

B 10 (Official Form 10) (12/88)

UNITED STATES BANKRUPTCY COURT		PROOF OF CLAIM
Name of Debtor: In re 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): S&T Plumbing, Inc.		<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: S&T Plumbing, Inc. c/o Mike Massad Winstead P.C. 1201 Elm Street, Suite 5400 Dallas, Texas 75270 Telephone Number: 214.745.5655		
Name and address where payment should be sent (if different from above): S&T Plumbing, Inc. 804 W. Shady Grove Road Irving, Texas 75060 Telephone Number: 972-259-5286		<input type="checkbox"/> Check 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: \$342,447.15 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 checked="" 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. Claimant reserves its right (if any) to seek pre and post-petition interest on its claim as well as reasonable attorneys' fees.		5. Amount of Claims 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: \$ _____ <small>*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.</small>
2. Basis for Claim: Performed labor and furnished materials to improve property (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: 7306 (Lakefront Crossing Project No.) 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 type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Value of Property: \$Greater than amount of claim Annual Interest Rate: _____ % Amount of arrearages and other charges as of time case filed included in secured claim: If any: <u>Mechanics and Materialmen's Lien</u> Basis for perfection: <u>Lien affidavits attached</u> Amount of Secured Claim: <u>\$342,447.15</u> Amount Unsecured: <u>\$0.00</u>		
6. Credit: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		
7. Documents: Attached reflected 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 reflected copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "reflected" on reverse side.) DO NOT SENT ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: _____		FOR COURT USE ONLY
Date: <u>9/2/09</u> Signature: <u>MARNEY SNEOW</u> President		

OPUS WEST
00255

SUBCONTRACT APPLICATION FOR PAYMENT

Project Name: Lakepoint Crossing Project Number: 97306
 Subcontractor: S&T Plumbing Date of Application: 2/22/2009
 Supplier #: 1007779 Application Number: 4
 Address: 804 W. Shady Grove Road Period From: 02/01/2009 to 02/28/2009
Irving, TX 75060
 Phone: 972-259-5286
 Remittance Address: Opus West Construction Corporation
Attn: Accounts Payable
15455 North Dallas Parkway, Suite 450
Addison, TX 75001

CONTRACT INFORMATION

ITEM	SALES TAX(S) (if applicable)	TOTAL(S)
ORIGINAL CONTRACT AMOUNT		\$507,810.00
OPUS APPROVED CHANGE ORDER THRU # <u>4</u>		
CONTRACT AMOUNT TO DATE TOTAL		\$507,810.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 342,118.00
 B Less Retainage 10% \$ 34,211.80
 C Total Earned Less Retainage (A - B) \$ 307,906.20
 D Less Previous Billings (previous reg's line C) \$ 194,612.85
 E Current Payment Due (C - D) \$ 113,293.35
 F Balance to Finish, Plus Retainage (H - A + B) \$ 234,115.60
 G Current Gross Amount Completed This Period \$ 125,882.00

SUBCONTRACTOR:

S&T Plumbing

Supplier #: 1007779

BY:

DATE:

2/22/2009

APPLICATION BREAKDOWN

THIS SECTION MUST BE COMPLETE IN ORDER FOR THIS PAYMENT TO BE PROCESSED BY OPUS

Account Code	Description	Current Contract Amount	From Previous Application	This Period	Total Work Complete	Percent Complete	Retainage This Application	Net Payment
					I + G	A/H		G - K
97306-10-J110-15400.00S	Plumbing Systems - Subcontract	\$507,810.00	\$216,236.50	\$125,882.00	\$342,118.50	67.37%	\$12,588.20	\$113,293.35
	TOTAL	\$507,810.00	\$216,236.50	\$125,882.00	\$342,118.50	67.37%	\$12,588.20	\$113,293.35
		H	I	G	A	J	K	E

SHADED AREA FOR OPUS ACCOUNTING USE ONLY

Vendor ID	Vendor Inv. #	Date	G/L Exp

CONDITIONAL WAIVER AND RELEASE ON PROGRESS PAYMENT

Project: Lakepointe Crossing

Job No.: 97306

On receipt by the undersigned of a check from
Opus West Construction Corp

(Maker of Check)

in the sum of \$113,293.35

(Amount of Check)

payable to S&T Plumbing Inc.

(Payee or Payees of Check)

and when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to release any Mechanic's Lien, any state or federal statutory bond right, any private bond right, any claim for payment and any rights under any similar ordinance, rule or statute related to claim or payment rights for persons in the undersigned's position that the undersigned has on the job of **Opus West Construction Corp**

(Owner)

located at Lakepointe Crossing

(Job Description)

to the following extent. This release covers a progress payment for all labor, services, equipment or materials furnished to the jobsite or to

Opus West Construction Corp through 2/28/2009

(Person with whom undersigned contracted)

(Date)

only, and does not cover any retentions, pending modifications and changes or items furnished after that date. Before any receipt of this document relies on it, the person should verify evidence of payment to the undersigned.

The undersigned warrants that he either has already paid or will use the monies he receives from this payment to promptly pay in full all of his laborers, subcontractors, materialmen and suppliers for all work, materials, equipment or services provided for or to the above referenced project up to the date of this waiver.

Feb. 22, 2009
(Date)

S&T Plumbing Inc.
(Company Name)


(Signature)


(Title)

[illegible]

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

AMENDED AFFIDAVIT FOR MECHANIC'S AND MATERIALMAN'S LIEN
SUB-CONTRACTOR

State of Texas)
) Know all Men by These Presents That:
County of Dallas)

Marney Snow, President of S&T Plumbing, Inc., appeared personally before me, the undersigned authority, and, upon oath, deposed and stated:

"My name is Marney Snow. I am President of S&T Plumbing, Inc., which is referred to in this affidavit as "Claimant." The mailing address of S&T Plumbing, Inc. is 804 West Shady Grove, Irving, Texas, 75060, and the physical address of S&T Plumbing, Inc. is 804 West Shady Grove, Irving, Texas, 75060. I have personal knowledge of the facts set forth below and am competent and authorized to make this affidavit and the information contained herein is true and correct.

1. Pursuant to a contract between Claimant and Opus West Construction Corporation, whose address is 15455 N. Dallas Parkway, Suite 450, Addison Texas 75001, said project being located at 2525 E. State Hwy. 121, Lewisville, Texas 75056 (hereinafter referred to as the "Property"), Claimant performed labor and furnished materials to improve the Property. The owner or reputed owner of the Property is Opus West L.P., whose address is 15455 N. Dallas Parkway, Suite 450, Addison, Texas 75001. The Property is legally described on Exhibit "A", which is attached hereto and made a part hereof for all purposes as if set out herein in full.

2. The labor and furnished materials may be generally described as the providing of plumbing equipment and supplies and the installation of such plumbing equipment and supplies. Attached hereto as Exhibit "B" is a true and correct copy of the invoices for work done at the Property by Claimant which was submitted by Claimant to Opus West Construction Corporation and the owner of the Property, Opus West L.P., on or before the date of this Affidavit, evidencing the nature and value of the work performed at the Property, which is being claimed as due and unpaid as of the date of this Affidavit.

3. Said labor and furnished materials were furnished by Claimant for the use and benefit of Opus West L.P., at the Property, at the special instance and request of Opus West Construction Corporation.

4. Claimant is a sub-contractor for the improvements to the Property for which a lien is claimed.

5. After allowing all just credits and offsets, the amount of \$113,293.35 remains unpaid and is due and owing under this contract, which sum is just, reasonable and unpaid.

