

UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS	PROOF OF CLAIM
Name of Debtor: (Check Only One): <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.	Case Number: 09-34360
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): Diversified Plastering	<input type="checkbox"/> 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: Diversified Plastering Inc 15250 Sellers Rd Houston Tx 77060 Telephone number: 281-445-9300 Email Address: gina.diversifiedplastering@yahoo.com	<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.
Name and address where payment should be sent (if different from above): Telephone number:	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: \$
1. Amount of Claim as of Date Case Filed: \$ 25486.00 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. <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.	
2. Basis for Claim: PLASTER SERVICES - MATERIAL + LABOR (See instruction #2 on reverse side.)	
3. Last four digits of any number by which creditor identifies debtor: OPU 1 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"/> Equipment <input type="checkbox"/> Other Value of Property: \$ _____ Annual Interest Rate % Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ 6298.54 Basis for perfection: 5798.60 Amount Unsecured: \$ 429.94	
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: 8-14-09 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. [Signature] DATE FAIRBANKS Vice 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 (GCC) (12/08)

AUG 27 2009

BMC GROUP



INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules. The attorneys for the Debtors and their court-appointed claims agent (The BMC Group) are not authorized and are not providing you with any legal advice.

PLEASE SEND YOUR ORIGINAL, COMPLETED CLAIM FORM AS FOLLOWS: **IF BY MAIL:** OPUS WEST CORPORATION, et al C/O BMC GROUP, PO BOX 3020, CHANHASSEN, MN, 55317-3020. **IF BY HAND OR OVERNIGHT COURIER:** OPUS WEST CORPORATION, et al C/O BMC GROUP, 18750 LAKE DRIVE EAST, CHANHASSEN, MN, 55317. ANY PROOF OF CLAIM SUBMITTED BY FACSIMILE OR E-MAIL WILL NOT BE ACCEPTED.

THE GENERAL BAR DATE IN THESE CHAPTER 11 CASES IS November 9, 2009

Court, Name of Debtor, and Case Number:

These chapter 11 cases were commenced in the United States Bankruptcy Court for the Northern District of Texas on July 6, 2009. You should select the Debtor against which you are asserting your claim.

A SEPARATE PROOF OF CLAIM FORM MUST BE FILED AGAINST EACH DEBTOR.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. Please provide us with a valid email address. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the Petition Date. Follow the instructions concerning whether to complete items 4 and/or 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the debtor, trustee or another party in interest files an objection to your claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the Debtor, if any.

3a. Debtor May Have Scheduled Account As:

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the Debtor.

4. Secured Claim:

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a).

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the Debtor credit for any payments received toward the debt.

7. Documents:

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

Date and Signature:

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS

Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is a person, corporation, or other entity owed a debt by the debtor on the date of the bankruptcy filing.

Claim

A claim is the creditor's right to receive payment on a debt owed by the Debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the BMC Group as described in the instructions above and in the Bar Date Notice.

Secured Claim Under 11 U.S.C. §506(a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car.

A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. §507(a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

INFORMATION

Acknowledgment of Filing of Claim

To receive acknowledgment of your filing from the BMC Group, please provide a self-addressed stamped envelope and a copy of this proof of claim when you submit the original claim to the BMC Group.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

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"THIS IS NOT A LIEN. THIS IS ONLY AN AFFIDAVIT CLAIMING A LIEN"

LIEN AFFIDAVIT AND CLAIM

THE STATE OF TEXAS

COUNTY OF HARRIS

CHUCK PORTZ, as Attorney and Agent for the undersigned Claimant makes this affidavit for the purpose of perfecting a lien claim on the real property and improvements herein described and to secure the amount of this claim, states the following:

1. The name and address of the Owner(s) or reputed Owner(s) is/are:
Opus West, L.P., Devry Park Limited Partnership, 10350 Bren Road West, Minnetonka, Minnesota 55343;
2. The name and address of the Original Contractor is:
Opus West Construction Corporation, 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001
3. The real property is located at: **Two Westway, 11025 West Equity Drive North, Houston, Texas 77041; Reserve A, Block 1, Westway Park, Section 4, Houston, Harris County, Texas 77041;**
4. **Diversified Plastering, 15250 Sellers Road, Houston, Texas 77060, Claimant, provided labor and/or materials during the calendar month(s) of February through April, 2009, pursuant to a contract with: Opus West Construction Corporation, the original contractor;**

As follows: Labor and materials to install plaster, etc.

