

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

UNITED STATES BANKRUPTCY COURT Northern District of Texas		PROOF OF CLAIM
Name of Debtor: OPUS WEST CORPORATION, et al		Case Number: 09-34356-hdh-11
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): American Paving and Striping Company Inc.		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: James D. Cupples Williams, Cupples & Chapman, L.L.P., 1331 Gemini, Suite 201, Houston, TX 77058-2729		Court Claim Number: _____ (If known)
Telephone number: (281) 218-8888		Filed on: _____
Name and address where payment should be sent (if different from above):		<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.
Telephone number:		<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>26,539.40</u>		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.
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>Goods sold and services</u> (See instruction #2 on reverse side.)		<input type="checkbox"/> 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: <u>0338</u> 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		<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).
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: <u>Affidavit Claiming Mechanics' and Materialmans' Lien</u> Value of Property: \$ <u>34,125,000.00</u> Annual Interest Rate <u> </u> % Amount of arrearage and other charges as of time case filed included in secured claim, If any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ <u>26,539.40</u> Amount Unsecured: \$ <u>0.00</u>		<input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		<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).
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:		<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: \$ _____
Date: <u>7/31/09</u> 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. James D. Cupples, Attorney for American Paving and Striping Company Inc.		*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.
		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.

RECEIVED

OCT 02 2009

BMC GROUP



STATE OF TEXAS

COUNTY OF HARRIS

AFFIDAVIT CLAIMING MECHANICS' AND MATERIALMANS' LIEN

BEFORE ME, a notary public in and for the State of Texas, on this day personally appeared the undersigned, who being by me duly sworn, on oath states:

1. My name is Ray Gonzalez. I am the Controller of American Paving & Striping, Inc. and am authorized to make this affidavit on its behalf as the sworn statement of its claim.
2. Claimant furnished labor and/or materials for the improvement of the following described property in Harris County, Texas: Energy Crossing Spec Office, 15021 Katy Fwy, Houston, TX 77094, with more detailed description shown on the attached Exhibit "A".
3. The labor and/or material was furnished for such improvement to Opus West Construction Corporation. The last known address of Opus West Construction Corporation is 15455 N. Dallas Parkway, Suite 450, Addison, TX 75001.
4. The labor and/or material was furnished pursuant to a written contract with Opus West Construction Corporation during the months of February, March and April 2009.
5. The Opus West Construction Corporation is the original contractor for such improvement, whose last known address is 15455 N. Dallas Parkway, Suite 450, Addison, TX 75001.
6. Opus West Corporation, is the owner or reputed owner of the land and improvements thereon, whose last known address is Opus West Corporation, 15455 N. Dallas Parkway, Suite 450, Addison, TX 75001.
7. The labor and/or material furnished by claimant is pavement markings, wheel stops, pipe bollards and signage and is made up of the items indicated on the attached Exhibit "B" which reflects the dates of performance and/or delivery.
8. The amount due, owing and unpaid to claimant for such labor and/or material is \$51,539.40 which is true, correct, and just, with all just and lawful offsets, payments, and credits known to affiant allowed.
9. Claimant's mailing address is American Paving & Striping, Inc., 10700 Tower Oaks Blvd., Houston, Harris County, TX, 77070. Claimant's physical address is American Paving & Striping, Inc., 10700 Tower Oaks Blvd., Houston, Harris County, TX 77070.
10. Claimant sent notices to Opus West Corporation, by certified mail, returned receipt requested, on May 15, 2009.

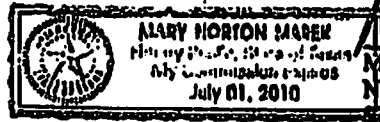
Claimant claims a lien against all the above described property and improvements thereon in the amount shown above pursuant to Chapter 53 of the Property Code of the State of Texas, and makes this sworn statement of claim in support thereof.

American Paving & Striping, Inc.

By
Printed Name

Ray Gonzalez
RAY GONZALEZ

Subscribed and sworn to before me by the said Ray Gonzalez this 15th day of May, 2009, to certify which witness my hand and seal of office.



Mary Norton Marek
Mary Norton Marek
Notary Public in and for the
STATE OF TEXAS

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Ray Gonzalez, Controller American Paving & Striping, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, who after being by me duly sworn acknowledged that the statements contained above are true and correct, that he executed same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 15th day of May, 2009.