6. Claimant claims a lien on the Property, including any improvements placed thereon, to secure the payment of the above sum of \$113,293.35."

7. Notice of this claim was sent to the owner or reputed owner and general contractor, on the following dates and by the following methods:

Method Sent
Via CMRRR to
Opus West Construction Corporation
15455 North Dallas Parkway, Suite 450
Addison, TX 75001

Date Sent
April 3, 2009

Via CMRRR to
Opus West Corporation
15455 North Dallas Parkway, Suite 450
Addison, TX 75001

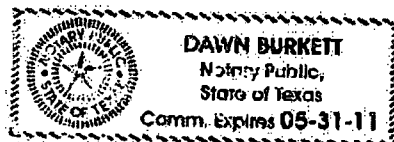
April 3, 2009

CLAIMANT: S&T PLUMBING, INC.

By:


Marney Snow, President

Subscribed and sworn to before me on this 2 day of June 2009, by Marney Snow, in his capacity as President of S&T Plumbing, Inc.




Notary Public State of Texas

EXHIBIT "A"

Attached to and made a part of that certain AFFIDAVIT FOR MECHANIC'S AND MATERIALMAN'S LIEN, dated June 2, 2009, executed by S&T Plumbing, Inc. and claiming a lien on real property described in this Exhibit owned by Opus West Corporation.

Lands covered by this Exhibit:

WHEREAS, OPUS WEST, L.P. is the owner of all that tract of land in the City of Lewisville, Denton County, Texas, and being a part of the B.B.B. & C.R.R. SURVEY, ABSTRACT No. 180, and being a part of the J.W. JOHNSON SURVEY, ABSTRACT No. 1609, and being all of Lot 1R, Block A, and all of Lot 4, Block A, Crossroads Centre North, an addition to the City of Lewisville as recorded in Cabinet W, Page 7, Denton County Plat Records, and being further described as follows:

BEGINNING at a one-half inch iron rod with cap found at the northwest corner of said Lot 1R, said point being in the south line of a 31.553 acre tract of land described as Tract 4 conveyed to 80 acres Lakepointe, Ltd., as recorded in Clerk's File No. 2004-86578, Denton County Deed Records, said point also being in the east line of East Hill Park Road (a variable width right-of-way);

THENCE along the north line of said Lot 1R and the south line of said Tract 4 as follows: Northeasterly, 656.80 feet along a curve to the left having a central angle of 28 degrees 56 minutes 51 seconds, a radius of 1300.00 feet, a tangent of 335.57 feet, and whose chord bears North 75 degrees 24 minutes 37 seconds East, 649.83 feet to a one-half inch iron rod with cap found for corner;

North 60 degrees 56 minutes 11 seconds East, at 464.78 feet passing a one-half inch iron rod with cap found at the northeast corner of said Lot 1R, said point also being the northwest corner of said Lot 4, in all a total distance of 845.43 feet to a one-half inch iron rod with cap found in the north line of said Lot 4;

THENCE along the north line of said Lot 4 and the south line of said Tract 4 as follows: Northeasterly, 358.94 feet along a curve to the left having a central angle of 10 degrees 16 minutes 58 seconds, a radius of 2000.00 feet, a tangent of 179.95 feet, and whose chord bears North 55 degrees 47 minutes 42 seconds East, 358.46 feet to a one-half inch iron rod with cap found for corner;

North 50 degrees 39 minutes 13 seconds East, 217.81 feet to a railroad spike found at the southeast corner of said Tract 4, said point being in the southwest line of Leora Lane (a 80 foot right-of-way);

THENCE Southeasterly, 155.47 feet along the southwest line of Leora Lane following a curve to the left having a central angle of 08 degrees 33 minutes 56 seconds, a radius of 1040.00 feet, a tangent of 77.88 feet, and whose chord bears South 82 degrees 42 minutes 08 seconds East, 155.33 feet to a one-half inch iron rod found at the northeast corner of said Lot 4, said point being the northwest corner of Lot 2, Block A, Crossroads Centre North, an addition to the City of Lewisville as recorded in Cabinet V, Page 234, Denton County Plat Records;

THENCE South 29 degrees 12 minutes 55 seconds East, 1182.95 feet to a one-half inch iron rod with cap found at the southeast corner of said Lot 4, said point being the southwest corner of said Lot 2, said point also being in the north line of State Highway 121 (a variable width right-of-way);

THENCE along the south line of said Lot 4 and the north line of State Highway 121 as follows:
South 60 degrees 47 minutes 06 seconds West, 696.87 feet to a one-half inch iron rod set for corner;
South 64 degrees 13 minutes 29 seconds West, 200.00 feet to a one-half inch iron rod set for corner;
South 60 degrees 47 minutes 06 seconds West, 180.50 feet to an "X" in concrete set for corner, said point being the southwest corner of said Lot 4, said point also being the southeast corner of Lot 3, Block A, of said Crossroads Centre North Addition;

THENCE North 29 degrees 12 minutes 54 seconds West, 416.00 feet along the west line of said Lot 4 and the east line of said Lot 3 to an "X" in concrete found at the northeast corner of said Lot 3, said point being the southeast corner of said Lot 1R;

THENCE along the south line of said Lot 1R and the north line of said Lot 3 as follows:
South 60 degrees 47 minutes 06 seconds West, 978.76 feet to an "X" in concrete found for corner;
South 19 degrees 05 minutes 03 seconds West, 120.03 feet to an "X" in concrete found at the most southerly southeast corner of said Lot 1R, said point being the most westerly northwest corner of said Lot 3, said point also being in the north line of East Hill Park Road;

THENCE along the north line of East Hill Park Road and the south line of said Lot 1R as follows:
Northwesterly, 415.23 feet along a curve to the left having a central angle of 04 degrees 03 minutes 24 seconds, a radius of 5864.58 feet, a tangent of 207.70 feet, and whose chord bears North 72 degrees 56 minutes 53 seconds West, 415.14 feet to a one-half inch iron rod with cap found for corner;

North 15 degrees 01 minutes 25 seconds East, 10.00 feet to a one-half inch iron rod with cap found for corner;

Northwesterly, 123.54 feet along a curve to the left having a central angle of 01 degrees 12 minutes 18 seconds, a radius of 5874.58 feet, a tangent of 61.77 feet, and whose chord bears North 75 degrees 34 minutes 44 seconds West, 123.53 feet to a one-half inch iron rod with cap found for corner;

North 28 degrees 15 minutes 19 seconds West, 26.67 feet to a one-half inch iron rod with cap found at the southwest corner of said Lot 1R, said point being in the east line of East Hill Park Road;

THENCE along the west line of said Lot 1R and the east line of East Hill Park Road as follows:
North 00 degrees 23 minutes 35 seconds East, 357.66 feet to an "X" in concrete found for corner;
Northeasterly, 17.54 feet along a curve to the right having a central angle of 25 degrees 07 minutes 16 seconds, a radius of 40.00 feet, a tangent of 8.91 feet, and whose chord bears North 77 degrees 48 minutes 20 seconds East, 17.40 feet to an "X" in concrete found for corner;
South 89 degrees 38 minutes 02 seconds East, 16.02 feet to an "X" in concrete found for corner;
North 00 degrees 46 minutes 20 seconds West, 35.43 feet to an "X" in concrete found for corner;
Northwesterly, 150.55 feet along a curve to the left having a central angle of 143 degrees 45 minutes 49 seconds, a radius of 60.00 feet, a tangent of 183.37 feet, and whose chord bears North 16 degrees 02 minutes 52 seconds West, 114.05 feet to a one-half inch iron rod with cap found for corner;
North 00 degrees 23 minutes 35 seconds East, 189.58 feet to the POINT OF BEGINNING and containing 2,373,271 square feet or 54.483 acres of land.

