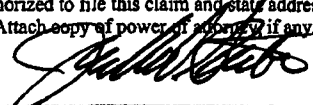


B 10 (Official Form 10) (12/07)

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS		PROOF OF CLAIM
Name of Debtor: OPUS WEST, LP		Case Number: 09-34334
<i>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.</i>		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Tri Dal Celina, Ltd.		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: Tri Dal Celina, Ltd. 540 Commerce Street Southlake, TX 76092 Telephone number: (817) 481-2886		Court Claim Number: _____ (If known)
Name and address where payment should be sent (if different from above):		Filed on: _____
Telephone number:		<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.
1. Amount of Claim as of Date Case Filed: \$ 51,854.20		<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
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.		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 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.		Specify the priority of the claim.
2. Basis for Claim: <u>mechanic's and materialman's lien</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: _____		<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).
3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		<input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).
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.		<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).
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other		<input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).
Describe:		<input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)().
Value of Property: \$ _____ Annual Interest Rate _____ %		Amount entitled to priority: \$ _____
Amount of arrearage and other charges as of time case filed included in secured claim,		*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.
if any: \$ _____ Basis for perfection: _____		
Amount of Secured Claim: \$ _____ 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 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 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: 8/20/09	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.  Jack Strube CFO	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



ELECTRONICALLY RECORDED 200900139494
ML AFF5 PGS

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

AFFIDAVIT AND CLAIM FOR MECHANIC'S AND MATERIALMAN'S LIEN
(Original Contractor)

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Michael S. Kaz, who being by me here and now duly sworn, upon oath says:

"My name is Michael S. Kaz and I am the Chief Operations Officer of **Tri Dal Celina, Ltd., an affiliate of Tri Dal, Ltd.**, a limited partnership, whose mailing address is 540 Commerce Street, Southlake, Texas 76092, and whose physical address is 4160 North Preston Road, Celina, Texas 75009 (hereinafter called "Claimant"). The facts set forth herein are true and correct, and I am competent and authorized to make this Affidavit.

1. **OPUS West LP**, whose address is 2555 East Camelback Road, Suite 800, Phoenix, AZ 85016, is the owner or reputed owner of the said land and is the owner or reputed owner of the improvements located thereon.

2. Claimant is an original contractor on the job or that portion thereof for which the hereinafter described material and/or labor was furnished.

3. Said materials and/or labor were furnished to **OPUS West Construction Corporation**, 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001, pursuant to a contract with such party, it having been furnished for the improvement of property located in Dallas County, Texas, and described as follows:

Being a 3.371 acre tract of land situated in the G.W. Fisher Survey, Abstract No. 482, in the Town of Addison, Dallas County, Texas, and being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference, and commonly known as Two Addison Circle, 15725 North Dallas Parkway, Addison, Texas 75001.

4. The amount of this claim is \$4,984.20 and said amount is just, reasonable and unpaid. This claim is for work performed in the month of January, 2009. A general statement of the kind of work done and/or materials furnished by Claimant is as follows:

Labor, materials, equipment and services for site utility work.

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

Michael S. Kaz
Michael S. Kaz

SWORN TO AND SUBSCRIBED before me under my official hand and seal of office this 15th day of May, 2009, by Michael S. Kaz.



Keri Lewis
Notary Public, State of Texas
Keri Lewis
Notary's Printed Name
My Commission Expires: 02/11/2013

AFTER RECORDING RETURN TO:
Randall F. Adair
Adair, Morris & Osborn, P.C.
325 N. St. Paul Street, Suite 4100
Dallas, Texas 75201

Exhibit A

BEING a tract of land situated in the G.W. FISHER SURVEY, Abstract No. 482, in the Town of Addison, Dallas County, Texas, and being a portion of two tracts of land described as Tract 4 (15.307 acres) and Tract 5 (0.293 of an acre) in instrument to Gaylord Properties, L.P. as recorded in Volume 97211, Page 01264 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a "X" cut found in pavement at the intersection of the west right-of-way of Dallas Parkway (variable width) as evidenced by instrument to Gaylord Properties, L.P. (described as Tract 5) as recorded in Volume 97211, Page 01264 of the Deed Records of Dallas County, Texas with the northwesterly right-of-way line of Addison Circle (109 foot wide right-of-way at this point) as evidenced by plat of Addison Circle Phase II, an addition to the Town of Addison, Texas as recorded in Volume 97217, Page 3056 of the Deed Records of Dallas County, Texas;

