



## 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.



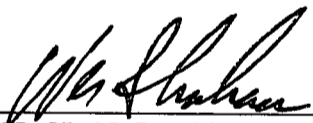
**NOTICE: THIS IS NOT A LIEN. THIS IS ONLY AN AFFIDAVIT CLAIMING A LIEN**

**MECHANIC=S AND MATERIALMAN=S LIEN AFFIDAVIT**

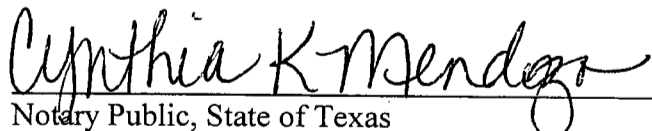
BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared WES SHAHAN, who being by me here and now duly sworn, upon oath says: That the affiant is the President of FOX/TANTON ELECTRIC CORP., G.P. of FOX ELECTRIC, LTD., hereinafter called a Claimant, and is duly qualified and authorized to make this affidavit, fully cognizant of the facts herein set out and such facts are true and correct:

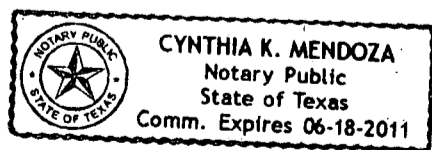
Claimant has furnished electrical work, labor, and/or materials to improve the property herein described.

1. **OPUS WEST CONSTRUCTION COMPANY** is/are the owner(s) or reputed owner(s) of the land herein described and the improvements located thereon. The last known address of owner(s) or reputed owner(s) is **2555 EAST COMALBACK ROAD #800 PHOENIX, AR 85016.**
2. **OPUS WEST CONSTRUCTION COMPANY** is the original contractor on the project or that portion thereof for which the hereinafter-described electrical work, labor, and/or materials were furnished. The last known address of the original contractor is **2555 EAST COMALBACK ROAD #800 PHOENIX, AR 85016.** Said electrical work, labor, and/or materials were furnished to **OPUS WEST CONSTRUCTION COMPANY** by Claimant, pursuant to an agreement between Claimant and Claimant=s Customer.
3. The electrical work, labor, and/or materials were furnished for the improvement of real property located in **Dallas County, Texas**, which real property is described as follows:  
**G W FISHER ABST 482 PG 731 TR 35.2 ACS3.371 whose street address is 15725 DALLAS PKWY DALLAS, TX 75001.**
4. The Claimant=s physical address is 1104 Colorado Lane, Arlington, Texas 76015. Claimant=s mailing address is P.O. Box 13338, Arlington, Texas 76094-0338.
5. The principal amount of the claim is **\$1,500.00** said amount is just and correct and all just and lawful offsets, payments and credits known to the affidavit have been allowed.
6. The electrical work, labor, and/or materials, for which payment is requested, were furnished during the month(s) of February 2009.
7. Notice(s) of claim was/were sent to the owner(s) and/or original contractor by certified mail on **April 28, 2009.** The purpose of this affidavit is to claim a statutory and constitutional mechanic=s and materialman=s lien on the above-described land and improvements.

  
\_\_\_\_\_  
WES SHAHAN, President

SUBSCRIBED and SWORN to BEFORE ME, on this 29th day of May 2009 by Wes Shahan

  
\_\_\_\_\_  
Notary Public, State of Texas



**AFTER FILING RETURN TO:**

**Fox Electric, Ltd.  
P.O. Box 13338  
Arlington, Texas 76094-0338**

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS



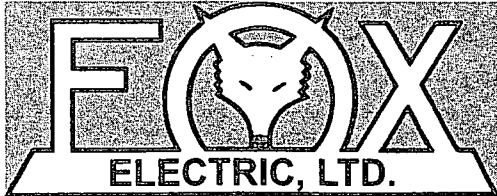
*JFW*

John F. Warren, County Clerk  
Dallas County TEXAS

May 29, 2009 01:57:04 PM

FEE: \$16.00

200900153310



"Serving the Metroplex since 1960"

ARLINGTON OFFICE:  
P.O. Box 13338  
Arlington, Texas 76094-0338  
Phone: 817-461-2571  
FAX: 817-261-7311

GARLAND OFFICE:  
1933 Wall Street  
Garland, Texas 75041  
Phone: 972-840-0086  
FAX: 972-860-3391