SUBCONTRACT APPLICATION FOR PAYMENT

Project Name : Lakepoint Crossing Project Number : 97306
 Subcontractor : S&T Plumbing Date of Application : 1/20/2009
 Supplier # : 1007779 Application Number : 3
 Address : 804 W. Shady Grove Road Period From : 12/01/2008 to 01/31/2009
Irving, TX 75060
 Phone : 972-259-5286
 Remittance Address : Opus West Construction Corporation
Attn: Accounts Payable
15455 North Dallas Parkway, Suite 450
Addison, TX 75001

CONTRACT INFORMATION

ITEM	SALES TAX(\$)(if applicable)	TOTAL(\$)
ORIGINAL CONTRACT AMOUNT		\$507,810.00
OPUS APPROVED CHANGE ORDER THRU # <u>4</u>		
CONTRACT AMOUNT TO DATE TOTAL		\$507,810.00

APPLICATION INFORMATION

A. Total Completed & Stored to Date \$ 216,236.50
 B. Less Retainage 10 % \$ 21,623.65
 C. Total Earned Less Retainage (A - B) \$ 194,612.85
 D. Less Previous Billings (previous req's line C) \$ 165,362.85
 E. Current Payment Due (C - D) \$ 29,250.00
 F. Balance to Finish, Plus Retainage (H - A + B) \$ 313,197.15
 G. Current Gross Amount Completed This Period \$ 32,500.00

SUBCONTRACTOR : S&T Plumbing Supplier #: 1007779
 BY : *Maning*
 DATE : 1/20/2009

APPLICATION BREAKDOWN

THIS SECTION MUST BE COMPLETE IN ORDER FOR THIS PAYMENT TO BE PROCESSED BY OPUS

Account Code	Description	Current Contract Amount	From Previous Application	This Period	Total Work Complete	Percent Complete	Retainage This Application	Net Payment
					I + G	A/H		G - K
97306.10-J110-15400.00S	Plumbing Systems - Subcontract	\$507,810.00	\$183,736.50	\$32,500.00	\$216,236.50	42.58%	\$3,250.00	\$29,250.00
	TOTAL	\$507,810.00	\$183,736.50	\$32,500.00	\$216,236.50	100.00%	\$3,250.00	\$29,250.00
		H	I	G	A	J	K	E

SHADED AREA FOR OPUS ACCOUNTING USE ONLY

Vendor ID	Vendor Inv. #	Date	G/L Exp

CONDITIONAL WAIVER AND RELEASE ON PROGRESS PAYMENT

Project: Lakepointe Crossing

Job No.: 97306

On receipt by the undersigned of a check from
Opus West Construction Corp
(Maker of Check)

in the sum of **\$29,250.00**
(Amount of Check)

payable to **S&T Plumbing Inc.**
(Payee or Payees of Check)

and when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to release any Mechanic's Lien, any state or federal statutory bond right, any private bond right, any claim for payment and any rights under any similar ordinance, rule or statute related to claim or payment rights for persons in the undersigned's position that the undersigned has on the job of **Opus West Construction Corp**
(Owner)

located at **Lakepointe Crossing**
(Job Description)

to the following extent. This release covers a progress payment for all labor, services, equipment or materials furnished to the jobsite or to **Opus West Construction Corp** through **1/31/2009**
(Person with whom undersigned contracted) (Date)

only, and does not cover any retentions, pending modifications and changes or items furnished after that date. Before any receipt of this document relies on it, the person should verify evidence of payment to the undersigned.

The undersigned warrants that he either has already paid or will use the monies he receives from this payment to promptly pay in full all of his laborers, subcontractors, materialmen and suppliers for all work, materials, equipment or services provided for or to the above referenced project up to the date of this waiver.

Jan. 20, 2009

(Date)

S&T Plumbing Inc.

(Company Name)

(Signature)

(Title)

APPLICATION NO.:	3
APPLICATION DATE:	Jan. 20, 2009
PERIOD TO:	Jan. 31, 2009
PROJECT NO.:	97306.00

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

AMENDED AFFIDAVIT FOR MECHANIC'S AND MATERIALMAN'S LIEN
SUB-CONTRACTOR

State of Texas)
) Know all Men by These Presents That:
County of Dallas)

Marney Snow, President of S&T Plumbing, Inc., appeared personally before me, the undersigned authority, and, upon oath, deposed and stated:

"My name is Marney Snow. I am President of S&T Plumbing, Inc., which is referred to in this affidavit as "Claimant." The mailing address of S&T Plumbing, Inc. is 804 West Shady Grove, Irving, Texas, 75060, and the physical address of S&T Plumbing, Inc. is 804 West Shady Grove, Irving, Texas, 75060. I have personal knowledge of the facts set forth below and am competent and authorized to make this affidavit and the information contained herein is true and correct.

1. Pursuant to a contract between Claimant and Opus West Construction Corporation, whose address is 15455 N. Dallas Parkway, Suite 450, Addison Texas 75001, said project being located at 2525 E. State Hwy. 121, Lewisville, Texas 75056 (hereinafter referred to as the "Property"), Claimant performed labor and furnished materials to improve the Property. The owner or reputed owner of the Property is Opus West L.P., whose address is 15455 N. Dallas Parkway, Suite 450, Addison, Texas 75001. The Property is legally described on Exhibit "A", which is attached hereto and made a part hereof for all purposes as if set out herein in full.

2. The labor and furnished materials may be generally described as the providing of plumbing equipment and supplies and the installation of such plumbing equipment and supplies. Attached hereto as Exhibit "B" is a true and correct copy of the invoices for work done at the Property by Claimant which was submitted by Claimant to Opus West Construction Corporation and the owner of the Property, Opus West L.P., on or before the date of this Affidavit, evidencing the nature and value of the work performed at the Property, which is being claimed as due and unpaid as of the date of this Affidavit.

3. Said labor and furnished materials were furnished by Claimant for the use and benefit of Opus West L.P., at the Property, at the special instance and request of Opus West Construction Corporation.

4. Claimant is a sub-contractor for the improvements to the Property for which a lien is claimed.

5. After allowing all just credits and offsets, the amount of \$29,250.00 remains unpaid and is due and owing under this contract, which sum is just, reasonable and unpaid.

6. Claimant claims a lien on the Property, including any improvements placed thereon, to secure the payment of the above sum of \$29250.00."

7. Notice of this claim was sent to the owner or reputed owner and general contractor, on the following dates and by the following methods:

Method Sent
Via CMRRR to
Opus West Construction Corporation
15455 North Dallas Parkway, Suite 450
Addison, TX 75001

Date Sent
April 3, 2009

Via CMRRR to
Opus West Corporation
15455 North Dallas Parkway, Suite 450
Addison, TX 75001

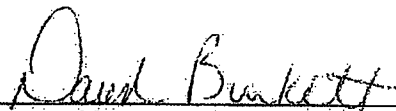
April 3, 2009

CLAIMANT: S&T PLUMBING, INC.

By: 
Marney Snow, President

Subscribed and sworn to before me on this 2 day of June 2009, by Marney Snow, in his capacity as President of S&T Plumbing, Inc.




