

UNITED STATES BANKRUPTCY COURT Northern District of Texas, Dallas Division

PROOF OF CLAIM

Name of Debtor:
Opus West Construction Corporation

Case Number:
09-34360-11

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):
Bergelectric Corp.

Check this box to indicate that this claim amends a previously filed claim.

Name and address where notices should be sent:
Bergelectric Corp.
650 Opper Street, Escondido, CA 92029

FILED

JUL 27 2009

Court Claim Number: _____
(If known)

Telephone number:
(760) 746-1003

**TAWANA C. MARSHALL, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

Filed on: _____

Name and address where payment should be sent (if different from above):
Same as Above

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:

Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ 30,250.00

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.

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:

\$ _____

*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: Electrical Services
(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: Real Estate Motor Vehicle 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:
07/22/2009

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.

Bonnie Bailey
AR Manager

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.

RECEIVED
AUG 12 2009

BMC GROUP



For all invoices entered on or before 07/22/09

Bergelectric Corporation

For job 11165

Progress Billing Open Items

Cust Job#	Invoice	Invoice Date	Amount Billed	Date Paid	Check#	Amount Paid	Balance Due
10439.00	11165-1	05/21/08	20,250.00	11/26/08	112254	20,250.00	0.00
10439.00	11165-2	05/27/09	25,200.00				25,200.00
10439.00	11165-3	07/08/09	5,050.00				5,050.00
	Total for Contract: 11165		50,500.00			20,250.00	30,250.00

Opus West Construction Corporation

11165 - Opus West Construction Corporation

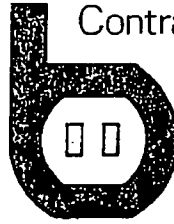
11165 - Opus West Construction Corporation

11165 - Opus West Construction Corporation

INVOICE

Bergelectric Corp.

Contractors & Engineers



Orange County
Progress - (P2G)

5650 W. Centinela Ave., Los Angeles, CA 90045 (310) 337-1377
Mail: P.O. Box 45029, Los Angeles, CA 90045
CA Contractor's State License No. C-10 085046

Opus West Construction
2050 Main Street Suite 800
Irvine, CA 92614

Date 05/27/2009
Invoice No. 11165-2
Berg Job No. 11165
Cust Job No. 10439.00
Terms NET 30

THIS INVOICE DUE AND PAYABLE UPON PRESENTATION

PROJECT: Haven Point
Haven and Arrow
Rancho Cucamonga, CA 91730

Progress billing for electrical work performed at project location for period ending 05/31/2009.

Contract No. 10439.00		1,057,300.00
Total Contract + Change Order		1,057,300.00
Progress	5%	50,500.00
Less Retention	10%	5,050.00
Total Billing To Date		45,450.00
Previous Amount Billed		20,250.00
Amount Due This Request		25,200.00
Payments Received To Date	20,250.00	
Outstanding Balance Due	25,200.00	

Please reference invoice number with your payment.
Thank You!!!!!!

16.

RELEASE FORM 1

CONDITIONAL WAIVER AND RELEASE
UPON PROGRESS PAYMENT
[Civil Code Section 3262 (d)(1)]

Upon receipt of the undersigned of a check from Opus West Construction
(Maker of Check)
in the sum of 25,200.00 payable to Bergelectric Corp.
(Amount of Check) (Payee or Payees of Check)

and when the check has been properly endorsed and has been paid by the bank upon which it is drawn,
this document shall become effective to release any mechanic's lien, stop notice, or bond right the under-
signed has on the job of Haven Point
(Owner)

located at Haven and Arrow, Rancho Cucamonga, CA 91730
(Job Description)

to the following extent.

This release covers a progress payment for labor, services, equipment, or materials furnished to
Opus West Construction through 5/31/2009
(Your Customer) (Date)

only, and does not cover any retentions retained before or after the release date; extras furnished before
the release date for which payment has not been received; extras or items furnished after the release date.

executed by the parties prior to the release date are covered by this release unless specifically reserved by
the claimant in this release. This release of any mechanic's lien, stop notice, or bond right shall not other-
wise affect the contract rights, including rights between parties to the contract based upon a rescission,
abandonment, or breach of the contract, or the right of the undersigned to recover compensation for
furnished labor, services, equipment, or material covered by this release if that furnished labor, services,
equipment, or material was not compensated by the progress payment. Before any recipient of this
document relies on it, said party should verify evidence of payment to the undersigned.

