

UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS **PROOF OF CLAIM**

Name of Debtor: (Check Only One): Opus West, LP
 Opus West Corporation
 Opus West Construction Corporation
 O.W. Commercial, Inc.
 Opus West LP
 Opus West Partners, Inc.

Case Number:
 09-34356-hdh-11

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.

Name of Creditor (the person or other entity to whom the debtor owes money or property):
 Rocky Duron & Associates
 2030 Century Center Blvd., Suite 16, Irving, TX 75062

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: Rocky Duron & Associates
 2030 Century Center Blvd., Suite 16
 Irving, TX 75062
Telephone number: 214-358-3455
Email Address: tlombardi@rockyduron.com

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.

Name and address where payment should be sent (if different from above):
 SAME AS ABOVE
Telephone number:

1. Amount of Claim as of Date Case Filed: \$ 18,397.90
 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.

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.

2. Basis for Claim: Provided - Invoices Attached - Supplied and installed Materials
 (See instruction #2 on reverse side.)

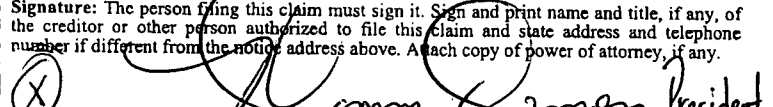
Specify the priority of the claim.
 Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).
 Wages, salaries, or commissions (up to \$10,950) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).
 Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).
 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).
 Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).
 Other - Specify applicable paragraph of 11 U.S.C. §507 (a)().
Amount entitled to priority:
 \$

3. Last four digits of any number by which creditor identifies debtor: 4406 (Tax ID)
 3a. Debtor may have scheduled account as: _____
 (See instruction §3a on reverse side).

4. Secured Claim (See instruction #4 on reverse side.) \$12,654.90
 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 Equipment Other
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 Unsecured:** \$ 5,743.00

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 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.)
 DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.
 If the documents are not available, please explain: _____

Date: 8/5/2009

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.

 Rocky Duron, President

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.
 Modified B10 (GCG) (12/08)*

FILED
 AUG 10 2009
 BMC GROUP





LIEN AFFIDAVIT AND CLAIM

THE STATE OF TEXAS §
COUNTY OF DALLAS §

I, Ruben Duron, the undersigned affiant, President of Rocky Duron & Associates, Inc., Claimant, having furnished materials and performed labor to improve the real property herein described, make this Affidavit for the purpose of perfecting a lien on said property and improvements, and on oath make the following statements, which are true and correct:

1. My name is Ruben Duron, I am a resident of Tarrant County, Texas and I have personal knowledge of the facts stated herein. I am President of Rocky Duron & Associates, Inc., which is physically located at 2030 Century Center Blvd., Suite 16, Irving, TX 75062. Claimant's mailing address is P.O. Box 560264, Dallas, TX 75204. I am duly authorized to make and do make this Affidavit on behalf of said company.

2. The amount of this claim is \$53,445.60, and said amount is just and reasonable and has not been paid. Said claim constitutes the reasonable value of the materials furnished and labor performed after all extra charges have been allowed.

3. The name of the Owner or reputed Owner of the real estate hereinafter described is Opus West LP., whose last known address is 15455 Dallas Pkwy., Suite 450, Addison, TX 75001.

4. The property sought to be charged with the lien is the real estate located at 15725 Dallas Pkwy., Addison, Texas 75001 and is more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference.

5. Claimant furnished and installed materials for the improvement of said real estate, consisting generally of Toilet Partitions, Toilet Accessories, Postal Specialties, and Fire Extinguishers/Cabinets.

6. Claimant furnished materials and labor pursuant to a contract with Opus West Construction Corporation, whose last known address is 15455 Dallas Pkwy., Ste. 450, Addison, TX, the original contractor on the project.

7. The month or months that the work was done and materials were furnished for which payment is requested are January and February 2009.

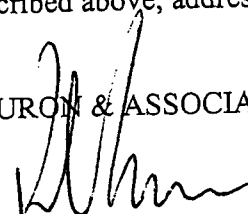
8. Notice was sent to the Owner on the following dates and by the following methods:

- | <u>Date Sent</u> | <u>Method Sent</u> |
|------------------|--------------------------------|
| a. April 7, 2009 | Certified, Return Receipt Mail |
| b. April 7, 2009 | Certified, Return Receipt Mail |

9. One (1) copy of the Affidavit is being sent Certified Mail to the Owner described above, addressed to the Owner's last know address; and one (1) copy of this Affidavit is being sent Certified Mail to the General Contractor described above, addressed to the General Contractor's last know address.

