

UNITED STATES BANKRUPTCY COURT Northern District of Texas		PROOF OF CLAIM
Name of Debtor: Opus West, LP		Case Number: 09-34334
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): Stewart Builders, Inc. dba Keystone Concrete Placement		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known)
Name and address where notices should be sent: Scott T. Citek, Lamm & Smith, PC 3730 Kirby Drive, Suite 650 Houston, Texas 77098 Telephone number: (713) 228-2481		
Name and address where payment should be sent (if different from above): Telephone number: _____		<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.
1. Amount of Claim as of Date Case Filed: \$ <u>263,120.20</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.		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.
2. Basis for Claim: <u>labor and materials</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: <u>mechanic's and materialman's lien</u> Value of Property: \$ <u>See Debtor's Schedules</u> Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim: <u>JUL 29 2009</u> if any: \$ _____ Basis for perfection: _____ BMC GROUP Amount of Secured Claim: \$ <u>263,120.20</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.) See Exhibit "A" attached hereto DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: _____		
Date: <u>7-20-09</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 notice address above. Attach copy of power of attorney, if any. BY: <u>Mark Stewart</u> <u>Mark Stewart, Vice President</u>		FOR COURT USE ONLY

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.



is located is generally described as follows and more commonly known as Energy Crossing, Phase I, located at 15021 Katy Freeway, Katy, Harris County, Texas, being a part of:

A tract of land containing approximately 16.898 acres, more or less, out of the David Middleton Survey, Abstract 535, Harris County, Texas, as more fully described in Special Warranty Deed with KT6-A Corporation as Grantor and Opus West LP as Grantee recorded under Clerk's File No. 20070373880 in the Official Public Records of Real Property of Harris County, Texas

And also being described as Unrestricted Reserve "A," Block One (1), and Unrestricted Reserves "B" and "C," Block Two (2), in ENERGY CROSSING, a subdivision in Harris County, Texas, according to the map or plat thereof recorded at Film Code No. 617276 (File Number 20070679952) of the Map Records of Harris County, Texas.

That the improvements located upon said real property are generally described as follows: construction of improvements to Energy Crossing, Phase I, located at 15021 Katy Freeway, Katy, Harris County, Texas.

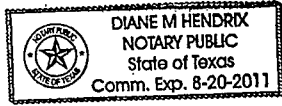
Affiant's principal claim is a lien upon said building and improvements above-described and upon said land upon which said building and improvements are situated. Said lien is a prior lien to any other lien for removables that may be removed without material injury to the real property. This lien is claimed in accordance with Chapter 53 of the Property Code of the State of Texas and in accordance with the Constitution of the State of Texas.

Affiant further makes oath and states that he is duly authorized to make this Affidavit for Statutory and Constitutional Mechanic's and Materialman's Lien on behalf of STEWART BUILDERS, INC. DBA KEYSTONE CONCRETE PLACEMENT.

STEWART BUILDERS, INC. DBA KEYSTONE
CONCRETE PLACEMENT

BY: Mark A. Stewart
Mark A. Stewart Vice President

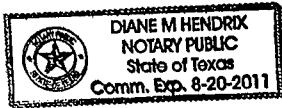
SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, on this the 30th day of April, 2009, to certify which witness my hand and seal of office.



Diane Hendrix
Notary Public, State of Texas

THE STATE OF TEXAS]
COUNTY OF HARRIS]

This instrument was acknowledged before me on this the 30th day of April, 2009, by MARK A. STEWART, Vice-President of STEWART BUILDERS, INC. DBA KEYSTONE CONCRETE PLACEMENT, on behalf of corporation.



Diane Hendrix
Notary Public, State of Texas

PREPARED IN THE LAW OFFICES OF:
PLEASE RETURN TO:

LAMM & SMITH, P.C.
3730 Kirby Drive, Ste. 650
Houston, Texas 77098

FILED
2009 MAY - 1 PM 2:25
County Clerk
HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in the number Sequence on the date and at the stamped herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County Texas on

MAY - 1 2009



Dorely L. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

LAMM & SMITH, P.C.

ATTORNEYS AT LAW
RIVER OAKS TOWER
3730 Kirby Drive, Suite 650
Houston, Texas 77098

EDWIN LAMM, III
CANDICE C. SMITH
SCOTT T. CITEK

TEL. (713) 228-2481

FAX (713) 651-1044

July 23, 2009

U. S. Bankruptcy Clerk
Northern District of Texas
Dallas Division
1100 Commerce St., Room 1254
Dallas, Texas 75242-1496

RE: Case No. 09-34334; In Re: Opus West, LP; In the United States Bankruptcy Court for the Northern District of Texas; Dallas Division

PLEASE TAKE CARE OF THE ENCLOSED:

_____ Plaintiff's _____ Petition

_____ Please serve Defendant(s) _____

_____ Please issue out-of-county citation and return to us.

_____ Defendant's _____ Answer

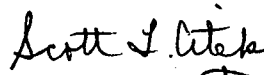

_____ Motion and Order for _____ Judgment and Affidavits

_____ Issue Abstract of Judgment and Execution

_____ CHECK ENCLOSED \$ _____

__XX__ Enclosed for filing with the Court in the captioned proceeding is an original and one copy of Proof of Claim of Creditor Stewart Builders, Inc. dba Keystone Concrete Placement. Please file-stamp the additional copy of the Proof of Claim enclosed and return same to the undersigned in the enclosed envelope. Thank you for your prompt attention to this matter.

Sincerely,


Scott T. Citek 

STC/dp
Enclosure