


<b>UNITED STATES BANKRUPTCY COURT</b>		Northern District of Texas	<b>PROOF OF CLAIM</b>
Name of Debtor: <b>ERICKSON RETIREMENT COMMUNITIES, LLC</b>		Case Number: <b>09-37010</b>	
<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): <b>Allan A. Myers, LP</b>		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.	
Name and address where notices should be sent:  <b>Wendy Byerley, Allan A. Myers, LP, PO Box 98, Worcester, PA 19490 Liam Y. Braber, Jacoby Donner, PC, 1700 Market St., Ste 3100, Philadelphia, PA 19103</b>		Court Claim Number: _____ (If known)	
Telephone number: <b>(215) 563-2400</b>		Filed on: _____	
Name and address where payment should be sent (if different from above):  <b>Wendy Byerley, Allan A. Myers, LP, PO Box 98, Worcester, PA 19490</b>		<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.	
Telephone number: <b>(610) 584-3430</b>		<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.	
1. Amount of Claim as of Date Case Filed: \$ <u>378,255.16</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.	
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.		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: \$ _____	
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>Mechanics Lien attached</u> (See instruction #2 on reverse side.)			
3. Last four digits of any number by which creditor identifies debtor: <u>4729</u>			
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: <u>Property in which Debtor holds ownership interest, as described in attached Ex. A.</u>  Value of Property: \$ _____ Annual Interest Rate _____ %  Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ <u>378,255.16</u> Basis for perfection: <u>LIEN</u>  Amount of Secured Claim: \$ <u>378,255.16</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 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>2/26/10</u>		<b>RECEIVED</b> <b>FEB 27 2010</b> <b>BMC GROUP</b>	
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.  <b>Liam Y. Braber, Attorney for Allan A. Myers, LP, creditor.</b>		<b>FOR COURT USE ONLY</b>  Erickson Ret. Comm. LLC  01550	

**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.

documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

**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).

**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.

**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.

**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.

**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.

**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). Do not send original documents, as attachments may be destroyed after scanning.

**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.

**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.

**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

**DEFINITIONS**

**Debtor**

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

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).

**Creditor**

A creditor is the person, corporation, or other entity owed a debt by the debtor on the date of the bankruptcy filing.

**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**

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

**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.

**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.

**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.

**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.

**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.

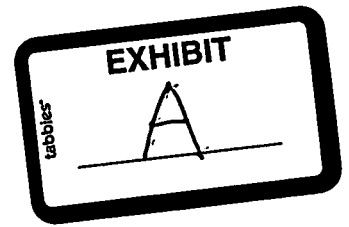
**INFORMATION**

**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 ([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.



By: Liam Y. Braber, Esquire #89508  
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**JACOBY DONNER, P.C.**  
1700 Market Street, Suite 3100  
Philadelphia, PA 19102  
tel.(215) 563-2400 fax.(215) 563-2870

Attorneys for Claimant,  
Allan A. Myers, L.P.

ALLAN A. MYERS, L.P.  
1805 Berks Road  
Worcester, PA 19490  
Claimant/Contractor,  
v.  
CONCORD CAMPUS, L.P.  
701 Maiden Choice Lane  
Baltimore, MD 21228 and  
ERICKSON RETIREMENT  
COMMUNITIES, LLC  
701 Maiden Choice Lane  
Baltimore, MD 21228 and  
MARIS GROVE, INC.  
701 Maiden Choice Lane  
Baltimore, MD 21228  
Owners or Reputed Owners.

COURT OF COMMON PLEAS  
DELAWARE COUNTY

NO. 09-15409

FILED  
2009 NOV 24 PM 12:46  
OFFICE OF  
JUDICIAL SUPPORT  
DELAWARE CO. PA.

MECHANICS LIEN

**MECHANICS' LIEN CLAIM**

Pursuant to 49 P.S. § 1301 et seq., Claimant, Allan A. Myers, L.P. ("Myers") through its undersigned counsel, hereby brings this Mechanics Lien Claim as follows:

1. Claimant Myers is a Pennsylvania limited partnership with a place of business located at 1805 Berks Road, Worcester, PA 19490.
2. Concord Campus, L.P. ("Concord Campus") is a business entity with a place of business at 701 Maiden Choice Lane, Baltimore, MD 21228.

3. Erickson Retirement Communities, LLC ("Erickson Retirement") is a business entity with a place of business at 701 Maiden Choice Lane, Baltimore, MD 21228.

4. Maris Grove, Inc. ("Maris Grove") is a business entity with a place of business at 701 Maiden Choice Lane, Baltimore, MD 21228.

5. Concord Campus, Erickson Retirement, and Maris Grove are the Owners or Reputed Owners of interests and rights in the property and improvements, including upon information and belief, certain fee and leasehold interests, located at the Maris Grove SW 2.0 Construction Project, 115 Brinton Lake Road, Glen Mills, Concord Township PA, a/k/a Spring Valley Road & Brinton Lake Roads, a/k/a The Maris Grove Campus – Neighborhood 1 and Neighborhood 2, Tax Parcel 13-19-004 and Tax Map Parcel 13-20-070, which is the subject of this Lien (together, the "Property").