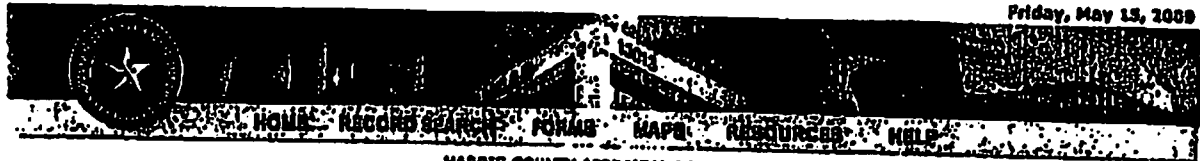
Mary Norton Marek
Mary Norton Marek
Notary Public in and for the
STATE OF TEXAS

After recording return to:

American Paving & Striping, Inc.
10700 Tower Oaks Blvd.
Houston, TX 77070

HCAD Details Sheet

EXHIBIT 11A11 Page 1 of 2



Tax Year: 2009

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
1303140010001

Print E-mail

Ownership History | Fiduciary Information | Related Accounts

Owner and Property Information

Owner Name & Mailing Address: **OPUS WEST LP
3538 B CAMELBACK RD STE 800
PHOENIX AZ 85018**

Legal Description: **REG A BLK 1
ENERGY CROSSING**
Property Address: **15021 KATY FWY
77079**

State Class Code		Land Use Code		Building Class	Total Units
F1 -- Real, Commercial		7600 -- Comm. Tabled Office Land		E	0
Land Area	Total Living Area	Net Rentable Area	Neighborhood	Map Facet	Key Map®
471,363 SF	542,450	0	9652.1	4758C	488A

Capped Account
No

Value Status Information
Value Status: **Noticed**
Notice Date: **4/27/2009**

Shared CAD
No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	ARB Status	2008 Rate	2009 Rate	Online Tax Bill
None	019	KATY ISD	Not Certified	1.526600		
	040	HARRIS COUNTY	Not Certified	0.389230		View
	041	HARRIS CO FLOOD CONTRL	Not Certified	0.030860		
	042	PORT OF HOUSTON AUTHY	Not Certified	0.017730		
	043	HARRIS CO HOSP DIST	Not Certified	0.192160		
	044	HARRIS CO EDUC DEPT	Not Certified	0.005840		
	061	CITY OF HOUSTON	Not Certified	0.638750		

Valuations

	2008 Value		2009 Value	
	Market	Appraised	Market	Appraised
Land	7,070,441		6,248,853	
Improvement	0		27,145,874	
Total	7,070,441	7,070,441	35,394,727	35,394,727

8-Year Value History

Land

Line	Description	Site Code	Unit Type	Market Value Land				Appr C/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
				Units	Size Factor	Site Factor	Appr C/R Factor					
1	7600 -- Comm. Tabled Office Land	SP1	SP	392,040	1.00	1.00	1.00	--	1.00	17.50	17.50	6,860,700
2	7600 -- Comm. Tabled Office Land	SP2	SP	79,323	1.00	1.00	1.00	Shape or Size	1.00	17.50	17.50	1,389,153

Building

Building	Year Built	Type	Style	Quality	Impr Sq Ft	Building Details
1	2008	Office Bldgs. Hi-Rise (5+ Stories)	8492 -- Shell, Office	Good	252,830	Displayed
2	2008	Office Bldgs. Hi-Rise (5+ Stories)	8345 -- Parking Structure	Average	289,620	View

Building Details (1)

WILLIAMS, CUPPLES & CHAPMAN, L.L.P.

-Attorneys at Law-
1331 Gemini, Suite 201
Houston, Texas 77058-2729
Phone: (281) 218-8888
Fax: (281) 218-8788

July 31, 2009

Ms. Tawana C. Marshall, Clerk
U.S. Bankruptcy Court
Northern District of Texas
Dallas Division
Earle Cabell Building, U.S. Courthouse
1100 Commerce Street, Room 1254
Dallas, Texas 75242-1496

VIA E-FILING

Re: No. 09-34356-hdh-11; *In Re: Opus West Corporation, et al*; In the United States Bankruptcy Court for the Northern District of Texas, Dallas Division

Dear Ms. Marshall:

Attached is a Proof of Claim for filing with the Court.

If there are any questions concerning this matter, please do not hesitate to call.

Sincerely,

WILLIAMS, CUPPLES & CHAPMAN, L.L.P.

By: 

James D. Cupples

JDC:jmp
attachment: 4 pages
c. C. Jessup, Jr. w/ encl.
c. D. Skierski w/ encl.
c. U.S. Trustee w/ encl.
c. BMC Group w/ encl.

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):

<p><i>Creditor:</i> (12453477) <u>History</u> American Paving and Striping Company Inc. c/o James D. Cupples Williams, Cupples & Chapman, L.L.P. 1331 Gemini, Suite 201 Houston, Texas 77058-2729</p>	<p>Claim No: 1 <i>Original Filed</i> Date: 07/31/2009 <i>Original Entered</i> Date: 07/31/2009</p>	<p><i>Status:</i> Filed by: AT Entered by: Cupples, James Modified:</p>
<p>Secured claimed: \$26539.40 Total claimed: \$26539.40</p>		
<p><i>History:</i> <u>Details</u> <u>1-1</u> 07/31/2009 Claim #1 filed by American Paving and Striping Company Inc., total amount claimed: \$26539.4 (Cupples, James)</p>		
<p><i>Description:</i></p>		
<p><i>Remarks:</i></p>		

Claims Register Summary