

UNITED STATES BANKRUPTCY COURT

Northern District of Texas

PROOF OF CLAIM

Name of Debtor: Opus West Corporation, et al

Case Number: 09-34356

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): L.D. Bundren Painting, Inc.

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

Name and address where notices should be sent: c/o Ted A. Cox, P.C. 4910 Dacoma, Suite 200 Houston, TX 77092 Telephone number: (713) 956-9400

RECEIVED SEP 11 2009 BMC GROUP

Court Claim Number: (If known)

Filed on:

Name and address where payment should be sent (if different from 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: \$ 111,456.80

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.

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.

Specify the priority of the claim.

2. Basis for Claim: services performed (See instruction #2 on reverse side.) \*see M+M lien affidavits attached (Ex A + B)

Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).

3. Last four digits of any number by which creditor identifies debtor:

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).

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.

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

Nature of property or right of setoff: Real Estate Motor Vehicle Other Describe:

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).

Value of Property: \$ Annual Interest Rate %

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

Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).

if any: \$ Basis for perfection: M&M liens \*

Amount of Secured Claim: \$ 111,456.80 Amount Unsecured: \$

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

Amount entitled to priority:

\$

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:

\*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:

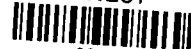
Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

FOR COURT USE ONLY

9/4/09

L. Bundren

OPUS WEST



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20090204992  
05/14/2009 RF3 \$24.00

AFFIDAVIT OF CLAIM FOR STATUTORY  
MECHANIC'S AND MATERIALMAN'S LIEN

THE STATE OF TEXAS                   §  
  §  
COUNTY OF HARRIS                   §

LARRY D. BUNDREN, Affiant, President of L.D. BUNDREN PAINTING, INC., Claimant herein, doing business in the City of Houston, Harris County, Texas, having furnished material to improve the property herein described, for the purposes of perfecting a lien on said property and improvements to secure the amount of the claim therefor, makes this affidavit and on oath states:

1. My name is LARRY D. BUNDREN, and I am the President of L.D. BUNDREN PAINTING, INC., 1506 Upland Dr., Houston, TX 77043, Claimant herein, and have personal knowledge of the facts set forth herein and am competent and authorized to make this Affidavit.

2. The amount of the claim is **ONE HUNDRED AND ONE THOUSAND NINE HUNDRED FIFTY-EIGHT (\$101,958.00) DOLLARS** and said amount is just, reasonable and unpaid.

3. **OPUS WEST LP, a Delaware limited partnership**, whose address is 2555 East Camelback Road, Suite 800, Phoenix, AZ 85016-9267, and/or **OPUS WEST CONSTRUCTION CORP.** whose address is 15455 North Dallas Parkway, Suite 450, Addison, TX 75001, are the owners or reputed owners of said land and is also the owner or reputed owner of the improvements located thereon. *See*

4. A general statement of the materials furnished by Claimant is as follows:  
  
Furnish interior and exterior painting, wall covering, and related materials for construction of the real property and improvements located at 15021 Katy Freeway, Houston, TX 77079. Said work, labor and materials being furnished during the months of February, March and April 2009.

5. Said material was furnished to **OPUS WEST CONSTRUCTION CORP.** whose address is 15455 North Dallas Parkway, Suite 450, Addison, TX 75001, who was the owner and/or authorized agent of the owner of the project, pursuant to certain contracts between Claimant and OPUS WEST CONSTRUCTION CORP. Such material was supplied for the improvement of the property located in Harris County, Texas, and described as follows:

Reserve A, Block One (1), of ENERGY CROSSING, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in the Map Records of Harris County, Texas, said property more commonly known as 15021 Katy Freeway, Houston, Harris County, TX 77079. *D*

*( \$88,045.20 pd on 6/3/09. )*

**EXHIBIT A**

6. The building and improvements located on the property are described as follows:

Energy Crossing – Phase I, 15021 Katy Freeway, Houston, TX 77079

7. Claimant is entitled to a Statutory Mechanics and Materialman's Lien on the real property and improvements described herein to secure payment of such claim.