DENTON OFFICE:  
1631 Cooper Creek Road  
Denton, Texas 76208  
Phone: 940-381-9980  
FAX: 940-381-0899

NOTICE OF FILED LIEN AFFIDAVIT TO  
OWNER AND ORIGINAL CONTRACTOR

May 29, 2009

Opus West Construction Company  
2555 East Comalback Road #800  
Phoenix, AR 85016

CERTIFIED MAIL 7100 8461 3600 0000 8613  
RETURN RECEIPT REQUESTED

RE: 15725 Dallas Pkwy Dallas, TX

Dear Sir or Madam:

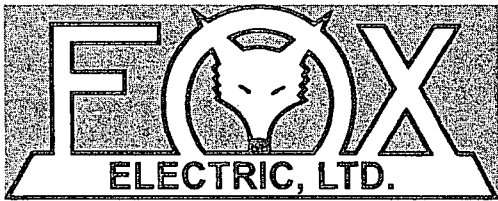
Enclosed you will find a copy of a Materialman's Lien Affidavit pertaining to the above described project. The original of this Affidavit has been filed with the County Clerk's Office. Please refer to the copy of the Affidavit for all pertinent information.

If you have any questions, please contact the undersigned.

Your very truly,

FOX/TANTON ELECTRIC CORP., G.P.  
FOX ELECTRIC, LTD.

Wes Shahan  
President



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April 28, 2009

PROPERTY CODE NOTICE TO OWNER AND ORIGINAL CONTRACTOR

Opus West Construction Company  
2555 East Comalback Road #800  
Phoenix, AR 85016

CERTIFIED MAIL 7100 8461 3600 0000 8330  
RETURN RECEIPT REQUESTED

Dear Sir or Madam:

Our company, **FOX ELECTRIC, LTD.**, has furnished **electrical, labor and/or materials** to Opus West Construction Company pertaining to the construction project located at 15725 Dallas Pkwy. Dallas, TX. We understand that you are the record owner(s) of the described location. If you are not the record owner, please advise as soon as possible.

We further understand that Opus West Construction Company is the original contractor. Please advise as soon as possible if this understanding is incorrect.

The principal amount of the claim with Opus West Construction Company is \$ 1,500.00 and it is unpaid.

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

Demand for payment is hereby made pursuant to Section 53.083 of the Property Code of the State of Texas. Our claim or a part thereof, against Opus West Construction Company is past due according to its terms.

The purpose of this letter is to comply with the mechanics and materialmen's lien statutes. This is not meant to reflect upon the integrity of this customer. The Texas Property Code dictates that a Notice of Non-Payment be sent to all concerned parties on the 15<sup>th</sup> day of the 2<sup>nd</sup> month from the date the work was performed; not from the invoice date.

Yours very truly,

FOX/TANTON ELECTRIC CORP., G.P.  
FOX ELECTRIC, LTD.

Wes Shahan  
President



**NOTICE: THIS IS NOT A LIEN. THIS IS ONLY AN AFFIDAVIT CLAIMING A LIEN**

**MECHANIC=S AND MATERIALMAN=S LIEN AFFIDAVIT**

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared WES SHAHAN, who being by me here and now duly sworn, upon oath says: That the affiant is the President of FOX/TANTON ELECTRIC CORP., G.P. of FOX ELECTRIC, LTD., hereinafter called a Claimant, and is duly qualified and authorized to make this affidavit, fully cognizant of the facts herein set out and such facts are true and correct:

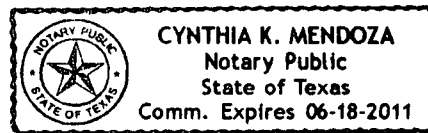
Claimant has furnished electrical work, labor, and/or materials to improve the property herein described.

