

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): Mega Construction Corporation

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

Name and address where notices should be sent: c/o Jeffrey P. Wallack, Esquire Wisler Pearlstine, LLP 484 Norristown Road, Suite 100, Blue Bell, Pa 19422 Telephone number: (610) 825-8400

Court Claim Number: (if known)

RECEIVED

Filed on:

Name and address where payment should be sent (if different from above): c/o Jeffrey P. Wallack, Esquire Wisler Pearlstine, LLP 484 Norristown Road, Suite 100, Blue Bell, Pa 19422 Telephone number: (610) 825-8400

FEB 25 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.

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

1. Amount of Claim as of Date Case Filed: \$ 137,904.00

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: Services performed -- construction labor and materials (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: 2840

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: N/A (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 Describe:

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).

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: \$

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.

\$

If the documents are not available, please explain:

\*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: 2/24/10

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.

FOR COURT USE ONLY

Erickson Ret. Comm. LLC

Jeffrey P. Wallack - Jeffrey P. Wallack, Esquire Attorney for Mega Construction Corp



01384

**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 901 i. 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****INFORMATION****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.

**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 ([www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov)) for a small fee to view your filed proof of claim.

**Offers to Purchase a Claim**

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. §101 *et seq.*), and any applicable orders of the bankruptcy court.

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):  
**Mega Construction Corporation**

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

Name and address where notices should be sent:  
**c/o Jeffrey P. Wallack, Esquire  
Wisler Pearlstine, LLP  
484 Norristown Road, Suite 100, Blue Bell, Pa 19422**  
Telephone number:  
**(610) 825-8400**

Court Claim Number: \_\_\_\_\_  
(If known)

Filed on: \_\_\_\_\_

Name and address where payment should be sent (if different from above):  
**c/o Jeffrey P. Wallack, Esquire  
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Specify the priority of the claim.

2. Basis for Claim: **Services performed -- construction labor and materials**  
(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: **2840**

3a. Debtor may have scheduled account as: **N/A**  
(See instruction #3a on reverse side.)

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).

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:

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

Value of Property: \$ \_\_\_\_\_ Annual Interest Rate \_\_\_\_\_ %

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).

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: \$ \_\_\_\_\_

Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).

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FOR COURT USE ONLY

**Jeffrey P. Wallack, Esquire**  
Attorney for Mega Construction Corp

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**DEFINITIONS**

**INFORMATION**

**Debtor**

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**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.

**Acknowledgment of Filing of Claim**

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**Offers to Purchase a Claim**

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## SUMMARY OF CLAIM

Creditor Mega Construction Corporation (hereinafter, "Mega Construction") had contracts to perform certain drywall, carpentry, framing and related construction work for Debtor Erickson Construction, LLC at the Maris Grove Campus, the land and improvements of which are owned, upon information and belief, by Debtor Concord Campus, L.P.

Pursuant to the contracts, Mega Construction timely, fully and properly performed all work and provided all construction labor, materials and/or services for which Mega Construction sought, and continues to seek, payment.

On or about March 5, 2009, Mega Construction submitted Invoice No. 15403 with regard to work performed in the sprinkler room of Building 1.5. To date, the total principal amount of \$300.00 remains due and owing to Mega Construction on this invoice (see attached).

On or about April 23, 2009, Mega Construction submitted Invoice No. 15725 with regard to framing and sheetrock work performed in the Pharmacy. To date, the total principal amount of \$600.00 remains due and owing to Mega Construction on this invoice (see attached).

On or about April 23, 2009, Mega Construction submitted Invoice No. 15726 with regard to carpentry work performed in transitional space of Building 1.0. To date, the total principal amount of \$900.00 remains due and owing to Mega Construction on this invoice (see attached).

On or about June 16, 2009, Mega Construction submitted Application for Payment No. 2 with regard to work performed in Building 2.5. To date, the total principal amount of \$1,760.00 remains due and owing to Mega Construction on this invoice (see attached).

On or about June 22, 2009, Mega Construction submitted Application for Payment No. 6 with regard to work performed in Building 2.2. To date, the total principal amount of \$11,000.00 remains due and owing to Mega Construction on this invoice (see attached).

On or about June 22, 2009, Mega Construction submitted Application for Payment No. 14 with regard to drywall work performed in Residential Building 2.2. To date, the total principal amount of \$20,178.00 remains due and owing to Mega Construction on this invoice (see attached).

