

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) Filed on: _____
Name and address where notices should be sent: 619 Averett Rd. Kennedale, TX 76060 Telephone number: (817) 265-6666		
Name and address where payment should be sent (if different from above): The Pest Boys, 619 Averett Rd Kennedale, TX 76060 Telephone number: (817) 265-6666		<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.
1. Amount of Claim as of Date Case Filed: \$ <u>11,397.85</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.		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.
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>11,397.85</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	

Penalty for presenting fraudulent claim: Fine of up to \$300,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

OCT 02 2009
BMC GROUP



Copy

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 Crossing at Fort Bend Parkway and toward the improvement of certain real property located at **14404 ½ HILLCROFT STREET, HOUSTON, HARRIS COUNTY, TEXAS 77085** (the “Property”), said Property more fully described as:

Res A Blk 1, Crossings at Fort Bend Parkway, in the City of Houston, Harris County, Texas.

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

5. The current owner of the Property is OPUS WEST, LP whose address is 2555 E. Camelback Road, Suite 800, Phoenix, AZ 85016-9267.

6. After allowing all just credits, offsets, and payments, the amount of \$11,397.85 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 §

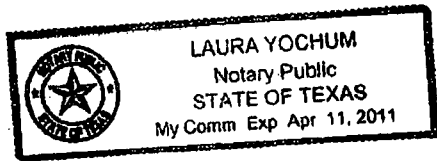
COUNTY OF TARRANT §

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

Opus West Construction Cor
 14404 1/2 Hillcroft Ave.
 Strip Center--E Of Home Depot
 Houston, TX 77085-

THE PEST BOYS



INVOICE NUMBER

Job # **016603**

FOR March 2009
 Initial Treatment

ACCOUNT NO. 10064	SVC. DAY	TELEPHONE NO. (512) 961-9787	GRID XX	FEO TC	TERMS BIL	LAST SVC DATE 02/06/2009	RT 001	SVC CHARGE 9,439.86	ADD'L CHARGES
TIME IN 11:00	TIME OUT 1:35	SERVICE PERFORMED			ADDITIONAL CHARGES FOR...				

Maintenance/Sanitation Report: _____

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

Technician Remarks / Action Plan:

Treat soil prior to slab pour at west end next to existing Home Depot structure. Treating 6000 SF using 300 gallon spray rig..

Materials Used	%	Amount	Materials Used	%	Amount	Materials Used	%	Amount
Baygon Bait	2.0		Dual Choice Ant	.5		Suspend CS		
Confrac Bait	.005		Glue Boards	0.0		Tempo 20 WP		
Delta Gard	.10		Max Force/Roach			Termidor SC	.06	750gal.
Demand CS			Bord	99.0		Terro Ant Killer	5.4	
Drione Dust	51.0		Siege	2.0		Tri-Die	13.4	

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

Customer's Signature

Rafael Cruz

Technician's Signature

Ray E. Adkins

Date

3-26-09

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

Balance	
Charge for March 2009 Initial Treatment service..	9,439.86
Sales Tax	150.14
Invoice Total: <u>P.O. #97327.01-2</u>	9,590.00
Amount Due	9,590.00

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. 016603 Service Rate _____
 Opus West Construction Cor

For _____

CUSTOMER

THE PEST BOYS

INVOICE NUMBER

Opus West Construction Co
14464 Hillcroft Ave.
Houston, TX 77085-



Job # **016485**
FOR February 2009
Initial Treatment

ACCOUNT NO. 10064	SVC. DAY	TELEPHONE NO. (713) 486-9787	GRID XX	FREQ TC	TERMS BIL	LAST SVC DATE	RT 001	SVC CHARGE 1,957.99	ADD'L CHARGES
TIME IN 9:10	TIME OUT 4:30	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 building plumbing and leave outs after the slab pour using 100 gallon tank rig. Drill, flood, and patch holes in floating slab

Materials Used	%	Amount	Materials Used	%	Amount	Materials Used	%	Amount
Baygon Bait	2.0		Dual Choice Ant	.5		Suspend CS		
Contra-Bait	.005		Glue Boards	0.0		Tempo 20 WP		
Delta Gard	.10		Max Force/Roach			Termidor SC	.06	250 gal.
Demand CS			Borid	99.0		Terro Ant Killer	5.4	
Drione Dust	51.0		Siege	2.0		Tri-Die	13.4	

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 _____

Customer's Signature: *[Signature]*

Technician's Signature: *[Signature]* Date: 2-06-09

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

Balance
Charge for February 2009 service.. 1,957.99
Initial Treatment 37.01
Sales Tax
Invoice Total P.O. # 97327, 0-2 : 1,995.00
Amount Due 1,995.00

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. 016485 Service Rate _____
Opus West Construction Co
For _____



BEVERLY KAUFMAN COUNTY CLERK

HARRIS COUNTY
BEVERLY KAUFMAN
COUNTY CLERK

05/13/09
20090202630

RP3
\$28.00

Re: Cash Register Receipt(s)

For your records, enclosed herein you will find Cash Register Receipt(s) for instruments filed in the Real Property Records of Harris County, Texas and will be shown as part of our database approximately 5 to 10 days after the date of filing. You may access our database at www.cclerk.hctx.net.

The instrument(s) will be mailed under separate cover to the address indicated on the document(s).

If we can be of further assistance to you, please do not hesitate to call us at any time.

Sincerely,

(Mrs.) Beverly B. Kaufman

A handwritten signature in black ink that reads "Penny L. Bonfitta". The signature is written in a cursive style and is positioned above a horizontal line.

Penny L. Bonfitta
Director, Real Property

Enclosure(s)

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: 7 <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: \$11397.85 Total claimed: \$11397.85		
<i>History:</i> Details <u>7-1</u> 08/11/2009 Claim #7 filed by The Pest Boys, Inc., total amount claimed: \$11397.85 (Roark, Clay)		
<i>Description:</i> (7-1) Mechanics Lien - 14404 1/2 Hillcroft, Houston, Texas		
<i>Remarks:</i>		

Claims Register Summary