Notary Public State of Texas

After recording return to:
Cole Halliburton
17304 Preston Road, Suite 965
Dallas Texas, 75252

EXHIBIT "A"

Attached to and made a part of that certain AFFIDAVIT FOR MECHANIC'S AND MATERIALMAN'S LIEN, dated June 2, 2009, executed by S&T Plumbing, Inc. and claiming a lien on real property described in this Exhibit owned by Opus West Corporation.

Lands covered by this Exhibit:

WHEREAS, OPUS WEST, L.P. is the owner of all that tract of land in the City of Lewisville, Denton County, Texas, and being a part of the B.B.B. & C.R.R. SURVEY, ABSTRACT No. 180, and being a part of the J.W. JOHNSON SURVEY, ABSTRACT No. 1609, and being all of Lot 1R, Block A, and all of Lot 4, Block A, Crossroads Centre North, an addition to the City of Lewisville as recorded in Cabinet W, Page 7, Denton County Plat Records, and being further described as follows:

BEGINNING at a one-half inch iron rod with cap found at the northwest corner of said Lot 1R, said point being in the south line of a 31.553 acre tract of land described as Tract 4 conveyed to 80 acres Lakepointe, Ltd., as recorded in Clerk's File No. 2004-86578, Denton County Deed Records, said point also being in the east line of East Hill Park Road (a variable width right-of-way);

THENCE along the north line of said Lot 1R and the south line of said Tract 4 as follows: Northeasterly, 656.80 feet along a curve to the left having a central angle of 28 degrees 56 minutes 51 seconds, a radius of 1300.00 feet, a tangent of 335.57 feet, and whose chord bears North 75 degrees 24 minutes 37 seconds East, 649.83 feet to a one-half inch iron rod with cap found for corner;

North 60 degrees 56 minutes 11 seconds East, at 464.78 feet passing a one-half inch iron rod with cap found at the northeast corner of said Lot 1R, said point also being the northwest corner of said Lot 4, in all a total distance of 845.43 feet to a one-half inch iron rod with cap found in the north line of said Lot 4;

THENCE along the north line of said Lot 4 and the south line of said Tract 4 as follows: Northeasterly, 358.94 feet along a curve to the left having a central angle of 10 degrees 16 minutes 58 seconds, a radius of 2000.00 feet, a tangent of 179.95 feet, and whose chord bears North 55 degrees 47 minutes 42 seconds East, 358.46 feet to a one-half inch iron rod with cap found for corner;

North 50 degrees 39 minutes 13 seconds East, 217.81 feet to a railroad spike found at the southeast corner of said Tract 4, said point being in the southwest line of Leora Lane (a 80 foot right-of-way);

THENCE Southeasterly, 155.47 feet along the southwest line of Leora Lane following a curve to the left having a central angle of 08 degrees 33 minutes 56 seconds, a radius of 1040.00 feet, a tangent of 77.88 feet, and whose chord bears South 82 degrees 42 minutes 08 seconds East, 155.33 feet to a one-half inch iron rod found at the northeast corner of said Lot 4, said point being the northwest corner of Lot 2, Block A, Crossroads Centre North, an addition to the City of Lewisville as recorded in Cabinet V, Page 234, Denton County Plat Records;

THENCE South 29 degrees 12 minutes 55 seconds East, 1182.95 feet to a one-half inch iron rod with cap found at the southeast corner of said Lot 4, said point being the southwest corner of said Lot 2, said point also being in the north line of State Highway 121 (a variable width right-of-way);

THENCE along the south line of said Lot 4 and the north line of State Highway 121 as follows:
South 60 degrees 47 minutes 06 seconds West, 696.87 feet to a one-half inch iron rod set for corner;
South 64 degrees 13 minutes 29 seconds West, 200.00 feet to a one-half inch iron rod set for corner;
South 60 degrees 47 minutes 06 seconds West, 180.50 feet to an "X" in concrete set for corner, said point being the southwest corner of said Lot 4, said point also being the southeast corner of Lot 3, Block A, of said Crossroads Centre North Addition;

THENCE North 29 degrees 12 minutes 54 seconds West, 416.00 feet along the west line of said Lot 4 and the east line of said Lot 3 to an "X" in concrete found at the northeast corner of said Lot 3, said point being the southeast corner of said Lot 1R;

THENCE along the south line of said Lot 1R and the north line of said Lot 3 as follows:
South 60 degrees 47 minutes 06 seconds West, 978.76 feet to an "X" in concrete found for corner;
South 19 degrees 05 minutes 03 seconds West, 120.03 feet to an "X" in concrete found at the most southerly southeast corner of said Lot 1R, said point being the most westerly northwest corner of said Lot 3, said point also being in the north line of East Hill Park Road;

THENCE along the north line of East Hill Park Road and the south line of said Lot 1R as follows:
Northwesterly, 415.23 feet along a curve to the left having a central angle of 04 degrees 03 minutes 24 seconds, a radius of 5864.58 feet, a tangent of 207.70 feet, and whose chord bears North 72 degrees 56 minutes 53 seconds West, 415.14 feet to a one-half inch iron rod with cap found for corner;

North 15 degrees 01 minutes 25 seconds East, 10.00 feet to a one-half inch iron rod with cap found for corner;

Northwesterly, 123.54 feet along a curve to the left having a central angle of 01 degrees 12 minutes 18 seconds, a radius of 5874.58 feet, a tangent of 61.77 feet, and whose chord bears North 75 degrees 34 minutes 44 seconds West, 123.53 feet to a one-half inch iron rod with cap found for corner;

North 28 degrees 15 minutes 19 seconds West, 26.67 feet to a one-half inch iron rod with cap found at the southwest corner of said Lot 1R, said point being in the east line of East Hill Park Road;

THENCE along the west line of said Lot 1R and the east line of East Hill Park Road as follows:

North 00 degrees 23 minutes 35 seconds East, 357.66 feet to an "X" in concrete found for corner;

Northeasterly, 17.54 feet along a curve to the right having a central angle of 25 degrees 07 minutes 16 seconds, a radius of 40.00 feet, a tangent of 8.91 feet, and whose chord bears North 77 degrees 48 minutes 20 seconds East, 17.40 feet to an "X" in concrete found for corner;

South 89 degrees 38 minutes 02 seconds East, 16.02 feet to an "X" in concrete found for corner;

North 00 degrees 46 minutes 20 seconds West, 35.43 feet to an "X" in concrete found for corner;

Northwesterly, 150.55 feet along a curve to the left having a central angle of 143 degrees 45 minutes 49 seconds, a radius of 60.00 feet, a tangent of 183.37 feet, and whose chord bears North 16 degrees 02 minutes 52 seconds West, 114.05 feet to a one-half inch iron rod with cap found for corner;

North 00 degrees 23 minutes 35 seconds East, 189.58 feet to the POINT OF BEGINNING and containing 2,373,271 square feet or 54.483 acres of land.