8. Claimant sent notice of this claim to the Owner on the 14th day of May 2009, by certified mail, return receipt requested.

This lien claim for the above amount shown is upon the land and improvements described above.

EXECUTED by the undersigned on the 13th day of May, 2009.

L.D. BUNDREN PAINTING, INC. 102

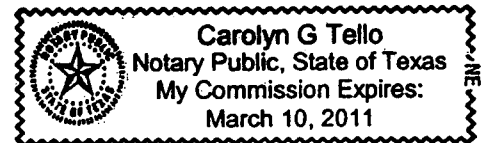
BY: L. Bundren  
LARRY D. BUNDREN, PRESIDENT

SWORN AND SUBSCRIBED TO BEFORE ME, by the said LARRY D. BUNDREN, Affiant, to which witness my official hand and seal this 13th day of May, 2009.

Carolyn G. Tello  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

THE STATE OF TEXAS  
  
COUNTY OF HARRIS

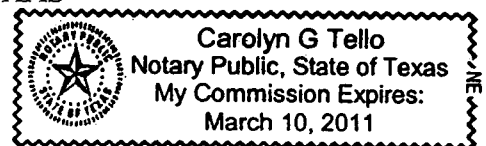
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BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, appeared LARRY D. BUNDREN, known to me to be the President of L.D. BUNDREN PAINTING, INC., who acknowledged to me that he signed the foregoing affidavit as the act and deed of said corporation, in the capacity therein stated, and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 13th day of May, 2009.

Carolyn G. Tello  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



AFTER RECORDING RETURN TO:

TED A. COX, P.C.  
4910 Dacoma, Suite 100  
Houston, TX 77092

✓

FILED

2009 MAY 14 AM 11:38

*Brenda A. Kaufman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

2009 MAY 14 AM 11:38



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**AFFIDAVIT OF CLAIM FOR STATUTORY  
MECHANIC'S AND MATERIALMAN'S LIEN**

THE STATE OF TEXAS

§  
§  
§

COUNTY OF HARRIS

LARRY D. BUNDREN, Affiant, President of L.D. BUNDREN PAINTING, INC., Claimant herein, doing business in the City of Houston, Harris County, Texas, having furnished material to improve the property herein described, for the purposes of perfecting a lien on said property and improvements to secure the amount of the claim therefor, makes this affidavit and on oath states:

1. My name is LARRY D. BUNDREN, and I am the President of L.D. BUNDREN PAINTING, INC., 1506 Upland Dr., Houston, TX 77043, Claimant herein, and have personal knowledge of the facts set forth herein and am competent and authorized to make this Affidavit.

2. The amount of the claim is **NINETY-SEVEN THOUSAND FIVE HUNDRED FORTY-FOUR (\$97,544.00) DOLLARS** and said amount is just, reasonable and unpaid.

3. **DEVRY PARK LIMITED PARTNERSHIP**, a Delaware limited partnership, whose address is c/o Opus Properties, 10350 Bren Road West, Minnetonka, MN 55343, and/or **OPUS WEST CONSTRUCTION CORP.** whose address is 15455 North Dallas Parkway, Suite 450, Addison, TX 75001, are the owners or reputed owners of said land and is also the owner or reputed owner of the improvements located thereon.

(2)  
lee  
lee

4. A general statement of the materials furnished by Claimant is as follows:

Furnish interior and exterior painting, wall covering, and related materials for construction of the real property and improvements located at 11025 Equity Drive, Houston, TX 77041. Said work, labor and materials being furnished during the months of March, April and May 2009.