5. This claim is upon the real property and improvements described above. This claim is for any one and all **STATUTORY AND CONSTITUTIONAL LIEN RIGHTS**, as prescribed by law. The amount of this claim after all just and lawful offsets, payments and credits know to me is **\$35,486.00**, which has not been paid.

6. A true and correct copy of this affidavit and notice has been served on the owner(s) or reputed Owner(s) and/ or the original and all other named parties by Certified Mail, Return Receipt Requested, in accordance with the Texas Property Code Sections 53.055, 53.056 and/or 53.252, as of this date, April 30, 2009.

FILED FOR RECORD
8:00 AM

MAY -8 2009

L. Beverly E. Kaye
County Clerk, Harris County, Texas

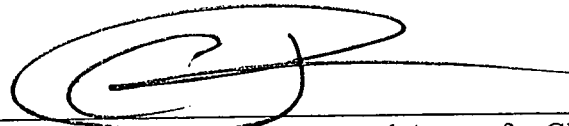
RR 1364-61-0099

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lee

10/1/09

DATED: April 30 2009

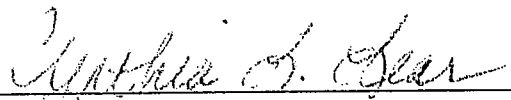
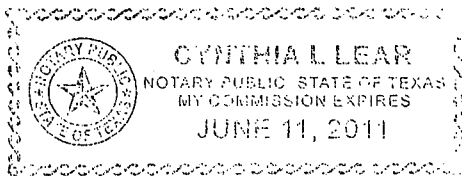


CHUCK PORTZ-Attorney and Agent for Claimant

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BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Chuck Portz, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the foregoing for the purposes and consideration therein expressed.

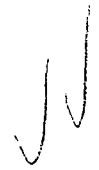
SWORN TO AND SUBSCRIBED BEFORE ME, under my official hand and seal of office, this the 30 day of April, 2009.



NOTARY PUBLIC in and for the STATE OF TEXAS

RETURN TO:

CHUCK PORTZ
P. O. BOX 41029
HOUSTON, TEXAS 77241
713-223-5299



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 its regular Sequence on the date and at the place stamped below by me, and was duly RECORDED. In the Official Public Records of Real Property of Harris County Texas on

MAY - 8 2009




COUNTY CLERK
HARRIS COUNTY, TEXAS

REF 064-61-0052

JH
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Opus West Construction Corporation
SUBCONTRACT CHANGE ORDER

Change Order Date: 02/12/2009
Change Order #: 1
To Subcontract Agreement dated: 08/14/2008
TO: Diversified Plastering Inc
15250 Sellers Rd
Houston, TX 77060

EIFS
CON-10836.00-16
07240

PROJECT: Two Westway
11025 Equity Drive
Houston, TX 77041

CHANGE DETAILS

Item	Description	Amount
1	Additional EIFS on screen wall	\$5,736.00
		<u>\$5,736.00</u>

SCHEDULE

Completion date of original contract will not be adjusted, unless noted herein.

CONTRACT SUMMARY

Cost Code	Previous Amount	This Change Order	Current Contract Amount
10836.01-E10-07240.00-S	\$29,750.00	\$5,736.00	\$35,486.00
	<u>\$29,750.00</u>	<u>\$5,736.00</u>	<u>\$35,486.00</u>
Original Contract Amount.....			\$29,750.00
Previously Approved Change Orders.....			\$0.00
Amount this Change Order.....			\$5,736.00
Contract Amount to Date.....			\$35,486.00

ACKNOWLEDGEMENT

Please sign and return all original copies

Diversified Plastering Inc

Opus West Construction Corporation

Dale Fairbanks VP

Dale Fairbanks VP
Printed Name
2-19-09
Date

Paul Lembke

Paul Lembke
Printed Name
2/20/09
Date

Reference this change order number on all Application for Payment documents.