THENCE, South 72 degrees 58 minutes 59 seconds West along the northerly right-of-way line of Addison Circle a distance of 247.36 feet to an "X" set in concrete for a corner, said point being the southeast corner of a 1.388 acre tract of land described in instrument to Amicus Partners, Ltd., a Texas limited partnership as recorded in Volume 99195, Page 07791 of the Deed Records of Dallas County, Texas, the same being the southeast corner of Lot 1, Block A of The Ashton, an addition to the Town of Addison, Texas as recorded in Volume 2000036, Page 2913 of the Deed Records of Dallas County, Texas;

THENCE, North 17 degrees 01 minute 01 second West along the easterly line of said 1.388 acre tract and said Lot 1, Block A of The Ashton a distance of 59.32 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE North 58 degrees 20 minutes 25 seconds West along the northeasterly line of said 1.388 acre tract and said Lot 1, Block A of The Ashton a distance of 261.51 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, North 89 degrees 04 minutes 47 seconds West along the northerly line of said 1.388 acre tract and said Lot 1, Block A of The Ashton a distance of 104.49 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner on the east right-of-way line of Spectrum Drive (69 feet wide at this point as established by plat recorded in Volume 2000036, Page 2913), said point being the northwest corner of said 1.388 acre tract and said Lot 1, Block A of The Ashton;

THENCE, North 00 degrees 55 minutes 13 seconds East along the east right-of-way line of said Spectrum Drive passing a 5/8 inch iron rod found for the northeast corner of said right-of-way at a distance of 9.78 feet and continuing in all a distance of 193.84 feet to a five-eighths inch iron rod set with "Huitt-Zollars" cap for a corner from which a 5/8 inch iron rod found with "Huitt-Zollars" cap bears North 00 degrees 55 minutes 13 seconds East at a

Exhibit A (Continued)

distance of 183.77 feet;

THENCE, South 93 degrees 04 minutes 47 seconds East a distance of 326.53 feet to a five-eighths inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, South 90 degrees 00 minutes 00 seconds East a distance of 72.87 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, North 90 degrees 00 minutes 00 seconds East a distance 239.67 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner on the westerly right-of-way line of Dallas Parkway as established by said instrument to Gaylord Properties, L.P. described as Tract 5 and recorded in Volume 97211, Page 01264 of the Deed Records of Dallas County, Texas, said point being the beginning of a non-tangent curve to the right having a radius of 626.62 feet;

THENCE, southwesterly along the west right-of-way line of Dallas Parkway and easterly line of said Gaylord Properties Tract 5 through a central angle of 05 degrees 29 minutes 07 seconds, an arc distance of 59.99 feet and being subtended by a chord bearing South 04 degrees 17 minutes 35 seconds East a distance of 59.97 feet to a cut "K" found on curb inlet at the end of said curve;

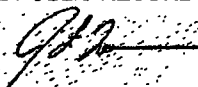
THENCE, South 01 degree 33 minutes 02 seconds East along the west right-of-way line of Dallas Parkway and easterly line of said Gaylord Properties Tract 5 a distance of 82.43 feet to a cut "X" found in pavement for the beginning of a curve to the left having a radius of 1,897.84 feet;

THENCE, southeasterly along the west right-of-way line of Dallas Parkway and easterly line of said Gaylord Properties Tract 5 and along said curve to the left through a central angle of 02 degrees 46 minutes 45 seconds, an arc distance of 96.91 feet and being subtended by a chord bearing South 02 degrees 56 minutes 29 seconds East a distance of 96.90 feet to the POINT OF BEGINNING and CONTAINING 3.371 acres of land, more or less.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS


John F. Warren, County Clerk
Dallas County TEXAS
May 15 2009 01:20 PM
FEE: \$ 28.00

200900139494

ELECTRONICALLY RECORDED 200900127108
ML AFF5 PGS

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

AFFIDAVIT AND CLAIM FOR MECHANIC'S AND MATERIALMAN'S LIEN
(Original Contractor)

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Jack D. Strube, who being by me here and now duly sworn, upon oath says:

"My name is Jack D. Strube and I am the Chief Financial Officer of **Tri Dal Celina, Ltd., an affiliate of Tri Dal, Ltd.**, a limited partnership, whose mailing address is 540 Commerce Street, Southlake, Texas 76092, and whose physical address is 4160 North Preston Road, Celina, Texas 75009 (hereinafter called "Claimant"). The facts set forth herein are true and correct, and I am competent and authorized to make this Affidavit.