Dated: 5/27/2009 Bergelectric Corp.
(Company Name)

By: John Holland John Holland, Credit Coordinator
(Title)

NOTE: This form complies with the requirements of Civil Code Section 3262 (d)(1). It is to be used by a party who
applies for a progress payment when the progress payment check has not yet cleared the bank.



SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Haven Point Project Number: 10439
 Subcontractor: Bergelectric Corp Date of Application: 05/27/2009
 Supplier #: 1006786
 Address: 3595 Cadillac Avenue, Suite 101 Application Number: 02
 Costa Mesa, CA 92626 Period From: 05/01/2009 Period To: 05/31/09
 Phone: 714-433-7100
 Remittance Address: OPUS West Construction Corporation
 Ann: Accounts Payable
 2050 Main Street, Suite 800
 Irvine, CA 92614

CONTRACT INFORMATION

ITEM	SALES TAX \$(if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$1,057,300.00
OPUS APPROVED CHANGE ORDER # 1 thru #		
CONTRACT AMOUNT TO DATE TOTAL		\$1,057,300.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 50,500.00
 B Less Retainage 10 % \$ 5,050.00
 C Total Earned less Retainage (A - B) \$ 50,500.00
 D Less Previous Billings (previous req's line C) \$ 20,250.00
 E Current Payment Due (C - D) \$ 50,500.00
 F Balance to Finish, Plus Retainage (H - A + B) \$ 1,011,850.00
 G Current Gross Amount Completed This Period \$ 50,500.00

SUBCONTRACTOR: Bergelectric Corp Supplier #: 1006786
 BY: John Holland, Credit Coordinator
 DATE: 05/27/2009

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				
10439.10-B10-16100.00-S	Site Electrical - Subcontract	\$650,000.00		28,000.00	\$50,500.00	5.0	\$5,050.00	\$25,200.00
10439.10-K10-16000.00-S	Electrical Systems - Subcontract	\$200,300.00						
10439.10-K20-16320.00-S	Fire Alarm System - Subcontract	\$20,000.00						
10439.20-B10-16100.00-S	Site Electrical - Subcontract	\$75,000.00						
10439.20-K10-16000.00-S	Electrical Systems - Subcontract	\$55,000.00						
10439.20-K20-16320.00-S	Fire Alarm System - Subcontract	\$12,000.00						
10439.30-B10-16100.00-S	Site Electrical - Subcontract	\$25,000.00						
10439.30-K10-16000.00-S	Electrical Systems - Subcontract	\$15,000.00						
10439.30-K20-16320.00-S	Fire Alarm System - Subcontract	\$5,000.00						
	Total	\$1,057,300.00		\$28,000.00	\$50,500.00	5.0	\$5,050.00	\$25,200.00
		H	I	G	A	J	K	E

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



SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Haven Point Project Number: 10439
Subcontractor: Bergelectric Corp Date of Application: _____
Supplier #: 1006786
Address: 3595 Cadillac Avenue, Suite 101 Application Number: _____
Costa Mesa, CA 92626 Period From: _____ Period To: _____
Phone: 714-433-7100
Remittance Address: OPUS West Construction Corporation
Attn: Accounts Payable
2050 Main Street, Suite 800
Irvine, CA 92614

SHADED AREA FOR OPUS ACCOUNTING USE ONLY

Vendor ID	Vendor Inv. #	Date	GL Exp
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APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF ONE

PAGES

PROJECT: Haven Point

APPLICATION NO: 2

Distribution to:

1	OWNER
1	ARCHITECT
	INSPECTOR
1	CONSTRUCTION MANAGER
3	TOTAL

PERIOD TO: 05/31/2009

CONTRACT DATE:

TO OWNER:
2050 Main St., Ste. 800
Irvine, CA 92614

FROM: Bergelectric Corporation
5650 W. Centinela Ave.
Los Angeles, CA 90045

VIA CONSTRUCTION MANAGER:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

The undersigned General Contractor (GC) certifies that to the best of the GC's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the GC for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

- ORIGINAL CONTRACT SUM \$ 1,057,300
- Net change by Change Orders \$
- CONTRACT SUM TO DATE (Line 1 ± 2) \$ 1,057,300
- TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 50,500

- RETAINAGE:
 - 10 % of Completed Work \$ 5,050
(Column D + E on G703)
 - 10 % of Stored Material \$