1. **OPUS WEST CONSTRUCTION COMPANY** is/are the owner(s) or reputed owner(s) of the land herein described and the improvements located thereon. The last known address of owner(s) or reputed owner(s) is **2555 EAST COMALBACK ROAD #800 PHOENIX, AR 85016.**
2. **OPUS WEST CONSTRUCTION COMPANY** is the original contractor on the project or that portion thereof for which the hereinafter-described electrical work, labor, and/or materials were furnished. The last known address of the original contractor is **2555 EAST COMALBACK ROAD #800 PHOENIX, AR 85016.** Said electrical work, labor, and/or materials were furnished to **OPUS WEST CONSTRUCTION COMPANY** by Claimant, pursuant to an agreement between Claimant and Claimant=s Customer.
3. The electrical work, labor, and/or materials were furnished for the improvement of real property located in **Dallas County, Texas**, which real property is described as follows:  
**G W FISHER ABST 482 PG 731 TR 35.2 ACS3.371 whose street address is 15725 DALLAS PKWY DALLAS, TX 75001.**
4. The Claimant=s physical address is 1104 Colorado Lane, Arlington, Texas 76015. Claimant=s mailing address is P.O. Box 13338, Arlington, Texas 76094-0338.
5. The principal amount of the claim is **\$289,421.90** said amount is just and correct and all just and lawful offsets, payments and credits known to the affidavit have been allowed.
6. The electrical work, labor, and/or materials, for which payment is requested, were furnished during the month(s) of February 2009.
7. Notice(s) of claim was/were sent to the owner(s) and/or original contractor by certified mail on **April 22, 2009.** The purpose of this affidavit is to claim a statutory and constitutional mechanic=s and materialman=s lien on the above-described land and improvements.

WES SHAHAN, President

SUBSCRIBED and SWORN to BEFORE ME, on this 29th day of May 2009 by Wes Shahan

Notary Public, State of Texas



**AFTER FILING RETURN TO:**

**Fox Electric, Ltd.  
P.O. Box 13338  
Arlington, Texas 76094-0338**

**FILED AND RECORDED**



OFFICIAL PUBLIC RECORDS

A handwritten signature in black ink, appearing to be "JFW", is written over the printed name.

John F. Warren, County Clerk

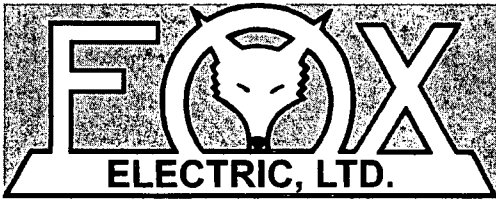
Dallas County TEXAS

May 29, 2009 01:57:04 PM

FEE: \$16.00

200900153311





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NOTICE OF FILED LIEN AFFIDAVIT TO  
OWNER AND ORIGINAL CONTRACTOR

May 29, 2009

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2555 East Comalback Road #800  
Phoenix, AR 85016

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If you have any questions, please contact the undersigned.

Your very truly,

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Wes Shahan  
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BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared WES SHAHAN, who being by me here and now duly sworn, upon oath says: That the affiant is the President of FOX/TANTON ELECTRIC CORP., G.P. of FOX ELECTRIC, LTD., hereinafter called a Claimant, and is duly qualified and authorized to make this affidavit, fully cognizant of the facts herein set out and such facts are true and correct:

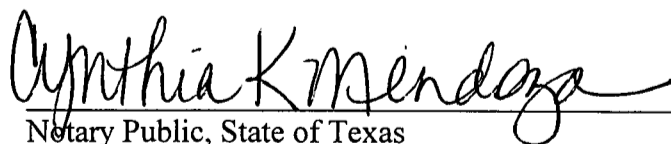
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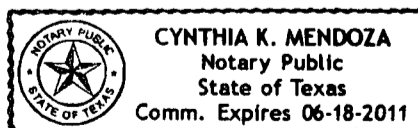


\_\_\_\_\_  
WES SHAHAN, President

SUBSCRIBED and SWORN to BEFORE ME, on this 29th day of May 2009 by Wes Shahan

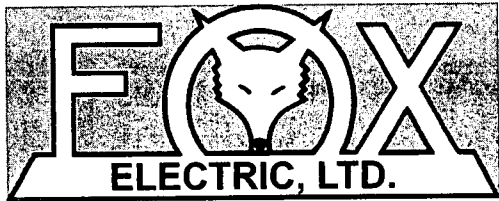


\_\_\_\_\_  
Notary Public, State of Texas



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April 22, 2009

PROPERTY CODE NOTICE TO OWNER AND ORIGINAL CONTRACTOR

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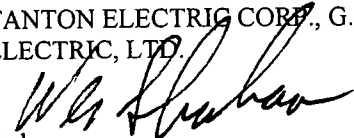
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FOX/TANTON ELECTRIC CORP., G.P.  
FOX ELECTRIC, LTD.

  
Wes Shahan  
President