1. **OPUS West LP**, whose address is 2555 East Camelback Road, Suite 800, Phoenix, AZ 85016, is the owner or reputed owner of the said land and is the owner or reputed owner of the improvements located thereon.

2. Claimant is an original contractor on the job or that portion thereof for which the hereinafter described material and/or labor was furnished.

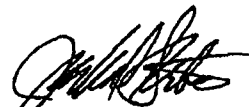
3. Said materials and/or labor were furnished to OPUS West Construction Corporation, 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001, pursuant to a contract with such party, it having been furnished for the improvement of property located in Dallas County, Texas, and described as follows:

Being a 3.371 acre tract of land situated in the G.W. Fisher Survey, Abstract No. 482, in the Town of Addison, Dallas County, Texas, and being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference, and commonly known as Two Addison Circle, 15725 North Dallas Parkway, Addison, Texas 75001.

4. The amount of this claim is \$46,870.00 and said amount is just, reasonable and unpaid. This claim is for retainage that accrued during the months of January, 2008, through March, 2009. A general statement of the kind of work done and/or materials furnished by Claimant is as follows:


Labor, materials, equipment and services for site utility work.

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



Jack D. Strube

SWORN TO AND SUBSCRIBED before me under my official hand and seal of office this 30th day of April, 2009, by Jack D. Strube.



Notary Public, State of Texas
Laura M Stanfield
Notary's Printed Name
My Commission Expires: June 17, 2012

AFTER RECORDING RETURN TO:
Randall F. Adair
Adair, Morris & Osborn, P.C.
325 N. St. Paul Street, Suite 4100
Dallas, Texas 75201

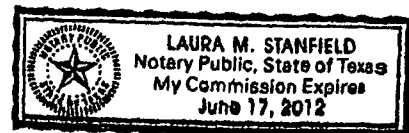


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BEGINNING at a "X" CUL found in pavement at the intersection of the west right-of-way of Dallas Parkway (variable width) as evidenced by instrument to Gaylord Properties, L.P. (described as Tract 5) as recorded in Volume 97211, Page 01264 of the Deed Records of Dallas County, Texas with the northwesterly right-of-way line of Addison Circle (109 foot wide right-of-way at this point) as evidenced by plat of Addison Circle Phase IV, an addition to the Town of Addison, Texas as recorded in Volume 97217, Page 3956 of the Deed Records of Dallas County, Texas;

THENCE, South 72 degrees 58 minutes 59 seconds West along the northerly right-of-way line of Addison Circle a distance of 247.38 feet to an "X" set in concrete for a corner, said point being the southeast corner of a 1.388 acre tract of land described in instrument to Amicus Partners, Ltd., a Texas limited partnership as recorded in Volume 95195, Page 07791 of the Deed Records of Dallas County, Texas, the same being the southeast corner of Lot 1, Block A of The Ashton, an addition to the Town of Addison, Texas as recorded in Volume 2000036, Page 2913 of the Deed Records of Dallas County, Texas;

THENCE, North 17 degrees 01 minute 01 second West along the easterly line of said 1.388 acre tract and said Lot 1, Block A of The Ashton a distance of 59.32 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE North 58 degrees 20 minutes 25 seconds West along the northeasterly line of said 1.388 acre tract and said Lot 1, Block A of The Ashton a distance of 261.51 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, North 89 degrees 04 minutes 47 seconds West along the northerly line of said 1.388 acre tract and said Lot 1, Block A of The Ashton a distance of 104.49 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner on the east right-of-way line of Spectrum Drive (69 feet wide at this point as established by plat recorded in Volume 2000036, Page 2913), said point being the northwest corner of said 1.388 acre tract and said Lot 1, Block A of The Ashton;

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Exhibit A (Continued)