- (Column F on G703)
Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$ 5,050
- TOTAL EARNED LESS RETAINAGE \$ 45,450
(Line 4 Less Line 5 Total)
 - LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 20,250
 - CURRENT PAYMENT DUE \$ 25,200
 - BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) \$ 1,011,850

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
TOTALS		
NET CHANGES by Change Order		

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractors are entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED: \$

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)
ARCHITECT:

By: _____ Date: _____
This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

AIA DOCUMENT G703

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.
 In tabulations below, amounts are stated to the nearest dollar.
 Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 5/17/2008
 APPLICATION DATE: 5/31/2008
 PERIOD TO: HAVEN POINT

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E WORK COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)						
	<u>GENERAL</u>								
1	CLOSE OUT	\$28,000.00	\$0.00		\$28,000.00		\$28,000.00	\$0.00	\$2,800.00
2	ENGINEERING	\$30,000.00	\$22,500.00		\$0.00		\$22,500.00	\$7,500.00	\$2,250.00
	SUBTOTAL - SITE WORK	\$58,000.00	\$22,500.00		\$28,000.00		\$50,500.00	\$7,500.00	\$5,050.00
	<u>RETAIL</u>								
	<u>SITE</u>								
1	UNDERGROUND CONDUIT POWER/DATA	\$42,000.00			\$0.00		\$0.00	\$42,000.00	\$0.00
2	ROUGH ELECTRICAL INSTALLATION	\$15,000.00			\$0.00		\$0.00	\$15,000.00	\$0.00
2	LIGHTING PACKAGE SITE	\$10,000.00			\$0.00		\$0.00	\$10,000.00	\$0.00
	<u>BUILDING</u>								
7	ROUGH ELECTRICAL INSTALLATION	\$29,000.00			\$0.00		\$0.00	\$29,000.00	\$0.00
8	SWITCHGEAR, FEEDERS	\$24,000.00			\$0.00		\$0.00	\$24,000.00	\$0.00
9	FIRE ALARM	\$12,000.00			\$0.00		\$0.00	\$12,000.00	\$0.00
10	LIGHTING PACKAGE	\$1,000.00			\$0.00		\$0.00	\$1,000.00	\$0.00
11	ELECTRICAL TRIM	\$1,000.00			\$0.00		\$0.00	\$1,000.00	\$0.00
	SUBTOTAL - RETAIL	\$134,000.00	\$0.00		\$0.00		\$0.00	\$134,000.00	\$0.00
	<u>OFFICE BUILDING</u>								
	<u>SITE 4story</u>								
	UNDERGROUND CONDUIT POWER/DATA	\$325,000.00			\$0.00		\$0.00	\$325,000.00	\$0.00
	ROUGH ELECTRICAL INSTALLATION	\$190,000.00			\$0.00		\$0.00	\$190,000.00	\$0.00
	LIGHTING PACKAGE	\$85,000.00			\$0.00		\$0.00	\$85,000.00	\$0.00
	<u>BUILDING</u>								
	ROUGH ELECTRICAL INSTALLATION	\$95,300.00			\$0.00		\$0.00	\$95,300.00	\$0.00

CONTINUATION SHEET

AIA DOCUMENT G703

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification, is attached.
 In tabulations below, amounts are stated to the nearest dollar.
 Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 5/17/2008
 APPLICATION DATE: 5/31/2008
 PERIOD TO: HAVEN POINT

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	WORK COMPLETED THIS PERIOD				
	SWITCHGEAR, FEEDERS	\$65,000.00		\$0.00		\$0.00	\$65,000.00	\$0.00
	FIRE ALARM	\$20,000.00		\$0.00		\$0.00	\$20,000.00	\$0.00
	LIGHTING PACKAGE	\$25,000.00		\$0.00		\$0.00	\$25,000.00	\$0.00
	ELECTRICAL TRIM	\$15,000.00		\$0.00		\$0.00	\$15,000.00	\$0.00
	SUBTOTAL - 4 STORY	\$820,300.00		\$0.00		\$0.00	\$820,300.00	\$0.00

CONTINUATION SHEET

AIA DOCUMENT G703

AIA Document G702, APPLICATION AND CERTIFICATION FOR PAYMENT, containing Contractor's signed certification is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