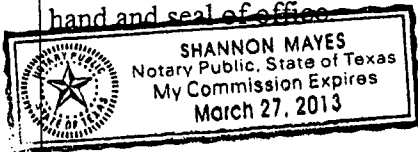
ROCKY DUROM & ASSOCIATES, INC.

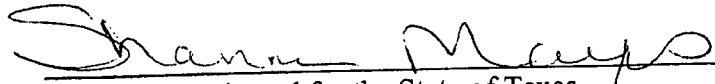
By:



Ruben M. Duron, President

SUBSCRIBED AND SWORN TO before me by the said Ruben Duron, President of Rocky Duron & Associates, Inc. on this the 27th day of April, 2009, to certify which witness my hand and seal of office.

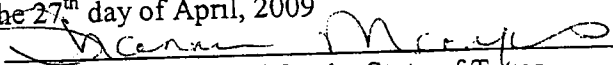




Notary Public in and for the State of Texas

My commission expires: 3-27-13

This instrument was acknowledged before me by the said Ruben Duron, President of Rocky Duron & Associates, Inc. on the 27th day of April, 2009



Notary Public in and for the State of Texas

My commission expires: 3-27-13



EXHIBIT "A"

Legal Description

- 1: G W FISHER ABST 482 PG 731
- 2: TR 35.2 ACS 3.371
- 3:
- 4: INT20070175801 DD05142007 CO-DC
- 5: 0482731103502 3CA04827311

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

JFW
John F. Warren, County Clerk
Dallas County TEXAS

April 30, 2009 12:12:33

FEE: \$24.00

200900122991

EXHIBIT

A

PO Box 560264
Dallas, Texas 75356

2030 Century Center Blvd.
Suite 16, Irving, TX 75062



Phone: 800-875-5457
214-358-3455
Fax: 214-358-5713

www.rockyduron.com
MBE & HUB CERTIFIED
VETERAN OWNED

April 6, 2009

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Opus West LP
Suite 450
15455 Dallas Pkwy
Addison, TX 75001

Re: NOTICE OF UNPAID ACCOUNT: \$53,445.60
Two Addison Circle Spec Office -
15725 Dallas Pkwy, Addison, TX 75001
Legal Desc. - GW FISHER ABST 482 pg 731 TR 35.2 ACS 3.371

To Whom It May Concern:

Please consider this formal notice under the laws of Texas that an unpaid account is due and owing to the undersigned firm from Opus West Construction Corporation, the general contractor on the above-referenced project, for labor and materials furnished on the project.

Attached is a true and correct statement of account that is due and owing.

If this claim remains unpaid, you may be personally liable and your property subjected to a lien unless you withhold payment from the contractor for the payment of this claim or unless this claim is otherwise paid or settled.

This claim has accrued under Section 53.053 of the Texas Property Code and/or is past due according to the agreement between the parties. Demand is hereby made upon you as the owner, and Opus West Construction Company, the general contractor for payment in full of this account.

DATED this 6th day of April, 2009.

Very Truly Yours,
ROCKY DURON & ASSOCIATES

By: 

Marcus S. Duron, Vice President
(214) 358-3455
(214) 358-5713 (fax)



Rocky Duron & Associates, Inc.

P.O. BOX 560264
 Dallas, Tx. 75356-0264

Invoice

Date	Invoice #
2/25/2009	15671

Bill To
OPUS WEST CORPORATION 15455 DALLAS PARKWAY #450 ADDISON, TX 75001-6759

Ship To
2030 Century Center Blvd. Suite 16 Phone 214-358-3455 Irving, TX 75062

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Net 30	BP	2/25/2009			2 Addison Circle 08.1517

Quantity	Item Code	Description	Price Each	Amount
	Materials	POSTAL SPECIALTIES	4,710.00	4,710.00
	Materials	FIRE EXT/CABINETS	3,366.00	3,366.00
	Materials	FIRE EXT/CABINETS	5,985.00	5,985.00
	RETAINAGE	Retainage	-1,406.10	-1,406.10
		Sales Tax	0.00%	0.00

			Total	\$12,654.90
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SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Two Addison Circle Spec Office
 Subcontractor: Rocky Duron & Associates Inc
 Supplier #: 1007682
 Address: 2030 Century Center Blvd
Irving, TX 75062
 Phone: 214.385.3455

