



AF CLAIM 2009067032

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STATE OF TEXAS

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**AFFIDAVIT FOR MECHANIC'S
AND MATERIALMAN'S LIEN**

COUNTY OF TRAVIS **BMC GROUP**

BEFORE ME, the undersigned authority, on this day personally appeared JASON HARRISON, who, after being duly sworn, upon his oath deposed and stated as follows:

1. "My name is Jason Harrison, and I am over 18 years of age and am in all respects competent and authorized to make this affidavit. All facts recited in this affidavit are based upon my personal knowledge and are true and correct.
2. I am the Project Manager for **AUSTIN COMMERCIAL MASONRY, LLC** (the "Claimant"), and whose business address is P.O. Box 1414, Georgetown, Texas 78627. I am duly authorized to make and do make this affidavit on behalf of said Claimant.
3. Claimant furnished labor and materials pursuant to a contract with **OPUS WEST CONSTRUCTION CORPORATION** (the "Contractor"), whose last known address is 15455 N. Dallas Parkway, Addison, Texas 75001. Contractor is also known to use the address 2555 E. Camelback Road, Suite 800, Phoenix, Arizona 85016. Said labor and materials were used to make improvements to real property in the State of Texas.
4. The owners or reputed owner of the real property described herein is **HILL COUNTRY GALLERIA, L.P.** (the "Owner"), and whose last known address is 2555 E. Camelback Road, Suite 800, Phoenix, Arizona 85016. Owner is also known to use the address c/o Joel Despain, 101 E. Old Settlers Blvd., Suite 230, Round Rock, Texas 78664-2159.
5. The labor, materials, and/or work furnished by Claimant are generally described as follows: stone masonry and related labor and materials for Anchor 2A. Labor and materials were supplied in March 2009 and April 2009.
6. The real property, located at 4005 F.M. 620 South, Bee Cave, Texas 78738, sought to be charged with a lien by Claimant is described as follows:

Lot 1, Block "A" of **HILL COUNTRY GALLERIA**, a subdivision in Travis County, Texas, according to the map or plat recorded as the Amended Final Plat, Hill Country Galleria of Lots 1-8 and 10-26, Block A, Lots 1-3 and 5-8, Block B and Lot 1, Block A, under Document Number 200700378, in the Official Public Records of Travis County, Texas.

7. Based on information provided by Contractor that Contractor is the original contractor as defined under Section 53.001(7) of the TEXAS PROPERTY CODE, Claimant is a sub-contractor for the improvements for which a lien is claimed, and all notices required by the TEXAS PROPERTY CODE will be sent to the Owner and Contractor as specified therein. Alternatively, Contractor is, and was at all times relevant, the agent of the Owner with



respect to the improvements to the real property described herein, Claimant is an original contractor as defined under Section 53.001(7) of the TEXAS PROPERTY CODE, and all notices required by the TEXAS PROPERTY CODE will be sent to the Owner as specified therein. As of the date of this Affidavit, the following notices were sent:

Notice Addressee & Method Sent

Date Sent

VIA CM/RRR No. 7008 1140 0002 5938 8824

April 24, 2009

COPY VIA REGULAR MAIL

Opus West Construction Corporation
15455 N. Dallas Parkway
Addison, Texas 75001

VIA CM/RRR No. 7008 1140 0002 5938 8831

April 24, 2009

COPY VIA REGULAR MAIL

Opus West Construction Corporation
2555 E. Camelback Road, Suite 800
Phoenix, Arizona 85016

VIA CM/RRR No. 7008 1140 0002 5938 8848

April 24, 2009

COPY VIA REGULAR MAIL

Hill Country Galleria, L.P.
2555 E. Camelback Road, Suite 800
Phoenix, Arizona 85016

VIA CM/RRR No. 7008 1140 0002 5938 8855

April 24, 2009

COPY VIA REGULAR MAIL

Hill Country Galleria, L.P.
c/o Joel Despain
101 E. Old Settlers Blvd., Suite 230
Round Rock, Texas 78664-2159

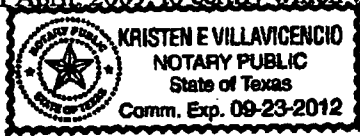
8. After allowing all just credits, offsets, and payments, but before considering the attorney's fees incurred by Claimant or any interest or penalties that will accrue, whether under the TEXAS PROMPT PAY ACT or otherwise, the amount of \$47,864.00 currently remains unpaid and is due and owing to Claimant under its contract with Contractor, and Claimant claims a lien on said property and improvements under the provisions of Chapter 53 of the TEXAS PROPERTY CODE to secure payment of said amount. Said amount is just and reasonable.
9. In the event that Contractor is, and was at all relevant times, the agent or alter ego of the Owner and Claimant is, therefore, an original contractor as defined under Section 53.001(7) of the TEXAS PROPERTY CODE, Claimant also claims a constitutional lien on such property pursuant to the provisions of Article 16, Section 37, of the TEXAS CONSTITUTION.
10. One copy of this Affidavit is being sent by Certified Mail, Return Receipt Requested to the Owner at his last known address, and one copy of this Affidavit is being sent by Certified Mail, Return Receipt Requested to Contractor at its last known address.

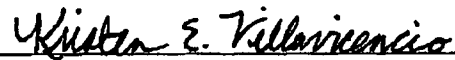
11. Further, affiant sayeth not."



Jason Harrison, Project Manager
Austin Commercial Masonry, LLC

SUBSCRIBED AND SWORN TO before me by the said JASON HARRISON on this 24th day of April, 2009, to certify which witness my hand and official seal of office.





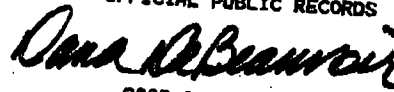
Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:

WEST SHORT & ASSOCIATES, P.C.
313 West 10th Street
Georgetown, Texas 78626

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



2009 Apr 27 02:31 PM

2009067032

FERGUSONLL \$24.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

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> (12613273) Austin Commercial Masonry, LLC c/o West Short & Associates, P.C. 313 West 10th Street Georgetown, TX 78626	Claim No: 12 <i>Original Filed</i> Date: 09/08/2009 <i>Original Entered</i> Date: 09/08/2009	<i>Status:</i> Filed by: CR Entered by: Short, Noel Modified:
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Total claimed:

History:
 Details 12-1 09/08/2009 Claim #12 filed by Austin Commercial Masonry, LLC, total amount claimed: \$0 (Short, Noel)

Description: (12-1) Affidavit for Mechanic's and Materialman's Lien

Remarks: (12-1) \$47,864.00 plus interest and attorney's fees

Claims Register Summary