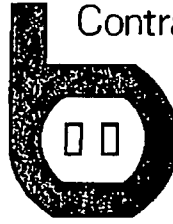
APPLICATION NO: 5/17/2008
 APPLICATION DATE: 5/31/2008
 PERIOD TO: HAYEN POINT

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D		E WORK COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	% (G + C)					
	<u>BANK SITE</u>								
	UNDERGROUND CONDUIT POWER/DATA	\$20,000.00			\$0.00		\$0.00	\$20,000.00	\$0.00
	ROUGH ELECTRICAL INSTALLATION	\$5,000.00			\$0.00		\$0.00	\$5,000.00	\$0.00
	FIRE ALARM	\$5,000.00			\$0.00		\$0.00	\$5,000.00	\$0.00
	LIGHTING PACKAGE	\$15,000.00			\$0.00		\$0.00	\$15,000.00	\$0.00
	SUBTOTAL -BANK PAD	\$45,000.00	\$0.00		\$0.00		\$0.00	\$45,000.00	\$0.00
	<u>CHANGE ORDERS</u>								
1	Change Order #1 close out	-\$1,006,800.00			\$0.00		\$0.00	(\$1,006,800.00)	\$0.00
2	Change Order #2				\$0.00		\$0.00	\$0.00	\$0.00
	SUBTOTAL - CHANGE ORDERS	-\$1,006,800.00	\$0.00		\$0.00		\$0.00	(\$1,006,800.00)	\$0.00
	TOTAL CONTRACT	\$50,500.00	\$22,500.00		\$28,000.00		\$50,500.00	\$0.00	\$5,050.00

Users may obtain validation of this document by requesting of the licensee a completed AIA Document D401 - Certification of Document's Authenticity

INVOICE

Bergelectric Corp.



Contractors & Engineers

Orange County
Progress - (P2G)

5650 W. Centinela Ave., Los Angeles, CA 90045 (310) 337-1377

Mail: P.O. Box 45029, Los Angeles, CA 90045

CA Contractor's State License No. C-10 085046

Opus West Construction
2050 Main Street Suite 800
Irvine, CA 92614

Date 07/08/2009
Invoice No. 11165-3
Berg Job No. 11165
Cust Job No. 10439.00
Terms NET 30

THIS INVOICE DUE AND PAYABLE UPON PRESENTATION

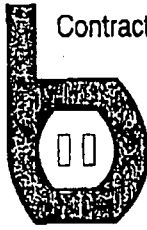
PROJECT: Haven Point
Haven and Arrow
Rancho Cucamonga, CA 91730

Retention billing for electrical work performed at project location.

Contract No. 10439.00		1,057,300.00
Change Orders:		
1		-1,006,800.00
Total Contract + Change Order		50,500.00
Progress	100%	50,500.00
Less Retention	0%	0.00
Total Billing To Date		50,500.00
Previous Amount Billed		45,450.00
Amount Due This Request		5,050.00
Payments Received To Date	20,250.00	
Outstanding Balance Due	30,250.00	

Please reference invoice number with your payment:
Thank You!!!!!!

Bergelectric Corp. Contractors & Engineers



WO# 11165

RELEASE FORM 3
CONDITIONAL WAIVER AND RELEASE
UPON FINAL PAYMENT

CALIFORNIA CIVIL CODE SECTION §3262(d)(3)

Upon receipt by the undersigned of a check from

OPUS WEST CONSTRUCTION CORPORATION

in the sum of **\$5,050.00** payable to **BERGELECTRIC CORPORATION**

and when the check has been properly endorsed and has been paid by the bank upon which it was drawn, this document shall become effective to release any mechanic's lien, stop notice, or bond right the undersigned has on the job of

HAVEN POINT
OPUS WEST CONSTRUCTION

located at **NORTHWEST CORNER OF HAVEN AVENUE AND ARROW ROUTE**
RANCHO CUCAMONG, CA 91729

This release covers the final payment to the undersigned for all labor, services, equipment, or materials furnished on the job, except for disputed claims for additional work in the amount of

Before any recipient of this document relies on it, the party should verify evidence of payment to the undersigned.

Dated: 07/08/2009

BERGELECTRIC CORPORATION

By: 

WILLIAM M. WINGERNING / SERVICE PRESIDENT

Note: This form of release complies with the requirements of CIVIL CODE 3262(d)(3). It is not effective until the check that constitutes final payment has been properly endorsed and clears the bank.