

B 10 (Official Form 10) (12/08)

UNITED STATES BANKRUPTCY COURT Northern District of Texas		PROOF OF CLAIM
Name of Debtor: OPUS WEST, LP		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): THE PEST BOYS		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known)
Name and address where notices should be sent: 619 Averett Rd. Kennedale, TX 76060		
Telephone number: (817) 265-6666		Filed on: _____
Name and address where payment should be sent (if different from above): The Pest Boys, 619 Averett Rd Kennedale, TX 76060		<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.
Telephone number: (817) 265-6666		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: \$ _____ *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.
1. Amount of Claim as of Date Case Filed: \$ <u>13,770.00</u>		
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: <u>services performed</u> (See instruction #2 on reverse side.)		
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.)		
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"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate: _____ % Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: <u>Mechanics Lien</u> Amount of Secured Claim: \$ <u>13,770.00</u> Amount Unsecured: \$ <u>0.00</u>		
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:		
Date: 08/11/2009	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. Clay Roark, attorney for The Pest Boys, 3901 W. Pioneer Parkway, Arlington, TX 76013	
		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.

OCT 02 2009

BMC GROUP



00234

Denton County
Cynthia Mitchell
County Clerk
Denton, Tx 76202



Instrument Number: 2009-57390

Recorded On: May 13, 2009 As
Mechanics Lien Affidavit

Parties: THE PEST BOYS

Billable Pages: 6

To

Number of Pages: 6

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Mechanics Lien Affidavit	31.00
Total Recording:	31.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

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.

File Information:

Document Number: 2009-57390
Receipt Number: 583039
Recorded Date/Time: May 13, 2009 09:00:50A
User / Station: D Fahrney - Cash Station 3

Record and Return To:

LARY E ADKINS
THE PEST BOYS
619 AVERETT RD
KENNE DALE TX 76060



THE STATE OF TEXAS }
COUNTY OF DENTON }

I hereby certify that this Instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

C. Mitchell
County Clerk
Denton County, Texas

AFFIDAVIT FOR MECHANIC'S AND MATERIALMAN'S LIEN

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

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

BEFORE ME, the undersigned authority, personally appeared Lary E. Adkins, the President of The Pest Boys., who, upon oath, deposed and stated:

1. My name is Lary E. Adkins. I am the President of The Pest Boys, hereinafter sometimes referred to as “Claimant.” I have personal knowledge of the facts set forth below and am competent and authorized to make this affidavit.

2. Claimant’s address is 619 Averett Rd., Kennedale, TX 76060.

3. Pursuant to a contract between Claimant and OPUS WEST CONSTRUCTION CORPORATION, Claimant performed labor and/or furnished material in connection with the project generally described as 121 Lakepointe Crossing, Phase 2 and toward the improvement of certain real property located at **2525 E. STATE HWY 121, LEWISVILLE, DENTON COUNTY, TEXAS 75056** (the “Property”), said Property more fully described as:

Crossroads Centre North Blk A Lot 1r-1 in Abstract/Subdivision SL2672A in the City of Lewisville, Denton County, Texas.

4. The labor, materials, and/or work furnished by Claimant are generally described as follows: pest / termite control treatment.

5. The current owner of the Property is OPUS WEST, LP, whose address is 2555 E. Camelback Road, Phoenix, Arizona 85016-9256.

6. After allowing all just credits, offsets, and payments, the amount of \$13,770.00 remains unpaid and is due and owing to Claimant under said contract and Claimant claims a lien on said Property and improvements to secure payment of the above-referenced amount.

7. Claimant also claims a constitutional lien on such property pursuant to the provisions of Article 16, Section 37 of the Texas Constitution.

THE PEST BOYS

By: Lary E. Adkins
Lary E. Adkins, President
The Pest Boys
619 Averett Rd.
Kennedale, TX 76060

STATE OF TEXAS §

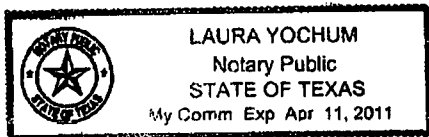
COUNTY OF TARRANT §

Before me, the undersigned authority, on this day personally appeared Lary E. Adkins, President of The Pest Boys, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed it for the purposes therein expressed, and in the capacity therein stated as the act and deed of such corporation.

SUBSCRIBED, sworn to and acknowledged before me, under my official hand and seal of office on this 11th day of May, 2009.

My Commission Expires:

Laura Yochum
Notary Public, State of Texas



Laura Yochum
Printed Name of Notary

AFTER RECORDING RETURN TO:
Lary E. Adkins
The Pest Boys
619 Averett Rd.
Kennedale, TX 76060

CUSTOMER

THE PEST BOYS

INVOICE NUMBER

Opus West Construction Co
121 Lakepointe Crossing
Phase II #97306
Lewisville, TX 75056-



Job **016301**

FOR December 2008
Initial Treatment

ACCOUNT NO. 10064	SVC. DAY	TELEPHONE NO. (972) 885-9787	GRID 653 B	FREQ TC	TERMS BIL	LAST SVC DATE 12/04/2008	RT 001	SVC CHARGE 13,770.00	ADD'L CHARGES
TIME IN 10:00	TIME OUT 11:25	SERVICE PERFORMED			ADDITIONAL CHARGES FOR...				

Maintenance/Sanitation Report: _____

Target Pest: Roaches _____, Rats _____, Mice _____, Ants _____, Spiders _____, Earwigs _____, Other (Specify) TERMITES ✓

Technician Remarks / Action Plan:

Initial treatment to soil for termite prevention using 300 gallon rig to treat 6,000 SQ. FT.