On or about June 22, 2009, Mega Construction submitted Application for Payment No. 15 with regard to drywall work performed in Residential Building 2.2. To date, the total principal amount of \$71,862.00 remains due and owing to Mega Construction on this invoice (see attached).

On or about June 22, 2009, Mega Construction submitted Application for Payment No. 10 with regard to carpentry work performed in Residential Building 2.2. To date, the total principal amount of \$27,250.00 remains due and owing to Mega Construction on this invoice (see attached).

The total principal amount due and owing to Mega Construction is \$133,850.00.

Interest is further due and owing to Mega Construction at the rate of 1% per month. See  
Pennsylvania's Contractor and Subcontractor Payment Act.

Interest to the date of bankruptcy is as follows:

<u>Invoice</u>	<u>Principal Amount Owed</u>	<u>Interest Owed</u>
15403	\$ 300.00	\$ 18.00
15725	\$ 600.00	\$ 30.00
15726	\$ 900.00	\$ 45.00
App. 2	\$ 1,760.00	\$ 53.00
App. 6	\$ 11,000.00	\$ 330.00
App. 14	\$ 20,178.00	\$ 605.00
App. 15	\$ 71,862.00	\$ 2,156.00
App. 10	\$ 27,250.00	\$ 817.00
<b>TOTAL</b>	<b>\$ 133,850.00</b>	<b>\$ 4,054.00</b>
<b>GRAND TOTAL</b>	<b>\$ 137,904</b>	

12/4/09  
8:37 AM

MEGA CONSTRUCTION CORPORATION  
Accounts Receivable-Customer Sequence

December last entry: 25

Reference	Invoice Date	Description	Due Date	Invoice Amount	Accounts Receivable	Retainage Receivable	G/L Acct.	JobId
AWA-MARIS GROVE 1.5 REMEDIAL (182)								
15403	3/5/09	SPRINKLER ROOM	4/4/09	300.00	300.00		400	MAR15 MARIS GROVE
		Customer Total:			300.00	0.00	300.00	
		Company Total:			300.00	0.00	300.00	

For customer: 182 AWA-MARIS GROVE 1.5 REMEDIAL

Note: Accounts receivable is the amount that the customer currently owes.  
This is the same as 'balance due'.



December last entry: 25

Reference	Invoice Date	Description	Due Date	Invoice Amount	Accounts Receivable	Retainage Receivable	G/L Acct.	JobId
AWA-MARIS GROVE PHARMACY (196)								
15725	4/23/09	FRAMING AND SHEETR	5/23/09	600.00	600.00		400	MARPA MARIS GROVE
			Customer Total:		600.00	0.00	600.00	
			Company Total:		600.00	0.00	600.00	

For customer: 196 AWA-MARIS GROVE PHARMACY

Note: Accounts receivable is the amount that the customer currently owes.  
This is the same as 'balance due'.

12/4/09  
8:37 AM

MEGA CONSTRUCTION CORPORATION  
Accounts Receivable-Customer Sequence

December last entry: 25

Reference	Invoice Date	Description	Due Date	Invoice Amount	Accounts Receivable	Retainage Receivable	G/L Acct.	JobId
AWA-MARIS GROVE CB1.0 TRANSITIONAL SPACE (197)								
15726	4/23/09	CARPENTRY WORK	5/23/09	900.00	900.00		400	MARTR MARIS GROVE
			Customer Total:		900.00	0.00	900.00	
			Company Total:		900.00	0.00	900.00	

For customer: 197 AWA-MARIS GROVE CB1.0 TRANSITIONAL SPACE

Note: Accounts receivable is the amount that the customer currently owes.  
This is the same as 'balance due'.

12/4/09  
8:37 AM

MEGA CONSTRUCTION CORPORATION  
Accounts Receivable-Customer Sequence

December last entry: 25

Reference	Invoice Date	Description	Due Date	Invoice Amount	Accounts Receivable	Retainage Receivable	G/L Acct.	JobId
ERICKSON /MARIS GROVE 2.5 LGMF (163) 484-840-2840 Fax: 484-840-2843			Contact: MARK SHEARMAN					
MAR252	6/16/09	Application 2	7/30/09	1,760.00	1,760.00	400	MAR25	MARIS GROVE
			Customer Total:		1,760.00	0.00	1,760.00	
			Company Total:		1,760.00	0.00	1,760.00	

For customer: 163 ERICKSON /MARIS GROVE 2.5 LGMF

Note: Accounts receivable is the amount that the customer currently owes.  
This is the same as 'balance due'.