The work covered by this Subcontract Change Order will be performed under the same terms and conditions as those in the Subcontract Agreement. Subcontractor agrees this Subcontract Change Order is inclusive of all Subcontractor's claims for additional compensation for work heretofore authorized or performed beyond the scope of the Subcontract Agreement as amended this date. No other claims will be accepted by Contractor.



Two Westway / 10836.00
07240 / EIFS

Diversified Plastering / James Orlando
Contact Phone # 713.861.2654
Contact Fax # 713.861.2655
Payment Terms: Standard

SUBCONTRACT AGREEMENT (Labor and Materials)

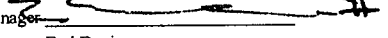
This Subcontract Agreement ("Subcontract") is made as of this 14th day of August, 2008, by and between **OPUS West Construction Corporation** ("Contractor"), with its office located at 15455 N. Dallas Parkway - Suite 450, Addison, TX 75001, and **Diversified Plastering** ("Subcontractor") with its office located at 1501 Knox, Houston, TX 77007.

Contractor and Subcontractor agree as follows:

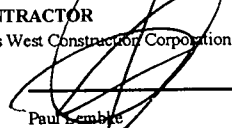
1. Subcontract Documents. The term "Subcontract Documents" is defined in Paragraph 1 of the attached Rider "A".
2. Project. Contractor is providing design and construction-related services to Owner (defined below) in connection with the project generally described as Two Westway ("Project"), located at 11025 Equity Drive, Houston, TX 77041 ("Project Site"), and consisting of the total work provided by Contractor under contract documents between Owner and Contractor.
3. Owner. The Owner of the Project is DeVry Park LP ("Owner").
4. Architect/Engineer. The architect and engineers ("Architect/Engineer") of record for the Project are:

Architect of Record:	Opus Architects & Engineers, Inc.
Civil Engineer:	Garrett-Ihnen Civil Engineers Inc
Geotechnical Engineer:	Terracon Consultants Inc
Structural Engineer of Record:	Opus Architects & Engineers, Inc.
5. Scope of Work. Subcontractor's scope of work for the Project is described in the attached Rider "A" and is defined therein as the Work.
6. Schedule. Time is of the essence. Accordingly, all time limits and requirements for completion set forth in the Subcontract Documents, including any intermediate milestones (collectively referred to in the Subcontract Documents as the "Schedule"), are of the essence of this Subcontract. Subcontractor shall begin its Work as soon as the Project is ready for the Work or within three (3) calendar days after being notified orally or in writing to proceed by Contractor. The Substantial Completion of the Work (defined in the General Conditions of Subcontract) shall be achieved as required by job progress, so as to allow the entire Project to be substantially completed on or before 02/23/2009. Subcontractor shall conform to all progress and schedule requirements of the Subcontract Documents and as directed by Contractor's project manager, and must achieve the milestones (if any) as described in the attached Rider "A".
7. Subcontract Sum. Contractor shall pay Subcontractor the sum of \$ 29,750.00 ("Subcontract Sum"). The Subcontract Sum includes freight and delivery charges and all applicable state and local taxes including sales and use tax, and if required by law, these taxes must be separately stated on any payment applications, invoices or similar documents delivered by Subcontractor to Contractor for completion of the Work in accordance with the terms and conditions of the Subcontract Documents. A breakdown of the components of the Subcontract Sum is set forth in the attached Rider "A".
8. Riders. The following Riders are attached to and made a part of this Subcontract:
 - 8.1 Rider A (Scope of Work)
 - 8.2 Rider B (Indemnification)
 - 8.3 Rider C (Insurance)

Contractor and Subcontractor sign as follows:

Approved by Contractor's project manager 
Earl Davis

CONTRACTOR
Opus West Construction Corporation

By: 

