


UNITED STATES BANKRUPTCY COURT Northern District of Texas, Dallas Div.		PROOF OF CLAIM
Name of Debtor: ERICKSON RETIREMENT COMMUNITIES, LLC		Case Number: 09-37010
<i>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.</i>		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Jay L. Graham		<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: Hlersche, Hayward, Drakeley & Urbach, P.C., c/o Jason M. Katz 15303 Dallas Parkway, Suite 700, Addison, Texas 75001		
Telephone number: (972) 701-7069		<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.
Name and address where payment should be sent (if different from above): same as above		
Telephone number: (972) 701-7069		<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.
1. Amount of Claim as of Date Case Filed: \$ <u>170,000.00</u> 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>See Exhibit A</u> (See instruction #2 on reverse side.)		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 checked="" 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 checked="" 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 checked="" type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(): _____ All other applicable section under 507. Amount entitled to priority: \$ <u>170,000.00</u> *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.
3. Last four digits of any number by which creditor identifies debtor: <u>Unknown</u> 3a. Debtor may have scheduled account as: <u>s3394</u> (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 type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> 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: 02/25/2010	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.	
Jason M. Katz, Attorney for Jay L. Graham		FOR COURT USE ONLY Erickson Ret. Comm. LLC  01499

EXHIBIT "A"

Erickson Retirement Communities, LLC ("Debtor") employed Jay L. Graham ("Graham"). As a part of its compensation package, Debtor paid its employees deferred compensation and other monies through one or more employee plans including, without limitation, the incentive compensation included within the growth participation plan, as amended. As of the petition date, Debtor owed Graham \$170,000.00 in deferred compensation and/or other monies pursuant to the employee plans. Graham hereby asserts a priority claim in the amount of \$170,000.00 under the employee plans.

Graham provides this summary because (a) he has been unable to locate the complete employee plan documents as of the date of this proof of claim and (b) it is anticipated that the plan documents are voluminous. Copies of the plan documents and/or any other supporting documentation for this claim will be provided upon request to the extent Graham can locate the documents. Graham reserves the right to amend this claim.

HIERSCHE HAYWARD DRAKELEY URBACH

JASON M. KATZ • Associate
Direct: 972.701.7069 • Direct Fax: 972.701.8765 • jkatz@hhdulaw.com

February 25, 2010

Via Federal Express

BMC Group, Inc.

Attn: Erickson Retirement Communities, LLC

Claims Processing

18750 Lake Drive East

Chanhassen, MN 55317

Re: Case No. 09-37010; *In re: Erickson Retirement Communities, LLC*; In the U.S.
Bankruptcy Court for the Northern District of Texas, Dallas Division.
Our File No.: 6715.0002

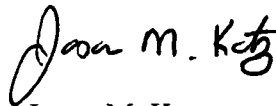
Dear Sir/Madame:

Enclosed please find an original and one copy of Jay L. Graham's Proof of Claim in connection with the above-referenced matter. Please acknowledge receipt of the Proof of Claim by stamping our enclosed additional copy and returning same to our office via our enclosed self-addressed stamped envelope.

Should you have any questions, please feel free to give me a call.

Very truly yours,

HIERSCHE, HAYWARD, DRAKELEY & URBACH, P.C.



Jason M. Katz

JMK:jlw

cc: James S. Patterson (*Of the Firm*)