

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

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

Case Number:
09-34356-hdh22

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):
ALLIED FENCE CO. OF DALLAS

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:
GRIFFIN MASON DAVISON, P.C.
ATTN: JEFF LEACH
5420 LBS FRYW SUITE 900
DALLAS, TX 75240
 Telephone number: **(472) 342-8900**
 Email Address: **JLEACH@MDOVLAW.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):
 Telephone number:

1. Amount of Claim as of Date Case Filed: **\$ 39,645.00**
 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.

2. Basis for Claim: **SERVICES PERFORMED / CONSTRUCTED IMPROVEMENTS / LABOR & MATERIALS PROVIDED**
 (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: **N/A**
 3a. Debtor may have scheduled account as: **N/A**
 (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 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: **\$ 39,645.00**
 Basis for perfection: **M & M LIEN** 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 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: _____
 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.
Jeff Leach (ATTORNEY FOR CREDITOR)

FOR COURT USE ONLY

SUBCONTRACT APPLICATION FOR PAYMENT

Project Name: Tim Addition (GFC's Spec. Office)
Subcontractor: Allied Fence Co of Dallas
Supplier #: 1006687
Address: 266 West Commerce Street
Dallas, TX 75208
Phone: 214-759-6088
Remittance Address: OPUS West Construction Corporation
Attn: Accounts Payable
14455 N. Dallas Parkway, Suite 450
Addison, TX 75001

Project Number: 10593
Date of Application: 3/24/2009
Application Number: 1
Period From: _____ **Period To:** 3/23/2009

CONTRACT INFORMATION

ITEM	SALES TAX(S) (if applicable)	TOTAL(S)
ORIGINAL CONTRACT AMOUNT		\$39,645.00
OPUS APPROVED CHANGE ORDER # 1 THRU #		
CONTRACT AMOUNT TO DATE TOTAL		\$39,645.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 39,645.00
B Less Retainage 10% \$ 3,964.50
C Total Earned Less Retainage (A - B) \$ 35,680.50
D Less Previous Billings (previous req's line C) \$.00
E Current Payment Due (C - D) \$ 35,680.50
F Balance to Finish, Plus Retainage (H - A + B) \$ 3,964.50
G Current Gross Amount Completed This Period \$ 39,645.00

SI: CONTRACTOR: Allied Fence Co of Dallas **Supplier #:** 1006687
BY: *[Signature]*
DATE: Sean Cooper, V.P. 4-21-09

APPLICATION BREAKDOWN

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

Account Code	Description	Current Contract Amount	From Previous Application	This Period	Total Work Complete	Percent Complete	Retainage This Application	Net Payment
					I - G	A - H	G - K	
10593.02:EQ:10400.00-S	Arch Wall Louvers - Subcontract	\$39,645.00	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00
	TOTAL	\$39,645.00	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00
		H	I	G	A	J	K	E

SHADED AREA FOR OPUS ACCOUNTING USE ONLY

Vendor ID	Vendor Inv. #	Date	G/P Exp

[Handwritten Signature]



200900189047 07/02/2009 03:01 41 PM ML AFF 1/8

STATE OF TEXAS

§
§
§

**AFFIDAVIT FOR MECHANIC'S
AND MATERIALMAN'S LIEN**

COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared DeWayne Cooper, known to me to be the person whose name is subscribed to the following instrument, and having been by me duly sworn upon his oath, deposes and states as follows:

1. My name is DeWayne Cooper. I am the President of Allied Fence of Dallas, hereinafter sometimes referred to as "Claimant". I am over 21 years of age, and am competent and authorized to make this affidavit.

2. Claimant's physical and mailing address is 266 West Commerce Street, Dallas, Texas 75208.

3. Claimant furnished labor and services for improvements to the real property described herein under a contract by and between Claimant and Opus West Construction Corporation, the original contractor on the project whose last known address is 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001. Opus West, L.P. is an owner or reputed owner of the real property described herein and whose last known address is also 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001. Furthermore, Opus West Construction Corporation is an owner or reputed owner of the real property described herein and whose last known address is also 15455 North Dallas Parkway, Suite 450, Addison, 75001.