6. Claimant Myers performed work upon the Property under a written subcontract with Erickson Construction, LLC., related to a commercial construction project for a retirement community constructed on the Property (the "Project"). A true and correct copy of the written subcontract is attached at Exhibit "A."

7. Myers' work on the Project consisted of furnishing all necessary management, supervision, labor, materials, tools, equipment and other materials and services in order to provide the site work for the Project. Myers' work included, but was not limited to, demolition, clearing, earthwork, erosion/sediment controls, storm sewers, sanitary sewers, water mains, parking improvements, retaining walls, surveying, telecommunications, electricals, lighting, gas piping, landscaping, fixtures, gardens, irrigation, rock, and related work.

8. A description of the kind and character of the aforesaid work provided by Myers, and the prices charged for each, is set forth on Myers' Applications and Certificates for Payment, which are attached hereto as Exhibit "B" and incorporated by reference.

9. Claimant files this claim as a Subcontractor, having given formal notice of its intention to file this lien dated October 20, 2009, which was delivered to Erickson Retirement on October 22, 2009, delivered to Concord Campus on October. 22, 2009, and delivered to Maris Grove on October 22, 2009.

10. Claimant has complied with all applicable provisions of the Pennsylvania Mechanics' Lien Law, 49 P.S. § 1301 et seq., in order to perfect its lien.

11. Claimant last provided labor, materials and/or services to the Project on May 28, 2009.

12. This claim is for labor, materials and services provided in accordance with all terms, change orders, and scopes of work as set forth in the subcontract and any and all modifications thereto.

13. After applying all payments made, Claimant is owed a total amount of \$378,255.16 for work performed on the Project under its subcontract, exclusive of interest and other costs.

14. Despite demands by Claimant for payment of the full amount due and owing, Erickson Construction, LLC has failed to make payment, thereby breaching payment obligations under the subcontract.

15. All conditions precedent to Claimant's right to payment have been satisfied.

16. The improvement and property claimed to be subject to this Lien is all property and improvements at the Property in which Owners/Reputed Owners identified herein hold any interest.

WHEREFORE, Claimant, Allan A. Myers, L.P. is entitled to recover \$378,255.16 and claims a Mechanics' Lien in accord with the Pennsylvania Mechanics' Lien Law in that amount against all interests of Concord Campus, L.P., Erickson Retirement Communities, LLC, and Maris Grove, Inc., in the above described improvements and real property designated as 115 Brinton Lake Road, Glen Mills, PA, a/k/a Spring Valley Road & Brinton Lake Roads, a/k/a The Maris Grove Campus – Neighborhood 1 and Neighborhood 2, Tax Map Parcel 13-19-004 and Tax Map Parcel 13-20-070, which is the subject of this Lien.

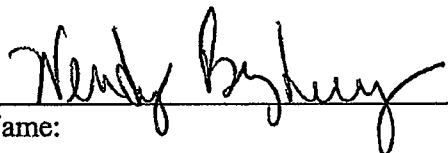
JACOBY DONNER, P.C.

By: 

Liam Y. Braber, Esquire  
Attorneys for Claimant  
Allan A. Myers, L.P.

**VERIFICATION**

Wendy Byerley, subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities, says that she is Corporate Credit and Contracts Manager for Claimant Allan A. Myers, L.P., that she is authorized to make this verification on its behalf, that she has read the foregoing Mechanics Lien Claim, and the facts set forth therein are true and correct to the best of her knowledge, information and belief.

  
Name: \_\_\_\_\_

**LIEN EXHIBITS OMITTED FOR VOLUME CONSIDERATIONS**



Tonie-Alisha Olmo  
taolmo@jacobydonner.com

February 26, 2010

*Philadelphia*  
1700 Market Street  
Suite 3100  
Philadelphia, PA 19103  
215.563.2400  
Fax: 215.563.2870

**VIA FEDERAL EXPRESS**

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

**Re: Erickson Retirement Communities, LLC, Case No. 09-37010**

**Concord Campus, LP, Case No. 09-37020**

**Erickson Construction LLC, Case No. 09-37016**

*New Jersey*  
East Gate Center  
309 Fellowship Road  
Suite 200  
Mt. Laurel, NJ 08054  
609.278.2500  
Fax: 609.278.0505

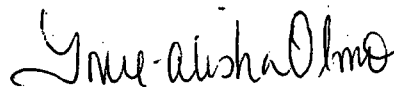
Dear Sir/Madam:

Enclosed please find three Proofs of Claim in the following matters:

- Erickson Retirement Communities, LLC - Case No. 09-37010;
- Concord Campus, LP - Case No. 09-37020; and
- Erickson Construction LLC - Case No. 09-37016.

Please file the originals of record and return the time-stamped copies using the enclosed self-addressed stamped envelope.

Very truly yours,



Tonie-Alisha Olmo  
Legal Assistant

*Virginia*  
355 Crawford Street  
Suite 200  
Portsmouth, VA 23704  
757.337.8768  
Fax: 757.337.8769

www.jacobydonner.com

TAO/tao

Enclosures

cc: Wendy Byerley (w/encl.)

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