Materials Used	%	Amount	Materials Used	%	Amount	Materials Used	%	Amount
Baygon Bait	2.0		Dual Choice Ant	.5		Suspend CS		
ContraC Bait	.005		Glue Boards	0.0		Tempo 20 WP		
Delta Gard	.10		Max Force/Roach			Termidor SC		
Demand CS			Boric	99.0		Terro Ant Killer	5.4	
Drione Dust	51.0		Siege	2.0		Tri-Die	13.4	
						<u>BIFFEN LIT</u>	<u>.12</u>	<u>300gal</u>

ALL APPLICATIONS OF CHEMICALS ARE MADE ACCORDING TO LABEL DIRECTIONS

Customer Comments: _____

As per your request, normal outside pest service was performed today. If additional service is required, please call me and I will be happy to perform that service at no additional charge.

Are You Satisfied With Service: Yes _____ No _____

Angel C
Customer's Signature

Key S. Collins / Donny Ruth 12-06-08
Technician's Signature Date

Bill to: Opus West Construction Co
15455 North Dallas Parkway
Suite #450
Addison, TX 75001-

Balance	13,770.00
Charge for December 2008 service..	13,770.00
Initial Treatment	EXEMPT
Sales Tax	13,770.00
Invoice Total	13,770.00
Amount Due	13,770.00

Visit us @ PESTBOYS.COM • Metro 817-265-6666

Remit to:

INVOICE PORTION: DETACH AND RETURN WITH YOUR PAYMENT

THE PEST BOYS



619 Averett • Kennedale, TX 76060

Amount Paid \$ _____ Check Cash

Invoice No. 016301 Service Rate _____
Opus West Construction Co
For _____

CUSTOMER

THE PEST BOYS

INVOICE NUMBER

Opus West Construction Co
121 Lakepointe Crossing
Phase II #97306
Lewisville, TX 75056-



016484
Job #: TC388
FOR February 2009
Initial Treatment

ACCOUNT NO. 10064	SVC. DAY	TELEPHONE NO. (972) 488-9787	GRID 653 B	FEC TC	TERMS BIL	LAST SVC DATE 02/03/2009	RT 001	SVC CHARGE	ADD'L CHARGES
TIME IN 3:40	TIME OUT 5:45	SERVICE PERFORMED			ADDITIONAL CHARGES FOR...				

Maintenance/Sanitation Report: _____

Target Pest: Roaches _____, Rats _____, Mice _____, Ants _____, Spiders _____, Earwigs _____, Other (Specify) TERMITE CONTROL ✓

Technician Remarks / Action Plan:

Initial treatment to soil for termite prevention using 300 gallon rig to treat 10,000 SQ. FT. and 980 linear feet for tilt wall leave out areas.

Bldg. #3 TRUCK BAY LEAVENUT - NORTHSIDE

Materials Used	%	Amount	Materials Used	%	Amount	Materials Used	%	Amount
Baygon Bait	2.0		Dual Choice Ant	.5		Suspend CS		
ContraC Bait	.005		Glue Boards	0.0		Tempo 20 WP		
Delta Gard	.10		Max Force/Roach			Termidor SC		
Demand CS			Borid	99.0		Terro Ant Killer	5.4	
Drone Dust	51.0		Siege	2.0		Tri-Die	13.4	
						<u>BIFEN I/T</u>	<u>.06</u>	<u>140892</u>

ALL APPLICATIONS OF CHEMICALS ARE MADE ACCORDING TO LABEL DIRECTIONS

Customer Comments: _____

As per your request, normal outside pest service was performed today. If additional service is required, please call me and I will be happy to perform that service at no additional charge.

Are You Satisfied With Service: Yes No _____

[Signature]
Customer's Signature

[Signature] 3-3-09
Technician's Signature Date

Bill to: Opus West Construction Co
15455 North Dallas Parkway
Suite #450
Addison, TX 75001-

Balance
Charge for February 2009 service.....
Initial Treatment EXEMPT
Sales Tax
Invoice Total.....
Amount Due

Visit us @ PESTBOYS.COM • Metro 817-265-6666

Remit to:

INVOICE PORTION: DETACH AND RETURN WITH YOUR PAYMENT

THE PEST BOYS



619 Averett • Kennedale, TX 76060

Amount Paid \$ _____ Check Cash

Invoice No. 016484 Service Rate _____

For Opus West Construction Co

Northern District of Texas Claims Register

09-34356-hdh11 Opus West Corporation

Judge: Harlin DeWayne Hale

Chapter: 11

Office: Dallas

Last Date to file claims: 11/09/2009

Trustee:

Last Date to file (Govt):

<i>Creditor:</i> (12454552) The Pest Boys, Inc. 619 Averett Kennedale, TX 76060	Claim No: 6 <i>Original Filed</i> Date: 08/11/2009 <i>Original Entered</i> Date: 08/11/2009	<i>Status:</i> Filed by: CR Entered by: Roark, Clay Modified:
Secured claimed: \$13770.00 Total claimed: \$13770.00		
<i>History:</i> <u>Details</u> <u>6-1</u> 08/11/2009 Claim #6 filed by The Pest Boys, Inc., total amount claimed: \$13770 (Roark, Clay)		
<i>Description:</i> (6-1) Mechanics Lien - 2525 E. State Hwy 121, Lewisville, TX		
<i>Remarks:</i>		

Claims Register Summary