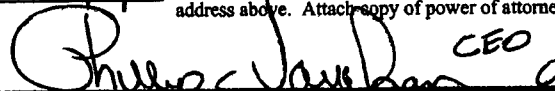



B 10 (Official Form 10) (12/08)

<b>UNITED STATES BANKRUPTCY COURT</b> Northern District of Texas		<b>PROOF OF CLAIM</b>
Name of Debtor: <b>Opus West Corporation, et al.</b>		Case Number: <b>09-34356-hdh</b>
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): <b>Commercial Openings, Inc.</b>		<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: <b>Robert B. Somers, 801 E. Campbell Rd., Suite 140, Richardson, Texas 75081</b>		
Telephone number: (972) 437-9266		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.  <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
Name and address where payment should be sent (if different from above): <div style="text-align: center;"> <b>SEP 14 2009</b>  <b>TAWANA C. MARSHALL, CLERK</b>  <b>U.S. BANKRUPTCY COURT</b>  <b>NORTHERN DISTRICT OF TEXAS</b> </div>		
Telephone number:		<input type="checkbox"/> Check this box if you are entitled to priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.  Specify the priority of the claim.  <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4).  <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).  <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7).  <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).  <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)(____).  Amount entitled to priority: \$ _____  *Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.
1. Amount of Claim as of Date Case Filed:      \$ <u>50,063.80</u>  If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.  If all or part of your claim is entitled to priority, complete item 5.  <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		
2. Basis for Claim: _____ (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: _____  3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.  Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____  Value of Property: \$ _____ Annual Interest Rate _____ %  Amount of arrearage and other charges as of time case filed included in secured claim: _____ if any: \$ _____ Basis for perfection: _____  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 instruction 7 and definition of "redacted" on reverse side.)  DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.  If the documents are not available, please explain:		
Date: <u>09/02/09</u> Signature: _____ 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.  <div style="text-align: center;">    <b>CEO</b>      <u>09/02/09</u> </div>		FOR COURT USE ONLY  OPUS WEST  00267

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.



# COMMERCIAL OPENINGS, INC.

10890 Potts Street • Suite 700 • Dallas Texas 75238  
 Phone (214) 343-0080 • Fax (214) 343-4072

No. 181614

*RL*

Remit To: P.O. BOX 551385 • Dallas Texas 75355-1385

# 16440

Date 3/12/09

OPUS WEST CONST. <sup>SUITE</sup> 450  
 15455 N. DALLAS PARKWAY  
 ADDISON, TX 75001

SAME: ANN: Ronald GILMORE  
 12601 Hill Country Blvd  
 BEE CREEK, TX 78738

CUST. ORDER NO.		DATE ENTERED		BY	DEPT.	FREIGHT PREPAID COLLECT		JOB NO.
77337.40-1				CR		Drop Ship		
QUANTITY	QTY. SHIPP'D	BACK ORDER	MARK	DESCRIPTION			UNIT PRICE	AMOUNT
				V.T. WOOD DOORS (#251185 - 3/04)				
2	2			PS R. OAK DOOR (#5502-01-01) #102 RH #103 LH				
2	2			Geo Hollow Metal Doors (off 863/303) LP18 Also 3090 RRA PAIR				
							2337.41	
							TAX	192.89
								<del>2530.30</del>









20090208427  
05/15/2009 RP3 \$24.00

**AFFIDAVIT OF  
MECHANIC'S LIEN OF SUB-CONTRACTOR**

**Notice: This document is not a lien. It is only an affidavit claiming a lien**

STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

KNOW ALL MEN BY THESE PRESENTS:

Before me, the undersigned authority, on this day personally appeared **PHILLIP VAUGHAN**, being the duly authorized agent for **COMMERCIAL OPENINGS, INC.** being hereinafter referred to as **CLAIMANT**, and said **PHILLIP VAUGHAN**, who, upon his oath deposed and stated:

1. My name is **PHILLIP VAUGHAN** and I am a duly authorized agent for **CLAIMANT**. I have personal knowledge of the facts as set forth herein and I am competent and authorized to make this affidavit on behalf of the **CLAIMANT**. The facts as contained herein are true and correct according to my personal knowledge.
2. The physical and mailing address of the **CLAIMANT** is 10990 Petal Street, Suite 700, Dallas, Texas 75238.
3. Pursuant to a contract by and between **CLAIMANT** and Opus West Construction Corporation, the Claimant was to provide furnish materials to improve the real property located at Energy Crossing, 15021 Energy Crossing, Houston, Texas 77094, said property being more particularly described in paragraph 5 below. The materials furnished by the Claimant are generally described as doors and door accessories.
4. The owner of the real property is Opus West LP. The address of the owner is 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001.
5. The real property sought to be charged with a lien by the **CLAIMANT** has a legal description of Res A, Block 1, Energy Crossing, Harris County, Texas.
6. After allowing all just and lawful credits, offsets and payments, the amount of \$63,659.00 remains unpaid and is due and owing to the **CLAIMANT** under said contract and the **CLAIMANT** claims a lien on said property and improvements to secure payment of the above referenced amount.