SUBCONTRACT APPLICATION FOR PAYMENT

Project Name : Lakepoint Crossing Project Number : 97306
 Subcontractor : S&T Plumbing Date of Application : 4/20/2009
 Supplier # : 1007779 Application Number : 7
 Address : 804 W. Shady Grove Road Period From : 04/01/2009 thru 04/30/2009
Irving, TX 75060
 Phone : 972-259-5286
 Remittance Address : Opus West Construction Corporation
Attn : Accounts Payable
15455 North Dallas Parkway, Suite 450
Addison, TX 75001

CONTRACT INFORMATION

ITEM	SALES TAX(S) (if applicable)	TOTAL(S)
ORIGINAL CONTRACT AMOUNT		\$507,810.00
OPUS APPROVED CHANGE ORDER THRU # <u>4</u>		
CONTRACT AMOUNT TO DATE TOTAL		\$507,810.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 507,810.00
 B Less Retainage 10 %
 C Total Earned Less Retainage (A - B) \$ 507,810.00
 D Less Previous Billings (previous req's line C) \$ 457,029.00
 E Current Payment Due (C - D) \$ 50,781.00
 F Balance to Finish, Plus Retainage (H - A + B) \$ 00
 G Current Gross Amount Completed This Period 50,781.00 RETAINAGE

SUBCONTRACTOR :

S&T Plumbing

Supplier #: 1007779

BY :

DATE :

4/20/2009

APPLICATION BREAKDOWN

THIS SECTION MUST BE COMPLETE IN ORDER FOR THIS PAYMENT TO BE PROCESSED BY OPUS.

Account Code	Description	Current Contract Amount	From Previous Application	This Period	Total Work Complete	Percent Complete	Retainage This Application	Net Payment
					I + G	A/H		G - K
97306-10-1110-15400.00S	Plumbing Systems - Subcontract	\$507,810.00		\$50,781.00	\$50,781.00	100.00%	\$0.00	\$50,781.00
	TOTAL	\$507,810.00	\$0.00	\$50,781.00	\$50,781.00	100.00%	\$0.00	\$50,781.00
		H	I	G	A	J	K	E

SHADED AREA FOR OPUS ACCOUNTING USE ONLY

Vendor ID	Vendor Inv. #	Date	G/L Exp

SUBCONTRACT APPLICATION FOR PAYMENT

Project Name : Lakepoint Crossing Project Number : 97306
 Subcontractor : S&T Plumbing Date of Application 4/20/2009
 Supplier #: 1007779 Application Number : 6
 Address : 804 W. Shady Grove Road Period From : 04/01/2009 thru 04/30/2009
Irvine, TX 75060
 Phone : 972-259-5286
 Remittance Address : Opus West Construction Corporation
Attn : Accounts Payable
15455 North Dallas Parkway, Suite 450
Addison, TX 75001

CONTRACT INFORMATION

ITEM	SALES TAX(\$)(if applicable)	TOTAL(\$)
ORIGINAL CONTRACT AMOUNT		\$507,810.00
OPUS APPROVED CHANGE ORDER THRU # <u>4</u>		
CONTRACT AMOUNT TO DATE TOTAL		\$507,810.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 507,810.00
 B Less Retainage 10 % \$ 50,781.00
 C Total Earned Less Retainage (A - B) \$ 457,029.00
 D Less Previous Billings (previous req's line C) \$ 429,736.50
 E Current Payment Due (C - D) \$ 27,292.50
 F Balance to Finish, Plus Retainage (H - A + B) \$ 50,781.00
 G Current Gross Amount Completed This Period \$ 30,325.00

SUBCONTRACTOR :

S&T PlumbingSupplier #: 1007779

BY :

DATE :

4/20/2009**APPLICATION BREAKDOWN**

THIS SECTION MUST BE COMPLETE IN ORDER FOR THIS PAYMENT TO BE PROCESSED BY OPUS

Account Code	Description	Current Contract Amount	From Previous Application	This Period	Total Work Complete	Percent Complete	Retainage This Application	Net Payment
					I + G	A/H		G - K
97306.10-J110-15400.00S	Plumbing Systems - Subcontract	\$507,810.00	\$477,485.00	\$30,325.00	\$507,810.00	100.00%	\$3,032.50	\$27,292.50
	TOTAL	\$507,810.00	\$477,485.00	\$30,325.00	\$507,810.00	100.00%	\$3,032.50	\$27,292.50
		H	I	G	A	J	K	E

SHADED AREA FOR OPUS ACCOUNTING USE ONLY

Vendor ID	Vendor Inv. #	Date	G/L Exp

CONDITIONAL WAIVER AND RELEASE ON PROGRESS PAYMENT

Project: Lakepointe Crossing

Job No.: 97306

On receipt by the undersigned of a check from
Opus West Construction Corp

(Maker of Check)

in the sum of \$27,292.50

(Amount of Check)

payable to S&T Plumbing Inc.

(Payee or Payees of Check)

and when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to release any Mechanic's Lien, any state or federal statutory bond right, any private bond right, any claim for payment and any rights under any similar ordinance, rule or statute related to claim or payment rights for persons in the undersigned's position that the undersigned has on the job of

Opus West Construction Corp

(Owner)

located at

Lakepointe Crossing

(Job Description)

to the following extent. This release covers a progress payment for all labor, services, equipment or materials furnished to the jobsite or to

Opus West Construction Corp

through

4/30/2009

(Person with whom undersigned contracted)

(Date)

only, and does not cover any retentions, pending modifications and changes or items furnished after that date. Before any recipient of this document relies on it, the person should verify evidence of payment to the undersigned.

The undersigned warrants that he either has already paid or will use the monies he receives from this payment to promptly pay in full all of his laborers, subcontractors, materialmen and suppliers for all work, materials, equipment or services provided for or to the above referenced project up to the date of this waiver.

April 20, 2009

(Date)

S&T Plumbing Inc.

(Company Name)

David Bunkett

(Signature)

Joe J. J. J.

(Title)

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

AFFIDAVIT FOR MECHANIC'S AND MATERIALMAN'S LIEN
CONTRACTOR

State of Texas)
) Know all Men by These Presents That:
County of Dallas)

Marney Snow, President of S&T Plumbing, Inc., appeared personally before me, the undersigned authority, and, upon oath, deposed and stated:

"My name is Marney Snow. I am President of S&T Plumbing, Inc., which is referred to in this affidavit as "Claimant." The mailing address of S&T Plumbing, Inc. is 804 West Shady Grove, Irving, Texas, 75060, and the physical address of S&T Plumbing, Inc. is 804 West Shady Grove, Irving, Texas, 75060. I have personal knowledge of the facts set forth below and am competent and authorized to make this affidavit and the information contained herein is true and correct.

1. Pursuant to a contract between Claimant and Opus West Construction Corporation, whose address is 15455 N. Dallas Parkway, Suite 450, Addison Texas 75001, said project being located at 2525 E. State Hwy. 121, Lewisville, Texas 75056 (hereinafter referred to as the "Property"), Claimant performed labor and furnished materials to improve the Property. The owner or reputed owner of the Property is Opus West L.P., whose address is 15455 N. Dallas Parkway, Suite 450, Addison, Texas 75001. The Property is legally described on Exhibit "A", which is attached hereto and made a part hereof for all purposes as if set out herein in full.

2. The labor and furnished materials may be generally described as the providing of plumbing equipment and supplies and the installation of such plumbing equipment and supplies. Attached hereto as Exhibit "B" is a true and correct copy of the invoices for work done at the Property by Claimant which was submitted by Claimant to Opus West Construction Corporation and the owner of the Property, Opus West L.P., on or before the date of this Affidavit, evidencing the nature and value of the work performed at the Property, which is being claimed as due and unpaid as of the date of this Affidavit.

3. Said labor and furnished materials were furnished by Claimant for the use and benefit of Opus West L.P., at the Property, at the special instance and request of Opus West Construction Corporation.

4. Claimant is a contractor for the improvements to the Property for which a lien is claimed.

5. After allowing all just credits and offsets, the amount of \$78,073.50 remains unpaid and is due and owing under this contract, which sum is just, reasonable and unpaid.

