

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 *AB*

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: \$ 46,626.70

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).

2. Basis for Claim: Electrical Services  
(See instruction #2 on reverse side.)

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).

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.)

Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).

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: Construction Lien

Value of Property: \$ \_\_\_\_\_ Annual Interest Rate 10%

Amount of arrearage and other charges as of time case filed included in secured claim,

if any: \$ 46,626.70 Basis for perfection: Mechanic's Lien

Amount of Secured Claim: \$ 46,626.70 Amount Unsecured: \$ \_\_\_\_\_

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).

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

Other - Specify applicable paragraph of 11 U.S.C. §507 (a)( ).

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:

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.

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*

**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.

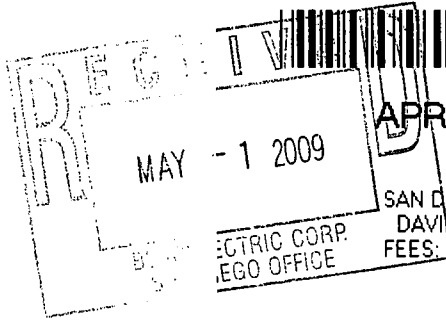
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AUG 12 2009

BMC GROUP



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APR 23, 2009 1:34 PM

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
DAVID L. BUTLER, COUNTY RECORDER  
FEES: 10.00

Recording requested by:  
**BERGELECTRIC CORPORATION**

And when recorded mail to:  
**BERGELECTRIC CORPORATION**  
650 OPPER STREET  
ESCONDIDO, CA 92029

**PAGES: 1**



WO 11539

**MECHANIC'S LIEN  
(Claim of Lien)**

The undersigned, BERGELECTRIC CORP., referred to in this Claim of Lien as the Claimant, claims a mechanic's lien for the labor, services, equipment and /or materials described below, furnished for a work of improvement upon that certain real property located in the City of Carlsbad, County of San Diego, State of California, and described as follows: Aethercomm TI-3205 Lionshead Ave. Carlsbad, CA 92101

After deducting all just credits and offsets, the sum of \$ 46,626.70 together with interest thereon at the rate of ten percent (10%) per annum from 1/29/09 , is due Claimant for the following labor, services, equipment and/or materials furnished by Claimant: Furnished and installed electrical materials.

The name of the person or company by whom Claimant was employed, or to whom Claimant furnished the labor, services, equipment and/or materials is: Opus West Corp. 2050 Main Street Ste. 800 Irvine, CA 92614

The name(s) and address(es) of the owner(s) or reputed owner(s) of the real property is/are: Opus West Corp. 2050 Main Street Ste. 800 Irvine, CA 92614

**BERGELECTRIC CORPORATION**  
NAME OF CLAIMANT  
BY: Jamie Nabas  
Tami Nabors, Credit/Collections Coordinator

I, the undersigned, declare: I am the Credit/Collections Coordinator of Bergelectric Corporation, the Claimant named in the foregoing claim of mechanic's lien; I am authorized to make this Verification for the Claimant; I have read the foregoing claim of mechanic's lien and know the contents thereof, and the same is true to my own knowledge.  
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Escondido, CA  
Dated: April 23, 2009

Jamie Nabas

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

Bergelectric Corporation

For job 11539

### Progress Billing Open Items

#### Opus West Construction Corporation

	Cust Job#	Invoice	Invoice Date	Amount Billed	Date Paid	Check#	Amount Paid	Balance Due
11539 - Opus West Construction Corporation	1107700	11539-1	07/31/08	42,355.80	10/08/08	110742	42,355.80	0.00
11539 - Opus West Construction Corporation	1107700	11539-2	09/12/08	62,550.00	12/31/08	112256	62,550.00	0.00
11539 - Opus West Construction Corporation	1107700	11539-3	10/15/08	35,550.00	02/09/09	113752	35,550.00	0.00
11539 - Opus West Construction Corporation	1107700	11539-4	11/21/08	178,650.00	01/07/09	115355	178,650.00	0.00
11539 - Opus West Construction Corporation	1107700	11539-5	12/15/08	54,900.00	03/26/09	116412	54,900.00	0.00
11539 - Opus West Construction Corporation	1107700	11539-6 V	01/20/09	44,148.60				0.00
11539 - Opus West Construction Corporation	1107700	11539-6 Rev 1	01/20/09	45,634.50	03/26/09	117897	45,634.50	0.00
11539 - Opus West Construction Corporation	1107700	11539-7 V	01/20/09	46,461.60				0.00
11539 - Opus West Construction Corporation	1107700	11539-8	01/29/09	46,626.70				46,626.70
		Total for Contract: 11539		466,267.00			419,640.30	46,626.70