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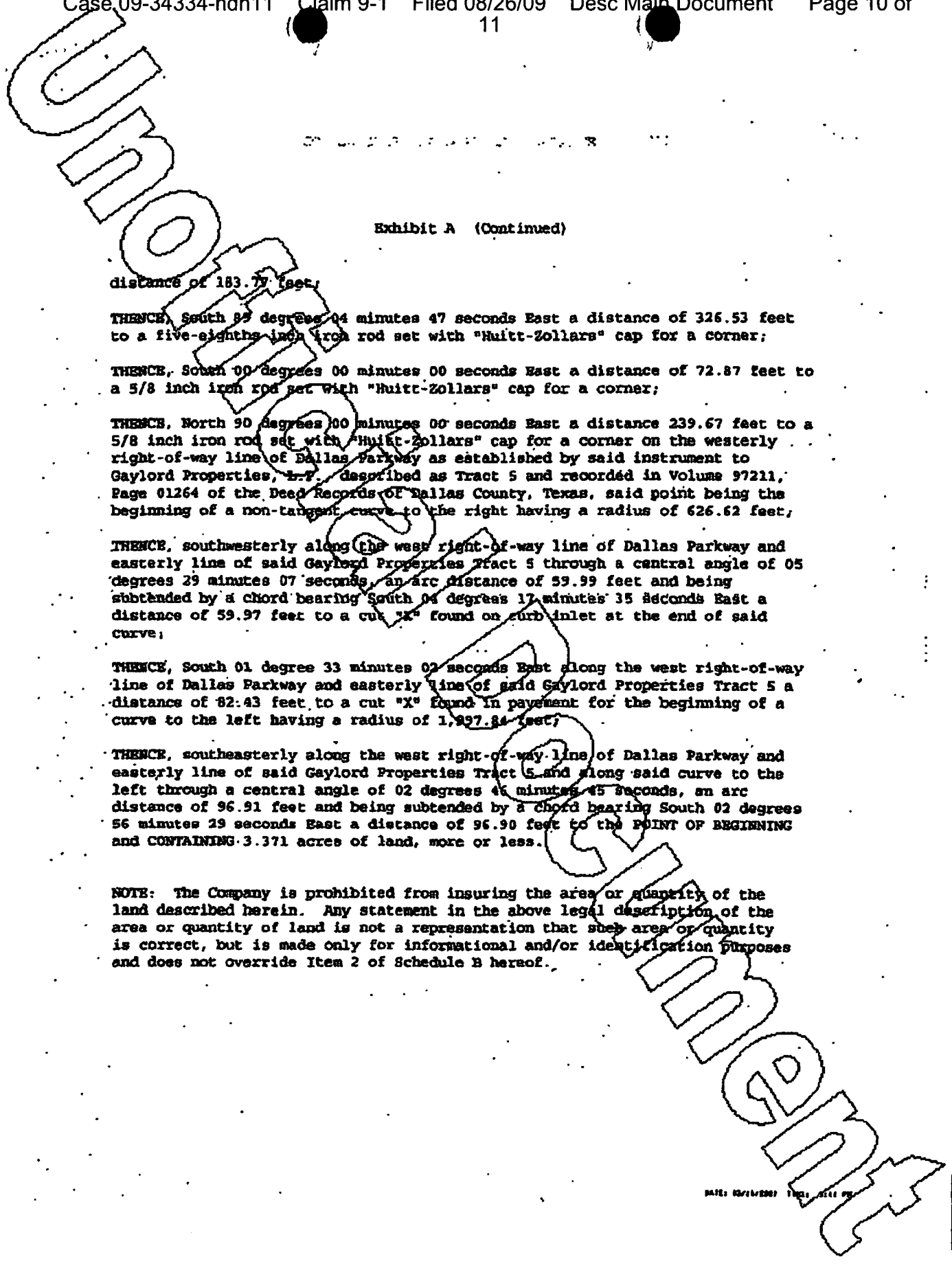
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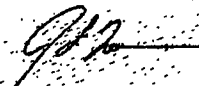
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FILED AND RECORDED

OFFICIAL PUBLIC RECORDS


John F. Warren, County Clerk

Dallas County TEXAS

May 05 2009 09:37 AM

FEE: \$ 28.00

200900127108

**Northern District of Texas
Claims Register**

09-34334-hdh11 Opus West, LP

Judge: Harlin DeWayne Hale

Chapter: 11

Office: Dallas

Last Date to file claims:

Trustee:

Last Date to file (Govt):

Creditor: (12596890) Tri Dal Celina, Ltd 540 Commerce St Southlake, TX 76092	Claim No: 9 <i>Original Filed</i> <i>Date:</i> 08/26/2009 <i>Original Entered</i> <i>Date:</i> 08/28/2009	Status: <i>Filed by:</i> CR <i>Entered by:</i> Moroles, D. <i>Modified:</i>
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Unsecured claimed: \$51854.20

Total claimed: \$51854.20

History:

Details 9-1 08/26/2009 Claim #9 filed by Tri Dal Celina, Ltd, total amount claimed: \$51854.2
(Moroles, D.)

Description:

Remarks:

Claims Register Summary