6. Claimant claims a lien on the Property, including any improvements placed thereon, to secure the payment of the above sum of \$78,073.50."

CLAIMANT: S&T PLUMBING, INC.

By: _____

Marney Snow, President

Subscribed and sworn to before me on this ____ day of May 2009, by Marney Snow, in his capacity as President of S&T Plumbing, Inc.

EXHIBIT "A"

Attached to and made a part of that certain AFFIDAVIT FOR MECHANIC'S AND MATERIALMAN'S LIEN, dated May _____, 2009, executed by S&T Plumbing, Inc. and claiming a lien on real property described in this Exhibit owned by Opus West Corporation.

Lands covered by this Exhibit:

WHEREAS, OPUS WEST, L.P. is the owner of all that tract of land in the City of Lewisville, Denton County, Texas, and being a part of the B.B.B. & C.R.R. SURVEY, ABSTRACT No. 180, and being a part of the J.W. JOHNSON SURVEY, ABSTRACT No. 1609, and being all of Lot 1R, Block A, and all of Lot 4, Block A, Crossroads Centre North, an addition to the City of Lewisville as recorded in Cabinet W, Page 7, Denton County Plat Records, and being further described as follows:

BEGINNING at a one-half inch iron rod with cap found at the northwest corner of said Lot 1R, said point being in the south line of a 31.553 acre tract of land described as Tract 4 conveyed to 80 acres Lakepointe, Ltd., as recorded in Clerk's File No. 2004-86578, Denton County Deed Records, said point also being in the east line of East Hill Park Road (a variable width right-of-way);

THENCE along the north line of said Lot 1R and the south line of said Tract 4 as follows:
Northeasterly, 656.80 feet along a curve to the left having a central angle of 28 degrees 56 minutes 51 seconds, a radius of 1300.00 feet, a tangent of 335.57 feet, and whose chord bears North 75 degrees 24 minutes 37 seconds East, 649.83 feet to a one-half inch iron rod with cap found for corner;
North 60 degrees 56 minutes 11 seconds East, at 464.78 feet passing a one-half inch iron rod with cap found at the northeast corner of said Lot 1R, said point also being the northwest corner of said Lot 4, in all a total distance of 845.43 feet to a one-half inch iron rod with cap found in the north line of said Lot 4;

THENCE along the north line of said Lot 4 and the south line of said Tract 4 as follows:
Northeasterly, 358.94 feet along a curve to the left having a central angle of 10 degrees 16 minutes 58 seconds, a radius of 2000.00 feet, a tangent of 179.95 feet, and whose chord bears North 55 degrees 47 minutes 42 seconds East, 358.46 feet to a one-half inch iron rod with cap found for corner;
North 50 degrees 39 minutes 13 seconds East, 217.81 feet to a railroad spike found at the southeast corner of said Tract 4, said point being in the southwest line of Leora Lane (a 80 foot right-of-way);

THENCE Southeasterly, 155.47 feet along the southwest line of Leora Lane following a curve to the left having a central angle of 08 degrees 33 minutes 56 seconds, a radius of 1040.00 feet, a tangent of 77.88 feet, and whose chord bears South 82 degrees 42 minutes 08 seconds East, 155.33 feet to a one-half inch iron rod found at the northeast corner of said Lot 4, said point being the northwest corner of Lot 2, Block A, Crossroads Centre North, an addition to the City of Lewisville as recorded in Cabinet V, Page 234, Denton County Plat Records;

THENCE South 29 degrees 12 minutes 55 seconds East, 1182.95 feet to a one-half inch iron rod with cap found at the southeast corner of said Lot 4, said point being the southwest corner of said

Lot 2, said point also being in the north line of State Highway 121 (a variable width right-of-way);

THENCE along the south line of said Lot 4 and the north line of State Highway 121 as follows:
South 60 degrees 47 minutes 06 seconds West, 696.87 feet to a one-half inch iron rod set for corner;
South 64 degrees 13 minutes 29 seconds West, 200.00 feet to a one-half inch iron rod set for corner;
South 60 degrees 47 minutes 06 seconds West, 180.50 feet to an "X" in concrete set for corner, said point being the southwest corner of said Lot 4, said point also being the southeast corner of Lot 3, Block A, of said Crossroads Centre North Addition;

THENCE North 29 degrees 12 minutes 54 seconds West, 416.00 feet along the west line of said Lot 4 and the east line of said Lot 3 to an "X" in concrete found at the northeast corner of said Lot 3, said point being the southeast corner of said Lot 1R;

THENCE along the south line of said Lot 1R and the north line of said Lot 3 as follows:
South 60 degrees 47 minutes 06 seconds West, 978.76 feet to an "X" in concrete found for corner;
South 19 degrees 05 minutes 03 seconds West, 120.03 feet to an "X" in concrete found at the most southerly southeast corner of said Lot 1R, said point being the most westerly northwest corner of said Lot 3, said point also being in the north line of East Hill Park Road;

THENCE along the north line of East Hill Park Road and the south line of said Lot 1R as follows:
Northwesterly, 415.23 feet along a curve to the left having a central angle of 04 degrees 03 minutes 24 seconds, a radius of 5864.58 feet, a tangent of 207.70 feet, and whose chord bears North 72 degrees 56 minutes 53 seconds West, 415.14 feet to a one-half inch iron rod with cap found for corner;

North 15 degrees 01 minutes 25 seconds East, 10.00 feet to a one-half inch iron rod with cap found for corner;

Northwesterly, 123.54 feet along a curve to the left having a central angle of 01 degrees 12 minutes 18 seconds, a radius of 5874.58 feet, a tangent of 61.77 feet, and whose chord bears North 75 degrees 34 minutes 44 seconds West, 123.53 feet to a one-half inch iron rod with cap found for corner;

North 28 degrees 15 minutes 19 seconds West, 26.67 feet to a one-half inch iron rod with cap found at the southwest corner of said Lot 1R, said point being in the east line of East Hill Park Road;

THENCE along the west line of said Lot 1R and the east line of East Hill Park Road as follows:
North 00 degrees 23 minutes 35 seconds East, 357.66 feet to an "X" in concrete found for corner;
Northeasterly, 17.54 feet along a curve to the right having a central angle of 25 degrees 07 minutes 16 seconds, a radius of 40.00 feet, a tangent of 8.91 feet, and whose chord bears North 77 degrees 48 minutes 20 seconds East, 17.40 feet to an "X" in concrete found for corner;
South 89 degrees 38 minutes 02 seconds East, 16.02 feet to an "X" in concrete found for corner;
North 00 degrees 46 minutes 20 seconds West, 35.43 feet to an "X" in concrete found for corner;
Northwesterly, 150.55 feet along a curve to the left having a central angle of 143 degrees 45 minutes 49 seconds, a radius of 60.00 feet, a tangent of 183.37 feet, and whose chord bears North 16 degrees 02 minutes 52 seconds West, 114.05 feet to a one-half inch iron rod with cap found for corner;
North 00 degrees 23 minutes 35 seconds East, 189.58 feet to the POINT OF BEGINNING and containing 2,373,271 square feet or 54.483 acres of land.

