

UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS	PROOF OF CLAIM
<b>Name of Debtor: (Check Only One):</b> <input type="checkbox"/> Opus West Corporation <input checked="" type="checkbox"/> Opus West Construction Corporation <input type="checkbox"/> O.W. Commercial, Inc. <input type="checkbox"/> Opus West LP <input type="checkbox"/> Opus West Partners, Inc.	<b>Case Number:</b> 09-34356
<b>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. All other requests for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</b>	
<b>Name of Creditor (the person or other entity to whom the debtor owes money or property):</b> Larry T. Fauver	<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.  <b>Court Claim Number:</b> <i>(If known)</i>  <b>Filed on:</b>
<b>Name and address where notices should be sent:</b> Larry Fauver 14606 Arrow Rd. Penn Valley Ca 95946 <b>Telephone number:</b> 530-477-5002 <b>Email Address:</b> TheFauvers3030@ATT.NET	<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.
<b>Name and address where payment should be sent (if different from above):</b>   <b>Telephone number:</b>	
<b>1. Amount of Claim as of Date Case Filed:</b> \$ 23,612 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.	<b>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.</b>  Specify the priority of the claim.
<b>2. Basis for Claim:</b> One half of 2008 Bonus and all of 2009 Profit Sharing or retirement plan (See instruction #2 on reverse side.) <b>3. Last four digits of any number by which creditor identifies debtor:</b> 5917 <b>3a. Debtor may have scheduled account as:</b> _____ (See instruction §3a on reverse side.)	<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 type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)( ).
<b>4. Secured Claim (See instruction #4 on reverse side.)</b> Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. <b>Nature of property or right of setoff:</b> <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Equipment <input type="checkbox"/> Other <b>Value of Property:</b> \$ _____ <b>Annual Interest Rate</b> _____ % <b>Amount of arrearage and other charges as of time case filed included in secured claim, if any:</b> \$ _____ <b>Basis for perfection:</b> _____ <b>Amount Unsecured:</b> \$ _____	<b>Amount entitled to priority:</b> \$ _____
<b>6. Credits:</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim. <b>7. Documents:</b> Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or 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.) <b>DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.</b> If the documents are not available, please explain:	
<b>Date:</b> Aug 3, 2009 <b>Signature:</b> 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. Larry T. Fauver	<b>FOR COURT USE ONLY</b>

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.  
 Modified B10 (GCG) (12/08)

FILED

AUG 07 2009

BMC GROUP



Opus West Construction Corporation



Camelback Esplanade  
2415 East Camelback Road, Suite 800  
Phoenix, Arizona 85016-4201

602-468-7000 Fax 602-468-7010

January 7, 1998

Mr. Larry Fauver  
14606 Arrow Road  
Penn Valley, CA 95946

Dear Mr. Fauver:

We are extremely pleased to have you join Opus West Construction Corporation as Construction Project Superintendent. This letter serves to confirm the terms of our employment offer.

1. Position: Construction Project Superintendent
2. Duties: Your first assignment will be field supervision for Sierra Point or San Jose(to be determined). You will report to both David Lynch and myself.
3. Start Date: On or about February 1, 1998.
4. Salary: \$7,083.33 per month (\$85,000 annual equivalency).
5. Incentive Bonus: You will receive a guaranteed a 10% annual incentive bonus for the year ending 1998.
6. Signing Bonus: You will receive a \$2,000.00 signing bonus.
7. Auto: You will be furnished with a pick-up truck to be used for transportation to and from the project, at the jobsite and for personal use according to Opus West guidelines. Gas and maintenance expenses related to operating the vehicle shall be submitted monthly for reimbursement utilizing Opus' standard auto expense reports.
8. ~~Benefits~~: Participation in the corporate fringe benefit package including medical and life insurance, 401(k) plan, ~~retirement plan~~, vacation and holiday benefits as outlined in the enclosed benefits package summary dated 1/1/98.
9. Right to Work: This offer is contingent upon our verification of your employment eligibility as required by Federal Immigration law. You will be required to complete an "I-9" form on your first day of employment. Please see the enclosed memo to note the type of identification which you should bring with you.

Architects, Contractors, Developers

Opus West Construction Corporation is an affiliate of the Opus group of companies

Atlanta, Chicago, Columbus, Dallas, Denver, Ft. Lauderdale, Houston, Milwaukee, Minneapolis, Orange County, Orlando, Pensacola, Phoenix, Portland, Sacramento, San Francisco, Seattle, Tampa, Washington, D.C.

License numbers: AZ Lic. #70830 CA Lic. #509591 NM Lic. #51340 NV Lic. #29002



Mr. Larry Fauver  
January 7, 1998  
Page 2

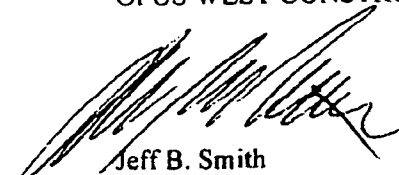
- 10. Termination: Opus West Construction Corporation is an "at will" employer which means that either you or Opus West may terminate the employment agreement at any time with or without notice or cause.