Project Number: 10993
 Date of Application: 2-25-09
 Application Number: 2
 Period From: 1-25-09 Period To: 2-25-09

Remittance Address : OPUS West Construction Corporation
Attn : Accounts Payable
15455 N. Dallas Parkway, Suite 450
Addison, TX 75001

CONTRACT INFORMATION

ITEM	SALES TAX \$(if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$58,039.00
OPUS APPROVED CHANGE ORDER thru # 2		\$-1,401.00
CONTRACT AMOUNT TO DATE TOTAL		\$56,638.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$56,638.00
 B Less Retainage 10 % \$5,663.80
 C Total Earned less Retainage (A - B) \$50,974.20
 D Less Previous Billings (previous req's line C) \$38,319.30
 E Current Payment Due (C - D) \$12,654.90
 F Balance to Finish, Plus Retainage (H - A + B)
 G Current Gross Amount Completed This Period \$14,061.00

SUBCONTRACTOR: Rocky Duron & Associates Inc Supplier #: 1007682

BY: _____
 DATE: 2-25-09

APPLICATION BREAKDOWN

THIS SECTION MUST BE COMPLETED IN ORDER FOR THIS PAYMENT TO BE PROCESSED BY OPUS

Account Code	Description	Current Contract Amount	Work Completed		Total Work Complete	Percent Complete	Retainage This Application	Net Payment
			From Previous Application	This Period				
10593.01-F10-10220.00-S	Toilet Partitions - Subcontract	\$20,853.00	<u>20853.00</u>		<u>20853</u>	<u>100%</u>		
10593.01-F10-10270.00-S	Toilet Accessories - Subcontract	\$21,724.00	<u>21724</u>		<u>21724</u>	<u>100%</u>		
10593.01-F10-10550.00-S	Postal Specialties - Subcontract	\$4,710.00		<u>4710.00</u>	<u>4710</u>	<u>100%</u>	<u>471.00</u>	<u>4239.00</u>
10593.01-F10-10600.00-S	Fire Ext/Cabinets - Subcontract	\$3,366.00		<u>3366.00</u>	<u>3366</u>	<u>100%</u>	<u>336.60</u>	<u>3029.40</u>
10593.01-M30-01998.00-S	GC: Miscellaneous - Subcontract	\$0.00						
10593.02-F10-10600.00-S	Fire Ext/Cabinets - Subcontract	\$5,985.00		<u>5985.00</u>	<u>5985.00</u>	<u>100%</u>	<u>598.50</u>	<u>5386.50</u>
	Total	<u>\$56,638.00</u>	<u>42577.00</u>	<u>14,061.00</u>	<u>56,638.00</u>	<u>100%</u>	<u>1406.10</u>	<u>12,654.90</u>
			H	I	G	A	J	K

Entered By : _____
 Accounting Date

Approved By : _____
 Project Manager Date

SHADED AREA FOR OPUS ACCOUNTING USE ONLY



Rocky Duron & Associates, Inc.

P.O. BOX 560264
Dallas, Tx. 75356-0264

Invoice

Date	Invoice #
1/6/2009	15634

Bill To
OPUS WEST CORPORATION 15455 DALLAS PARKWAY #450 ADDISON, TX 75001-6759

Ship To
Opus West Two Addison Circle Spec Office Addison, TX 75001-6759

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
	Net 30	BP	1/6/2009			2 Addison Circle 08.1517

Quantity	Item Code	Description	Price Each	Amount
	Materials	TOILET PARTITIONS	22,440.00	22,440.00
	Materials	TOILET ACCESSORIES	22,092.00	22,092.00
	RETAINAGE	Retainage	-4,453.20	-4,453.20
		Sales Tax	0.00%	0.00
			Total	\$40,078.80



SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Twin Addison Circle Spec Office
Subcontractor: Rocky Duron & Associates Inc
Supplier #: 1007682
Address: 2030 Century Center Blvd
 Irving, TX 75062
 214.385.5455
Phone:
Remittance Address: Opus West Construction Corporation
 Attn: Accounts Payable
 15455 N. Dallas Parkway, Suite 450
 Addison, TX 75001

Project Number: 10593
Date of Application: 1-16-09
Application Number: 1
Period From: 12-25-08 **Period To:** 1-25-09