SUBCONTRACT APPLICATION FOR PAYMENT

Project Name : Lakepoint Crossing Project Number : 97306
 Subcontractor : S&T Plumbing Date of Application : 3/20/2009
 Supplier # : 1007779 Application Number : 5
 Address : 804 W. Shady Grove Road Period From : 03/01/2009 to 03/31/2009
Irving, TX 75060
 Phone : 972-259-5286
 Remittance Address : Opus West Construction Corporation
Attn : Accounts Payable
15455 North Dallas Parkway, Suite 450
Addison, TX 75001

CONTRACT INFORMATION

ITEM	SALES TAX(S) (if applicable)	TOTAL(S)
ORIGINAL CONTRACT AMOUNT		\$507,810.00
OPUS APPROVED CHANGE ORDER THRU # <u>4</u>		
CONTRACT AMOUNT TO DATE TOTAL		\$507,810.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 477,485.00
 B Less Retainage 10 % \$ 47,748.50
 C Total Earned Less Retainage (A - B) \$ 429,736.50
 D Less Previous Billings (previous req's line C) \$ 307,906.20
 E Current Payment Due (C - D) \$ 121,830.30
 F Balance to Finish, Plus Retainage (H - A + B) \$ 78,073.50
 G Current Gross Amount Completed This Period \$ 135,367.00

SUBCONTRACTOR :

S&T PlumbingSupplier #: 1007779

BY :

DATE :

3/20/2009APPLICATION BREAKDOWN

THIS SECTION MUST BE COMPLETE IN ORDER FOR THIS PAYMENT TO BE PROCESSED BY OPUS

Account Code	Description	Current Contract Amount	From Previous Application	This Period	Total Work Complete	Percent Complete	Retainage This Application	Net Payment
					I + G	A/H		G - K
97306-10-J110-15400.00S	Plumbing Systems - Subcontract	\$507,810.00	\$342,118.50	\$135,367.00	\$477,485.50	94.03%	\$13,536.70	\$121,830.30
	TOTAL	\$507,810.00	\$342,118.50	\$135,367.00	\$477,485.50	67.37%	\$13,536.70	\$121,830.30
		H	I	G	A	J	K	E

SHADED AREA FOR OPUS ACCOUNTING USE ONLY

Vendor ID	Vendor Inv. #	Date	G/L Exp

CONDITIONAL WAIVER AND RELEASE ON PROGRESS PAYMENT

Project: Lakepointe Crossing

Job No.: 97306

On receipt by the undersigned of a check from
Opus West Construction Corp

(Maker of Check)

in the sum of \$121,830.30

(Amount of Check)

payable to S&T Plumbing Inc.

(Payee or Payees of Check)

and when the check has been properly endorsed and has been paid by the bank on which it is drawn, this document becomes effective to release any Mechanic's Lien, any state or federal statutory bond right, any private bond right, any claim for payment and any rights under any similar ordinance, rule or statute related to claim or payment rights for persons in the undersigned's position that the undersigned has on the job of

Opus West Construction Corp

(Owner)

located at

Lakepointe Crossing

(Job Description)

to the following extent. This release covers a progress payment for all labor, services, equipment or materials furnished to the jobsite or to

Opus West Construction Corp

through

3/20/2009

(Person with whom undersigned contracted)

(Date)

only, and does not cover any retentions, pending modifications and changes or items furnished after that date. Before any receipt of this document relies on it, the person should verify evidence of payment to the undersigned.

The undersigned warrants that he either has already paid or will use the monies he receives from this payment to promptly pay in full all of his laborers, subcontractors, materialmen and suppliers for all work, materials, equipment or services provided for or to the above referenced project up to the date of this waiver.

Mar. 20, 2009

(Date)

S&T Plumbing Inc.

(Company Name)

May S

(Signature)

President

(Title)

SUBCONTRACTOR: S&T Plumbing, Inc.
CONTRACT DATE:
CONTRACT AMOUNT: 507,810.00
PROJECT NAME/NO.: LakePond Crossing 97305

APPLICATION NO.:	5
APPLICATION DATE:	Mar. 20, 2009
PERIOD TO:	Mar. 31, 2009
PROJECT NO.:	97306.00

[illegible]

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

AMENDED AFFIDAVIT FOR MECHANIC'S AND MATERIALMAN'S LIEN
SUB-CONTRACTOR

State of Texas)
)
County of Dallas) Know all Men by These Presents That:

Marney Snow, President of S&T Plumbing, Inc., appeared personally before me, the undersigned authority, and, upon oath, deposed and stated:

"My name is Marney Snow. I am President of S&T Plumbing, Inc., which is referred to in this affidavit as "Claimant." The mailing address of S&T Plumbing, Inc. is 804 West Shady Grove, Irving, Texas, 75060, and the physical address of S&T Plumbing, Inc. is 804 West Shady Grove, Irving, Texas, 75060. I have personal knowledge of the facts set forth below and am competent and authorized to make this affidavit and the information contained herein is true and correct.

1. Pursuant to a contract between Claimant and Opus West Construction Corporation, whose address is 15455 N. Dallas Parkway, Suite 450, Addison Texas 75001, said project being located at 2525 E. State Hwy. 121, Lewisville, Texas 75056 (hereinafter referred to as the "Property"), Claimant performed labor and furnished materials to improve the Property. The owner or reputed owner of the Property is Opus West L.P., whose address is 15455 N. Dallas Parkway, Suite 450, Addison, Texas 75001. The Property is legally described on Exhibit "A", which is attached hereto and made a part hereof for all purposes as if set out herein in full.
2. The labor and furnished materials may be generally described as the providing of plumbing equipment and supplies and the installation of such plumbing equipment and supplies. Attached hereto as Exhibit "B" is a true and correct copy of the invoices for work done at the Property by Claimant which was submitted by Claimant to Opus West Construction Corporation and the owner of the Property, Opus West L.P., on or before the date of this Affidavit, evidencing the nature and value of the work performed at the Property, which is being claimed as due and unpaid as of the date of this Affidavit.
3. Said labor and furnished materials were furnished by Claimant for the use and benefit of Opus West L.P., at the Property, at the special instance and request of Opus West Construction Corporation.
4. Claimant is a sub-contractor for the improvements to the Property for which a lien is claimed.
5. After allowing all just credits and offsets, the amount of \$121,830.30 remains unpaid and is due and owing under this contract, which sum is just, reasonable and unpaid.
6. Claimant claims a lien on the Property, including any improvements placed thereon, to secure the payment of the above sum of \$121,830.30."
7. Notice of this claim was sent to the owner or reputed owner and general contractor, on the following dates and by the following methods:

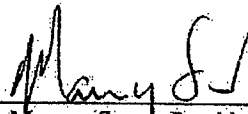
Method Sent
Via CMRRR to
Opus West Construction Corporation
15455 North Dallas Parkway, Suite 450
Addison, TX 75001

Date Sent
April 27, 2009

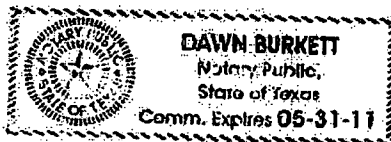
Via CMRRR to
Opus West Corporation
15455 North Dallas Parkway, Suite 450
Addison, TX 75001

April 27, 2009

CLAIMANT: S&T PLUMBING, INC.

By: 
Marney Snow, President

Subscribed and sworn to before me on this 2 day of June 2009, by Marney Snow, in his capacity as President of S&T Plumbing, Inc.




Notary Public State of Texas

After recording return to:
Cole Halliburton
17304 Preston Road, Suite 965
Dallas Texas, 75252

EXHIBIT "A"

Attached to and made a part of that certain AFFIDAVIT FOR MECHANIC'S AND MATERIALMAN'S LIEN, dated June 2, 2009, executed by S&T Plumbing, Inc. and claiming a lien on real property described in this Exhibit owned by Opus West Corporation.