12/4/09  
8:36 AM

MEGA CONSTRUCTION CORPORATION  
Accounts Receivable-Customer Sequence

December last entry: 25

Reference	Invoice Date	Description	Due Date	Invoice Amount	Accounts Receivable	Retainage Receivable	G/L Acct.	JobId
ERICKSON MARIS GROVE 2.2 LGMF (133)			Contact: RANDY CRAIG					
484-840-2840 Fax: 484-840-2843								
MAR226	6/22/09	Application 6	7/30/09	11,000.00	11,000.00		400	MAR22 MARIS GROVE
Customer Total:					11,000.00	0.00	11,000.00	
Company Total:					11,000.00	0.00	11,000.00	

For customer: 133 ERICKSON MARIS GROVE 2.2 LGMF

Note: Accounts receivable is the amount that the customer currently owes.  
This is the same as 'balance due'.

12/4/09  
8:36 AM

MEGA CONSTRUCTION CORPORATION  
Accounts Receivable-Customer Sequence

December last entry: 25

Reference	Invoice Date	Description	Due Date	Invoice Amount	Accounts Receivable	Retainage Receivable	G/L Acct.	JobId	
ERICKSON MARIS GROVE 2.2 (DW) (134)			Contact: RANDY CRAIG						
484-840-2840 Fax: 484-840-2843									
MAD2214	6/22/09	Application 14	7/30/09	20,178.00	20,178.00	400	MAD22	MARIS GROVE	
MAD2215	6/22/09	Application 15	7/30/09	71,862.00	71,862.00	400	MAD22	MARIS GROVE	
		Customer Total:			92,040.00	0.00	92,040.00		
		Company Total:			92,040.00	0.00	92,040.00		

For customer: 134 ERICKSON MARIS GROVE 2.2 (DW)

Note: Accounts receivable is the amount that the customer currently owes.  
This is the same as 'balance due'.

12/4/09  
8:37 AM

MEGA CONSTRUCTION CORPORATION  
Accounts Receivable-Customer Sequence

December last entry: 25

Reference	Invoice Date	Description	Due Date	Invoice Amount	Accounts Receivable	Retainage Receivable	G/L Acct.	JobId
ERICKSON MARIS GROVE 2.2 CARP (156)			Contact: RANDY CRAIG					
484-840-2840 Fax: 484-840-2843								
MAC2210	6/22/09	Application 10	7/30/09	27,250.00	27,250.00	400	MAC22	MARIS GROVE
Customer Total:					27,250.00	0.00	27,250.00	
Company Total:					27,250.00	0.00	27,250.00	

For customer: 156 ERICKSON MARIS GROVE 2.2 CARP

Note: Accounts receivable is the amount that the customer currently owes.  
This is the same as 'balance due'.

**WP WISLER  
PEARLSTINE, LLP**

ATTORNEYS AT LAW

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THOMAS H. McDONOUGH  
OF COUNSEL  
ANDREW B. CANTOR

February 24, 2010

**Via Federal Express**

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

**RE: Erickson Construction, LLC - No. 09-37016  
Concord Campus, LP - No. 09-37020**

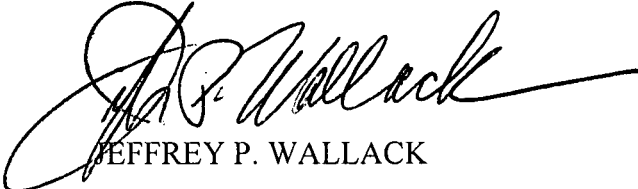
To whom it may concern:

Please find enclosed: (1) the original and two copies of Creditor Mega Construction Corporation's Proof of Claim in Case No. 09-37016 (Erickson Construction, LLC) and (2) the original and two copies of Creditor Mega Construction Corporation's Proof of Claim in Case NO. 09-37020 (Concord Campus, LP).

Kindly file both originals and return time-stamped copies to me in the self-addressed, stamped envelope also enclosed.

Thank you in advance for your attention to this matter.

Very truly yours,

  
JEFFREY P. WALLACK

JPW:mb

Enclosures

cc: Mr. Stephen Bodeker, Mega Construction Corp. (w/encls.)