ITEM	SALES TAX \$(if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$58,039.00
OPUS APPROVED CHANGE ORDER (Item #)		\$0.00
CONTRACT AMOUNT TO DATE TOTAL		\$58,039.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$44,232.00
B Less Retainage (10) % \$4,423.20
C Total Earned less Retainage (A - B) \$39,808.80
D Less Previous Billings (previous req's line C) \$0.00
E Current Payment Due (C - D) \$39,808.80
F Balance to Finish, Plus Retainage (H - A + B) \$13,916.20
G Current Gross Amount Completed This Period \$44,232.00

SUBCONTRACTOR: Rocky Duron & Associates Inc **Supplier #:** 1007682
BY: *[Signature]*
DATE: 1-16-09

APPLICATION BREAKDOWN

THIS SECTION MUST BE COMPLETED IN ORDER FOR THIS PAYMENT TO BE PROCESSED BY OPUS

Account Code	Description	Current Contract Amount	Work Completed		Total Work Complete	Percent Complete	Retainage This Application	Net Payment
			From Previous Application	This Period				
10593-01-10-1020-00-S	Tender Partition - Subcontract	\$22,400.00	22,400.00	22,400.00	100%	2,240.00	20,160.00	
10593-01-10-1070-00-S	Tender Accessories - Subcontract	\$22,000.00	22,000.00	22,000.00	100%	2,200.00	19,800.00	
10593-01-10-1075-00-S	Panel Specialties - Subcontract	\$4,172.00						
10593-01-10-1080-00-S	Free Pxl Cabinets - Subcontract	\$5,160.00						
10593-01-10-0198-00-S	GC Miscellaneous - Subcontract	\$0.00						
10593-02-10-1080-00-S	Free Pxl Cabinets - Subcontract	\$5,985.00						
	Total	\$58,039.00	44,232.00	44,232.00	77%	4,453.20	40,078.80	

Entered By: _____ Accounting Date: _____ Approved By: _____ Project Manager Date: _____

SHADDED AREA FOR OPUS ACCOUNTING USE ONLY



SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Two Addison Circle Spec Office
 Subcontractor: Rocky Duron & Associates Inc
 Supplier #: 1607682
 Address: 2039 Century Center Blvd
Irving, TX 75062
714 384 2455

Project Number: 10493
 Date of Application: 1-16-09
 Application Number: 1
 Period From: 12-25-06 Period To: 1-25-09

Remittance Address: Opus West Construction Corporation
Attn: Accounts Payable
15455 S. Dallas Parkway, Suite 450
Addison, TX 74061

Vendor ID	Vendor Inv. #	Date	GL Exp

PO Box 560264
Dallas, Texas 75356

2030 Century Center Blvd.
Suite 16, Irving, TX 75062



Phone: 800-875-5457
214-358-3455
Fax: 214-358-5713

www.rockyduron.com
MBE & HUB CERTIFIED
VETERAN OWNED

April 6, 2009

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Opus West LP
Suite 450
15455 Dallas Pkwy
Addison, TX 75016

Re: NOTICE OF UNPAID ACCOUNT: \$53,445.60
Two Addison Circle Spec Office -
15725 Dallas Pkwy, Addison, TX 75001
Legal Desc. - GW FISHER ABST 482 pg 731 TR 35.2 ACS 3.371

To Whom It May Concern:

Please consider this formal notice under the laws of Texas that an unpaid account is due and owing to the undersigned firm from Opus West Construction Corporation, the general contractor on the above-referenced project, for labor and materials furnished on the project.

Attached is a true and correct statement of account that is due and owing.

If this claim remains unpaid, you may be personally liable and your property subjected to a lien unless you withhold payment from the contractor for the payment of this claim or unless this claim is otherwise paid or settled.

This claim has accrued under Section 53.053 of the Texas Property Code and/or is past due according to the agreement between the parties. Demand is hereby made upon you as the owner, and Opus West Construction Company, the general contractor for payment in full of this account.

DATED this 6th day of April, 2009.