4. The labor, materials, and work furnished by Claimant are generally described as follows: fencing labor, materials and services.

5. The real property sought to be charged with a lien by Claimant is described as follows: Two Addison Circle Spec. Office, located at 15725 North Dallas Parkway, Addison, Texas 75001, more particularly described as:

1. G W FISHER ABST 482 PG 731
2. TR 352 ACS 3.371
- 3.
4. INT20070175801 DE05142007 CO-DC
5. 0482731103502/3CA04827311

After allowing all just credits, offsets, and payments, the amount of Thirty-nine Thousand Six Hundred Forty-five and no/100 (\$39,645.00) remains unpaid and is due and is due and owing to Claimant under its contract with Opus West Construction Corporation. Claimant claims a lien on said property and improvements under the provisions of Texas Property Code §53.001 *et seq.* to secure payment of said amount.

7. The month or months that the work was done and/or materials were furnished for which payment is March, 2009.

8. Notice of this claim was sent to the owner or reputed owner and general contractor, on the following dates, and by the following methods:

Method Sent

Date Sent

REGULAR U.S. MAIL

Opus West Construction Corporation
15455 N. Dallas Parkway, Suite 450
Addison, Texas 75001

May 15, 2009

9. The claim amount of Thirty-nine Thousand Six Hundred Forty-five and no/100 (\$39,645.00) represents the unpaid contract price due Claimant or, in the alternative, is the reasonable value of the unpaid portion of Claimant's labor and services furnished.

10. Claimant also claims a first lien on all removables and a constitutional lien on such property pursuant to the provisions of Article 16, Section 37 of the Texas Constitution.

11. Claimant has sent notice of this mechanic's lien claim to Owners and the General Contractor, at the respective last known mailing addresses, by United States certified mail, return receipt requested, on July 3, 2009.

ALLIED FENCE OF DALLAS


By: 

DeWayne Cooper

Its: President

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

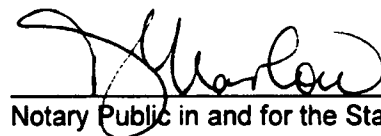
This instrument was acknowledged before me on the 2nd day of July, 2009, by DeWayne Cooper, President of Allied Fence of Dallas.



Notary Public in and for the
State of Texas

SUBSCRIBED AND SWORN TO before me by the said DeWayne Cooper, President of Allied Fence of Dallas, on this the 2nd day of July, 2009, to certify which witness my hand and seal of office.





Notary Public in and for the State of Texas

After recording return to:
Jeffery C. Leach
Griffith Nixon Davison, P.C.
5420 LBJ Freeway, suite 900
Dallas, Texas 75240

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
07/02/2009 03:01:41 PM
\$24.00





200900189047

September 2, 2009

Opus West Corporation, *et. al.*
c/o BMC Group
P.O. Box 3020
Chanhassen, Minnesota 55317-3020

VIA CERTIFIED MAIL
7160 3820 3530 0426 9575
RETURN RECEIPT REQUESTED


RE: *In re*: Opus West Corporation, *et. al.*, Debtors, Chapter 11, Case No. 09-34356, Jointly Administered, United States Bankruptcy Court, Northern District of Texas, Dallas Division

To Whom It May Concern:

This firm and the undersigned represent Allied Fence Co. of Dallas ("Allied Fence"). Enclosed herewith please find completed Proofs of Claim for claimant Allied Fence against Opus West, LP and Opus West Construction Corporation (collectively, "Debtors"). Said claims are in connection with labor and materials for improvements to real property provided by Allied Fence to Debtors pursuant to a written contract. Please note that Allied Fence's claim against Opus West, LP, is secured by means of a recorded mechanic's and materialmen's lien, a copy of which is included herewith.

Please contact the undersigned with any questions or comments in connection with the same. Your prompt attention to this matter is appreciated.

Very truly yours,


Jeffrey C. Leach

JCL/mec
Enclosures.

CC: Mr. Dewayne Cooper, Allied Fence Co. of Dallas, *via electronic mail, with enclosures*
Mr. Michael S. Nixon, *of the firm, without enclosures*