Lands covered by this Exhibit:

WHEREAS, OPUS WEST, L.P. is the owner of all that tract of land in the City of Lewisville, Denton County, Texas, and being a part of the B.B.B. & C.R.R. SURVEY, ABSTRACT No. 180, and being a part of the J.W. JOHNSON SURVEY, ABSTRACT No. 1609, and being all of Lot 1R, Block A, and all of Lot 4, Block A, Crossroads Centre North, an addition to the City of Lewisville as recorded in Cabinet W, Page 7, Denton County Plat Records, and being further described as follows:

BEGINNING at a one-half inch iron rod with cap found at the northwest corner of said Lot 1R, said point being in the south line of a 31.553 acre tract of land described as Tract 4 conveyed to 80 acres Lakepointe, Ltd., as recorded in Clerk's File No. 2004-86578, Denton County Deed Records, said point also being in the east line of East Hill Park Road (a variable width right-of-way);

THENCE along the north line of said Lot 1R and the south line of said Tract 4 as follows: Northeasterly, 656.80 feet along a curve to the left having a central angle of 28 degrees 56 minutes 51 seconds, a radius of 1300.00 feet, a tangent of 335.57 feet, and whose chord bears North 75 degrees 24 minutes 37 seconds East, 649.83 feet to a one-half inch iron rod with cap found for corner;

North 60 degrees 56 minutes 11 seconds East, at 464.78 feet passing a one-half inch iron rod with cap found at the northeast corner of said Lot 1R, said point also being the northwest corner of said Lot 4, in all a total distance of 845.43 feet to a one-half inch iron rod with cap found in the north line of said Lot 4;

THENCE along the north line of said Lot 4 and the south line of said Tract 4 as follows: Northeasterly, 358.94 feet along a curve to the left having a central angle of 10 degrees 16 minutes 58 seconds, a radius of 2000.00 feet, a tangent of 179.95 feet, and whose chord bears North 55 degrees 47 minutes 42 seconds East, 358.46 feet to a one-half inch iron rod with cap found for corner;

North 50 degrees 39 minutes 13 seconds East, 217.81 feet to a railroad spike found at the southeast corner of said Tract 4, said point being in the southwest line of Leora Lane (a 80 foot right-of-way);

THENCE Southeasterly, 155.47 feet along the southwest line of Leora Lane following a curve to the left having a central angle of 08 degrees 33 minutes 56 seconds, a radius of 1040.00 feet, a tangent of 77.88 feet, and whose chord bears South 82 degrees 42 minutes 08 seconds East, 155.33 feet to a one-half inch iron rod found at the northeast corner of said Lot 4, said point being the northwest corner of Lot 2, Block A, Crossroads Centre North, an addition to the City of Lewisville as recorded in Cabinet V, Page 234, Denton County Plat Records;

THENCE South 29 degrees 12 minutes 55 seconds East, 1182.95 feet to a one-half inch iron rod with cap found at the southeast corner of said Lot 4, said point being the southwest corner of said

Lot 2, said point also being in the north line of State Highway 121 (a variable width right-of-way);

THENCE along the south line of said Lot 4 and the north line of State Highway 121 as follows:
South 60 degrees 47 minutes 06 seconds West, 696.87 feet to a one-half inch iron rod set for corner;
South 64 degrees 13 minutes 29 seconds West, 200.00 feet to a one-half inch iron rod set for corner;
South 60 degrees 47 minutes 06 seconds West, 180.50 feet to an "X" in concrete set for corner, said point being the southwest corner of said Lot 4, said point also being the southeast corner of Lot 3, Block A, of said Crossroads Centre North Addition;

THENCE North 29 degrees 12 minutes 54 seconds West, 416.00 feet along the west line of said Lot 4 and the east line of said Lot 3 to an "X" in concrete found at the northeast corner of said Lot 3, said point being the southeast corner of said Lot 1R;

THENCE along the south line of said Lot 1R and the north line of said Lot 3 as follows:
South 60 degrees 47 minutes 06 seconds West, 978.76 feet to an "X" in concrete found for corner;
South 19 degrees 05 minutes 03 seconds West, 120.03 feet to an "X" in concrete found at the most southerly southeast corner of said Lot 1R, said point being the most westerly northwest corner of said Lot 3, said point also being in the north line of East Hill Park Road;

THENCE along the north line of East Hill Park Road and the south line of said Lot 1R as follows:
Northwesterly, 415.23 feet along a curve to the left having a central angle of 04 degrees 03 minutes 24 seconds, a radius of 5864.58 feet, a tangent of 207.70 feet, and whose chord bears North 72 degrees 56 minutes 53 seconds West, 415.14 feet to a one-half inch iron rod with cap found for corner;

North 15 degrees 01 minutes 25 seconds East, 10.00 feet to a one-half inch iron rod with cap found for corner;

Northwesterly, 123.54 feet along a curve to the left having a central angle of 01 degrees 12 minutes 18 seconds, a radius of 5874.58 feet, a tangent of 61.77 feet, and whose chord bears North 75 degrees 34 minutes 44 seconds West, 123.53 feet to a one-half inch iron rod with cap found for corner;

North 28 degrees 15 minutes 19 seconds West, 26.67 feet to a one-half inch iron rod with cap found at the southwest corner of said Lot 1R, said point being in the east line of East Hill Park Road;

THENCE along the west line of said Lot 1R and the east line of East Hill Park Road as follows:
North 00 degrees 23 minutes 35 seconds East, 357.66 feet to an "X" in concrete found for corner;
Northeasterly, 17.54 feet along a curve to the right having a central angle of 25 degrees 07 minutes 16 seconds, a radius of 40.00 feet, a tangent of 8.91 feet, and whose chord bears North 77 degrees 48 minutes 20 seconds East, 17.40 feet to an "X" in concrete found for corner;
South 89 degrees 38 minutes 02 seconds East, 16.02 feet to an "X" in concrete found for corner;
North 00 degrees 46 minutes 20 seconds West, 35.43 feet to an "X" in concrete found for corner;
Northwesterly, 150.55 feet along a curve to the left having a central angle of 143 degrees 45 minutes 49 seconds, a radius of 60.00 feet, a tangent of 183.37 feet, and whose chord bears North 16 degrees 02 minutes 52 seconds West, 114.05 feet to a one-half inch iron rod with cap found for corner;
North 00 degrees 23 minutes 35 seconds East, 189.58 feet to the POINT OF BEGINNING and containing 2,373,271 square feet or 54.483 acres of land.

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> (12642291) S&T Plumbing, Inc. c/o Michael P. Massad, Jr. Winstead P.C. 1201 Elm Street, Suite 5400 Dallas, Texas 75270	Claim No: 16 <i>Original Filed</i> <i>Date:</i> 09/15/2009 <i>Original Entered</i> <i>Date:</i> 09/15/2009	<i>Status:</i> <i>Filed by:</i> CR <i>Entered by:</i> Massad, Michael <i>Modified:</i>
Secured claimed: \$342447.15		
Total claimed: \$342447.15		
<i>History:</i>		
<u>Details</u> <u>16-1</u> 09/15/2009 Claim #16 filed by S&T Plumbing, Inc., total amount claimed: \$342447.15 (Massad, Michael)		
<i>Description:</i> (16-1) Mechanic's and Materialmen's Lien		
<i>Remarks:</i>		

Claims Register Summary