Very Truly Yours,
ROCKY DURON & ASSOCIATES

By: 

Marcus S. Duron, Vice President
(214) 358-3455
(214) 358-5713 (fax)

PO Box 560264
Dallas, Texas 75356

2030 Century Center Blvd.
Suite 16, Irving, TX 75062



Phone: 800-875-5457

214-358-3455

Fax: 214-358-5713

www.rockyduron.com

MBE & HUB CERTIFIED

VETERAN OWNED

STATEMENT OF ACCOUNT

<u>Date</u>	<u>Pay Application No.</u>	<u>Amount</u>
1/06/09	No. 1*	\$40,078.80
2/25/09	No. 2*	\$12,654.90
	TOTAL AMOUNT DUE OWING AND UNPAID:	\$53,445.60

*See copies of Pay Applications attached

PO Box 560264
Dallas, Texas 75356

2030 Century Center Blvd.
Suite 16, Irving, TX 75062



Phone: 800-875-5457
214-358-3455
Fax: 214-358-5713

www.rockyduron.com
MBE & HUB CERTIFIED
VETERAN OWNED

April 6, 2009

Via Certified Mail, Return Receipt Requested
Opus West Construction Corporation
15455 N. Dallas Parkway – Suite 450
Addison, TX 75001

Re: Request for Information
Project: Two Addison Circle Spec Office – 15725 North Dallas Parkway,
Addison, TX 75001

To Whom It May Concern:

Rocky Duron & Associates has furnished work to you under the original contract for construction of the above-referenced project. Pursuant to the Section 53.159 of the *Texas Property code*, you are hereby requested to furnish us with the following within ten days:

- 1) The name and last known address of the person to whom you are furnishing labor or material for the construction project;
- 2) The name and last known address of the owner of the real property being improved if different from No. 1, above;
- 3) Whether you have furnished or have been furnished a payment bond for any of the work on the construction project and, if so, the name and last known address of the surety and a copy of the bond; and
- 4) Whether or not you are an original contractor on this project (that is, whether or not your contract is with the owner of the property).

DATED this 6th day of April, 2009.

Very Truly Yours,
ROCKY DURON & ASSOCIATES

By: 

Marcus S. Duron, Vice President
(214) 358-3455
(214) 358-5713 (fax)

PO Box 560264
Dallas, Texas 75356

2030 Century Center Blvd.
Suite 16, Irving, TX 75062



Phone: 800-875-5457
214-358-3455
Fax: 214-358-5713

www.rockyduron.com
MBE & HUB CERTIFIED
VETERAN OWNED

April 7, 2009

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Opus West LP
Suite 450
15455 Dallas Pkwy
Addison, TX 750016


Re: REQUEST FOR AFFIDAVIT OF COMPLETION
Two Addison Circle Spec Office -
15725 Dallas Pkwy, Addison, TX 75001
Legal Desc. - GW FISHER ABST 482 pg 731 TR 35.2 ACS 3.371

To Whom It May Concern:

Rocky Duron & Associates furnished labor and materials for the above-referenced project. Pursuant to the Texas Property Code, Section 53.106, you are hereby requested to furnish us with copy of the affidavit of completion of improvements under the construction contract on the property. Said copy must be furnished to us not later than the 10th day after the date this request is received or after the date the affidavit of completion is filed, whichever is later.

DATED this 6th day of April, 2009.

Very Truly Yours,
ROCKY DURON & ASSOCIATES

By: 

Marcus S. Duron, Vice President
(214) 358-3455
(214) 358-5713 (fax)

PO Box 560264
Dallas, Texas 75356

2030 Century Center Blvd.
Suite 16, Irving, TX 75062



Phone: 800-875-5457
214-358-3455
Fax: 214-358-5713

www.rockyduron.com
MBE & HUB CERTIFIED
VETERAN OWNED

April 6, 2009

Via Certified Mail, Return Receipt Requested
Opus West Construction Corporation
15455 N. Dallas Parkway – Suite 450
Addison, TX 75001

Re: Request for Information
Project: Two Addison Circle Spec Office – 15725 North Dallas Parkway,
Addison, TX 75001

To Whom It May Concern:

Rocky Duron & Associates has furnished work to you under the original contract for construction of the above-referenced project. Pursuant to the Section 53.159 of the *Texas Property code*, you are hereby requested to furnish us with the following within ten days:

- 1) The name and last known address of the person to whom you are furnishing labor or material for the construction project;
- 2) The name and last known address of the owner of the real property being improved if different from No. 1, above;
- 3) Whether you have furnished or have been furnished a payment bond for any of the work on the construction project and, if so, the name and last known address of the surety and a copy of the bond; and
- 4) Whether or not you are an original contractor on this project (that is, whether or not your contract is with the owner of the property).

DATED this 6th day of April, 2009.

Very Truly Yours,
ROCKY DURON & ASSOCIATES

By: 

Marcus S. Duron, Vice President
(214) 358-3455
(214) 358-5713 (fax)