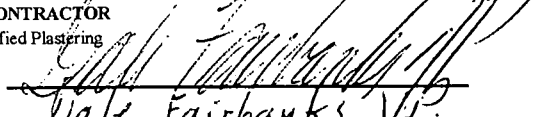
Paul Sembke

(Print Name)
Vice President of Construction, Texas

(Title)
9/2/08

(Date)

SUBCONTRACTOR
Diversified Plastering

By: 

Dale Fairbanks

(Print Name)
Vice President

(Title)
8-26-08

(Date)

S T A T E M E N T

DIVERSIFIED PLASTERING, INC.
 15250 SELLERS RD
 HOUSTON TX 77060

Page: 1

OPUS WEST CONSTRUCTION CORP
 15455 NORTH DALLAS PKWY #405
 ADDISON TX 75001

Account No.
 OPU100

Statement
 Date
 07/28/2009

Terms
 C. O. D.

Trans Date	Invoice	Type	Check #	Charges	Credits	Amount Due
02/20/09	3540-01	IN		32986.00		32986.00
04/20/09	3540-02	IN		2500.00		2500.00

Handwritten: 29/87.40
 8/19/09

Activity after 07/28/2009 will be reflected on your next statement.

UNPD F/C	CURRENT	31-60	61-90	OVER 90	NEW F/C	NEW BALANCE
.00	.00	.00	.00	35486.00	.00	35486.00

To avoid additional finance charges, pay by 07/28/2009

DIVERSIFIED PLASTERING, INC.
 15250 SELLERS RD
 HOUSTON TX 77060

INVOICE

OPU100

Sold To: OPUS WEST CONSTRUCTION CORP
 15455 NORTH DALLAS PKWY #405
 ADDISON TX 75001

Ship To: TWO WEST WAY

Date	Rep ID	Order No.	Ord Date	Ship Via	Terms	Inv No.
02/20/09		0006			C. O. D.	3540-01
Item/Description	Quantities	Units	Price	Amount		
3540	Ordered	1.0000				
Two West Way /PLASTER MATERIAL	Shipped	1.0000	SQFT	10000.0000	10000.00	
3540	Ordered	1.0000				
Two West Way /PLASTER	Shipped	1.0000	SQFT	11000.0000	11000.00	
3540	Ordered	1.0000				
Two West Way /N. U. SET/UP	Shipped	1.0000	SQFT	4500.0000	4500.00	
3540	Ordered	1.0000				
Two West Way /SCAFFOLD	Shipped	1.0000	SQFT	1750.0000	1750.00	
3540	Ordered	1.0000				
Two West Way /C/O#1 ADD EIFS SQ FT	Shipped	1.0000	SQFT	5736.0000	5736.00	

Subtotal : 32986.00

Non-Taxable	Taxable	Sales Tax	Freight	Misc	* Invoice Total *
32986.00	.00	.00	.00	.00	32986.00

Attn: Misty

Paid

*↑
All due this
invoice.*

DIVERSIFIED PLASTERING, INC.
 15250 SELLERS RD
 HOUSTON TX 77060

I N V O I C E

OPU100

Sold To: OPUS WEST CONSTRUCTION CORP
 15455 NORTH DALLAS PKWY #405
 ADDISON TX 75001

Ship To: TWO WEST WAY

Date	Rep ID	Order No.	Ord Date	Ship Via	Terms	Inv No.
04/20/09		0009			C.O.D.	3540-02
Item/Description	Quantities		Units	Price	Amount	
3540	Ordered	1.0000				
Two West Way /PLASTER	Shipped	1.0000	SQFT	2000.0000	2000.00	
3540	Ordered	1.0000				
Two West Way /N.U. SET/UP	Shipped	1.0000	SQFT	500.0000	500.00	

					Subtotal :	2500.00
Non-Taxable	Taxable	Sales Tax	Freight	Misc	* Invoice Total *	
2500.00	.00	.00	.00	.00	2500.00	

*Alta
Newby*

*0-0-0
 Paid
 \$2500.00
 due for this
 invoice*