On behalf of all of us at Opus West Construction Corporation, we look forward to having you join us. If you have any questions, please do not hesitate to contact me.

Please execute the original of this letter indicating your acknowledgment and acceptance of these as the complete terms of our employment agreement. Return the signed original to me.

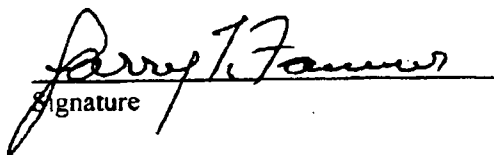
Sincerely,

OPUS WEST CONSTRUCTION CORPORATION



Jeff B. Smith  
Director of Construction

I understand and agree to the terms of this offer of employment.



Signature

1-12-98  
Date

Enclosures: Benefits Package Summary  
I-9 Memo

cc: Jim Fritcher  
Cheryl Lavelle



THE OPUS GROUP  
ARCHITECTS  
CONTRACTORS  
DEVELOPERS

OPUS WEST CORPORATION  
*A member of The Opus Group*

2555 East Camelback Road, Suite 800 • Phoenix, AZ 85016

Phone: 602-468-7000 • Fax: 602-468-7045

www.opuscorp.com

## Memo

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**To:** Opus West Employees  
**From:** Tom Roberts  
**Date:** March 10, 2009  
**Re:** 2008 Incentive Compensation

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Attached is the summary of your 2008 Incentive Compensation.

The ROE and bottom line portions of your Incentive Compensation will be delayed until finalization of the 2008 Audit. In addition, fifty percent (50%) of the Subjective portion will be paid in cash on March 13, 2009, with the balance being delayed due to Company cash flow. One hundred percent (100%) of all vested deferred payments will be made on March 13, 2009. This will apply to both existing and laid off employees.

~~Opus is committed to making all payments due to employees.~~ Our goal is to have all payments made by year-end 2009.

Thank you for your patience and understanding.

Fauver, Larry T.  
14606 Arrow Rd  
Penn Valley, CA 95946

Opus West Construction Corporation  
Year End Incentive Worksheet

Location: Northern California  
Title: SUPT

larry fauver

Incentive Target:		\$ 13,500
	<u>weight</u>	<u>factor</u>
Opus West Corporation vs. Business Plan	10%	TBD
OWCC regional net revenue vs. plan	20%	238%
Safety Accountability Program	20%	100%
Individual Performance Modifier	50%	90%
Incentive Total:		\$ 15,196
Other:		
<b>Total</b>		<b>\$ 15,196</b>

*1/2 paid*

Please contact your local Sr. Director or VP of Construction with any questions. 2008 ROE calculations for Opus West Corporation are not yet finalized. As a result, ROE related amounts are not currently included in above.

## Opus West Construction Corporation

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March 31, 2008

To: LARRY FAUVER

Re: 2008 Compensation Package

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We are pleased to present your 2008 compensation package:

	2007	2008
Salary	\$ 119,000	\$ 124,000
Incentive Target	\$ 12,000	\$ 13,500
Total (w/ target incentive)	\$ 131,000	\$ 137,500
Incentive Actual	\$ 12,745	
Retirement Plan – Estimated (if eligible to participate)	\$ 15,033	\$ <del>16,014</del> <i>Not Paid</i>
New Title		
<b>Total</b>	<b>\$ 146,033</b>	<b>\$ 153,514</b>

Thank you for all of your hard work and for your contributions to the success of Opus West in 2007!

401-K Savings Plan:

Participants may contribute from 1% to 20% of eligible pre-tax earnings, to maximum of \$15,500 per calendar year, via payroll deduction. All employee and company contributions are immediately 100% vested.

Notes:

1. Retirement Plan contribution for 2008 is estimated at 12.0%.
2. Actual 2008 Retirement Plan contribution will vary with actual financial results.
3. Retirement Plan contribution for 2007 was approximately 11.8%.
4. Retirement Plan contributions over the last 5 years averaged just over 12%.
5. Retirement Plan contribution is paid in the year following the year earned.
6. 2008 base compensation package is effective April 1, 2008 – March 31, 2009
7. Retirement Plan: You are eligible to participate in the Retirement Plan on the first day of the month following or coincident with completion of 2 years of service, provided a minimum of 1,000 hours were worked during each of those years, and attainment of age 21. Eligible employees must work a minimum of 1,000 hours/year.

Based on company performance, the company contributes a minimum of 4% to a maximum of 15% of each active participant's eligible earnings to his/her account at the end of each Plan year (January 1 - December 31). All contributions are immediately 100% vested.



**Mugdha S. Kelkar**

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