u>Outstanding invoices</u>	<u>Number</u>	<u>Date</u>	<u>Amount</u>
Invoice	31707	1/11/2009	80.00
Invoice	31758	1/18/2009	160.00
Invoice	31900	3/1/2009	2,400.00
Invoice	31933	3/8/2009	1,600.00
Invoice	32033	4/5/2009	10,000.00
Invoice	3205501	4/5/2009	1,200.00
Total unpaid invoices			<u>15,440.00</u>

BUTLER
BALANCING
COMPANY INC.



Associated Air Balance Council

CHANGE ORDER

Hiring Firm: Erickson Construction, LLC
115 Brinton Lakes Road
Glen Mills, PA 19342

Project: Renaissance Gardens at Maris Grove

Project Number: APR08124

Project Manager: Larry

Change Order Number: CO#1

Billing Amount: See below

REASON FOR CHANGE ORDER

Per a verbal from Larry, he approved to pick up the premium time for work done on Saturday.

Week Ending 4-5-09

Sat: 4-4-09...24 man hours x \$50/HR = \$1,200.00

P.O. Box 72256
Thorndale, PA 19372
Phone 610-873-6905 Fax 610-873-6908

BUTLER
BALANCING
COMPANY INC.



Associated Air Balance Council

refax 5.20.09

Date: 4-15-09

Re: Renaissance Gardens

To: Mike James

Firm: Erickson Construction LLC

Fax: 484-840-2843

(3) Pages including cover page

Mike,

I have attached a change order for additional costs that was verbally approved by Larry.

Could you please see what you can do on your end to get this processed? I would greatly appreciate it.

Any questions or concerns please let me know.

Thank you,
Jeanie Miller

Butler Balancing Company, Inc.
P. O. Box 72256
Thorndale, PA 19372
(610) 873-6905

Erickson Construction, LLC
115 Brinton Lake Road
Glen Mills, PA. 19342

Invoice number 3208901
Date 4/19/2009

Contract: APR.08.124
Renaissance Gardens (MG)
Scope of Work: Change Order #2 - Venting and Re-filling the water system

Customer ID: ERI02
Purchase Order: AIA

Work Performed Through April 19, 2009
Terms: 5% 10th Following Net 11th

Invoice total 400.00

Contract Summary

Original contract amount	400.00
Approved changes	0.00
Revised contract amount	<u>400.00</u>
Invoice to date	<u>400.00</u>
Remaining to invoice	0.00
Percent billed	100.00%

Contract

<u>Outstanding invoices</u>	<u>Number</u>	<u>Date</u>	<u>Amount</u>
Invoice	31707	1/11/2009	80.00
Invoice	31758	1/18/2009	160.00
Invoice	31900	3/1/2009	2,400.00
Invoice	31933	3/8/2009	1,600.00
Invoice	32033	4/5/2009	10,000.00
Invoice	3205501	4/5/2009	1,200.00
Invoice	32059	4/12/2009	4,000.00
Invoice	32088	4/19/2009	3,000.00
Invoice	3208901	4/19/2009	400.00

Total unpaid invoices 22,840.00

Jaquard

Please see attached for change order details.

**BUTLER
BALANCING
COMPANY INC.**



Associated Air Balance Council

CHANGE ORDER

Hiring Firm: Erickson Construction, LLC
115 Briton lake Rd
Glen Mills, PA 19342

Project: Maris Grove Renaissance Gardens

Phone Number: 610-387-4828
Fax Number: 484-840-2843

Project Number: APR08124

Project Manager: Larry

Change Order Number: CO#2

Billing Amount: \$400.00

Start Date: 4-14-09

REASON FOR CHANGE ORDER

THIS ADDITIONAL PRICE IS FOR VENTIING AND RE-FILLING THE WATER SYSTEM.

P.O. Box 72256
Thorndale, PA 19372
Phone 610-873-6905 Fax 610-873-6908

BUTLER
BALANCING
COMPANY INC.



Associated Air Balance Council

Refax 5-20-09

Date: 5-13-09

Re: Renaissance Gardens

To: Mike James

Firm: Erickson Construction LLC

Fax: 484-840-2843

-3- Pages including cover page

Mike,

I have attached a change order for additional costs that was verbally approved by Larry.

Could you please see what you can do to get is processed on your end?

Also, I did fax you on 4-15-09 with information on change order #1. Do you have a status of that change order?

I would like to get them both processed so I can bill them this month.

Thank you,
Jeanie Miller
Assistant Controller
butlerbalancing@comcast.net

Aging As of Date 10-29-2009
 Aging Basis Invoice date
 Unpaid Only? Yes
 Finance Charges? No

Customer/ Contract/Contract Item/ Tran Type	ID	Date	Total	Current	31-60	61-90	90
ERI02	Erickson Construction, LLC			610-387-4828			
APR.08.124	Renaissance Gardens (MG)						
	1 Testing & Balancing						
Invoice	31707	01-11-2009	800.00				800.00
Cash receipt	70477	02-26-2009	-720.00				-720.00
Invoice	31758	01-18-2009	1,600.00				1,600.00
Cash receipt	70477	02-26-2009	-1,440.00				-1,440.00
Invoice	31900	03-01-2009	2,400.00				2,400.00
Cash receipt	71567	05-30-2009	-2,160.00				-2,160.00
Invoice	31933	03-08-2009	1,600.00				1,600.00
Cash receipt	71567	05-30-2009	-1,440.00				-1,440.00
Invoice	32033	04-05-2009	10,000.00				10,000.00
Cash receipt	71931	06-29-2009	-9,000.00				-9,000.00
Invoice	32059	04-12-2009	4,000.00				4,000.00
Cash receipt	71931	06-29-2009	-3,600.00				-3,600.00
Invoice	32088	04-19-2009	3,000.00				3,000.00
Cash receipt	71931	06-29-2009	-2,700.00				-2,700.00
Invoice	32113	04-26-2009	2,000.00				2,000.00
Cash receipt	72824	10-02-2009	-1,800.00				-1,800.00
Invoice	32306	06-14-2009	2,600.00			(A)	2,600.00
C01 Change Order #1							
Invoice	3205501	04-05-2009	1,200.00			(B)	1,200.00
C02 Change Order #2							
Invoice	3208901	04-19-2009	400.00			(B)	400.00
	Contract Total		6,740.00	.00	.00	.00	6,740.00
	Customer Total		6,740.00	.00	.00	.00	6,740.00

(A)
 Retained
 Held
 80.00
 160.00
 240.00
 160.00
 1,000.00
 400.00
 300.00
 200.00
 2,540.00