5. Said material was furnished to **OPUS WEST CONSTRUCTION CORP.** whose address is 15455 North Dallas Parkway, Suite 450, Addison, TX 75001, who was the owner and/or authorized agent of the owner of the project, pursuant to certain contracts between Claimant and **OPUS WEST CONSTRUCTION CORP.** Such material was supplied for the improvement of the property located in Harris County, Texas, and described as follows:

Reserve "A" in Block One (1) of WESTWAY PARK, Section 4, a subdivision in Harris County, Texas, according to the map or plat thereof recorded under Film Code No. 479022 of the Map Records of Harris County, Texas, more fully described by metes and bounds in that one certain Special Warranty Deed recorded under Harris County Clerk's File No. 20080109446, said property more commonly known as 11025 Equity Drive, Houston, TX 77041.

D

**EXHIBIT B**

6. The building and improvements located on the property are described as follows:

Two Westway, 11025 Equity Drive, Houston, TX 77041

7. Claimant is entitled to a Statutory Mechanics and Materialman's Lien on the real property and improvements described herein to secure payment of such claim.

8. Claimant sent notice of this claim to the Owner on the 14th day of May 2009, by certified mail, return receipt requested.

This lien claim for the above amount shown is upon the land and improvements described above.

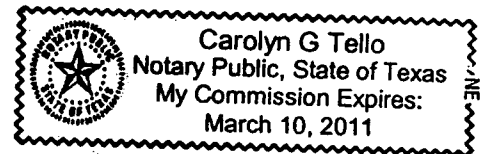
EXECUTED by the undersigned on the 13th day of May, 2009.

L.D. BUNDREN PAINTING, INC.

BY: L. Bundren  
LARRY D. BUNDREN, PRESIDENT

SWORN AND SUBSCRIBED TO BEFORE ME, by the said LARRY D. BUNDREN, Affiant, to which witness my official hand and seal this 13th day of May, 2009.

Carolyn G. Tello  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

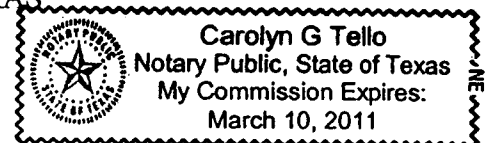


THE STATE OF TEXAS  
§  
§  
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, appeared LARRY D. BUNDREN, known to me to be the President of L.D. BUNDREN PAINTING, INC., who acknowledged to me that he signed the foregoing affidavit as the act and deed of said corporation, in the capacity therein stated, and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 13th day of May, 2009.

Carolyn G. Tello  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



AFTER RECORDING RETURN TO:

TED A. COX, P.C.  
4910 Dacoma, Suite 100  
Houston, TX 77092

JJ

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 File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

MAY 14 2009



*Dorely B. Kayman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

*Dorely B. Kayman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

2009 MAY 14 AM 11:38

FILED

2009-05-14-11:38 AM



**TED A. COX, P.C.**

*Attorney at Law*

4910 Dacoma, Suite 100  
Houston, Texas 77092  
(713) 956-9400 Office  
(713) 956-8485 Telefax  
ted@tedacox.com

TED A. COX

September 4, 2009

Tawana C. Marshall  
Clerk of the Bankruptcy Court  
1100 Commerce Street, Room 1254  
Dallas, TX 75242

Via CMRRR #7008 3230 0003 5279 2739

Re: Cause No. 09-34356; *Debtor: Opus West Corporation, et al*; In the United States  
Bankruptcy Court for the Northern District of Texas

Dear Clerk:

Enclosed for filing in the referenced matter please find:

1. Proof of Claim of L.D. Bundren Painting, Inc., Creditor

Please acknowledge receipt and filing of this instrument in your usual manner. An extra copy of this letter and the claim are enclosed to be file stamped and returned to me in the enclosed self-addressed stamped envelope.

Very truly,



Ted A. Cox

TAC/cgt  
Enclosure

cc: L.D. Bundren Painting, Inc.

Opus West Corporation  
(via cmrrr #7008 3230 0003 5279 2722)

Clifton R. Jessup, Jr.  
(via cmrrr #7008 3230 0003 5279 2692)

Peter Franklin  
(via cmrrr #7008 3230 0003 5279 2708)

✓ Opus West Corporation, et al  
c/o BMC Group  
(via cmrrr #7008 3230 0003 5279 2715)