RP 064-79-2402

3  
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- 7. The Owner was notified by certified mail, return receipt requested, on the claim as set forth here in May of 2009.
- 8. The CLAIMANT also claims the constitutional lien on said property pursuant to the provisions of Article 16, Section 37 of the Texas Constitution.

COMMERCIAL OPENINGS, INC.

By: Phillip C. Vaughan CEO  
Phillip Vaughan, Authorized Agent

STATE OF TEXAS §  
  §  
COUNTY OF DALLAS §

Before me, the undersigned authority, on this date personally appeared by Phillip Vaughan, duly authorized agent for Commercial Openings, Inc. and known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he has executed same for the purposes as expressed therein, and in the capacity therein stated and in the act and deed of the corporation.

SUBSCRIBED AND SWORN TO BEFORE ME this the 11<sup>th</sup> day of May, 2009.

Commission Expires: 5-30-11

Rebecca M. Ramos  
Notary Public in and for the State of Texas



FILED FOR RECORD  
8:00 AM

MAY 15 2009

Conroy S. Hyman  
County Clerk, Harris County, Texas

RP 064-79-2403



RP 064-79-2404

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS UNLAWFUL AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS  
I hereby certify that this instrument was FILED in the proper Registers on the date and at the place shown by me and was duly RECORDED, in the Official Public Records of said Property of Harris County, Texas on

MAY 15 2009



*Barbara L. Kayman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

After Recording Return To:  
Robert B. Somers  
801 E. Campbell Rd., Suite 140  
Richardson, Texas 75081



ML AFF 200900137804  
3 PGS

**AFFIDAVIT OF  
MECHANIC'S LIEN OF SUB-CONTRACTOR**

**Notice: This document is not a lien. It is only an affidavit claiming a lien**

**STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §**

**KNOW ALL MEN BY THESE PRESENTS:**

Before me, the undersigned authority, on this day personally appeared **PHILLIP VAUGHAN**, being the duly authorized agent for **COMMERCIAL OPENINGS, INC.** being hereinafter referred to as **CLAIMANT**, and said **PHILLIP VAUGHAN**, who, upon his oath deposed and stated:

1. My name is **PHILLIP VAUGHAN** and I am a duly authorized agent for **CLAIMANT**. I have personal knowledge of the facts as set forth herein and I am competent and authorized to make this affidavit on behalf of the **CLAIMANT**. The facts as contained herein are true and correct according to my personal knowledge.
2. The physical and mailing address of the **CLAIMANT** is 10990 Petal Street, Suite 700, Dallas, Texas 75238.
3. Pursuant to a contract by and between **CLAIMANT** and Opus West Construction Corporation, the Claimant was to provide furnish materials to improve the real property located at Two Addison Creek, said property being more particularly described in paragraph 5 below. The materials furnished by the Claimant are generally described as doors and door accessories.
4. The owner of the real property is Opus West LP. The address of the owner is 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001.
5. The real property sought to be charged with a lien by the **CLAIMANT** has a legal description of G.W. Fisher Abstract 482, Page 731, Dallas County, Texas.
6. After allowing all just and lawful credits, offsets and payments, the amount of \$53,206.00 remains unpaid and is due and owing to the **CLAIMANT** under said contract and the **CLAIMANT** claims a lien on said property and improvements to secure payment of the above referenced amount.

- 7. The Owner was notified by certified mail, return receipt requested, on the claim as set forth here in April of 2009.
- 8. The CLAIMANT also claims the constitutional lien on said property pursuant to the provisions of Article 16, Section 37 of the Texas Constitution.

**COMMERCIAL OPENINGS, INC.**

By: Phillip C. Vaughan CEO  
Phillip Vaughan, Authorized Agent

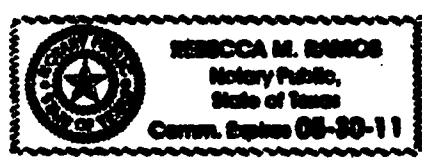
STATE OF TEXAS §  
  §  
COUNTY OF DALLAS §

Before me, the undersigned authority, on this date personally appeared by Phillip Vaughan, duly authorized agent for Commercial Openings, Inc. and known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he has executed same for the purposes as expressed therein, and in the capacity therein stated and in the act and deed of the corporation.

SUBSCRIBED AND SWORN TO BEFORE ME this the 27<sup>th</sup> day of April, 2009.

Commission Expires: 5-30-11

Rebecca M. Ramos  
Notary Public in and for the State of Texas



After Recording Return To:

Robert B. Somers  
801 E. Campbell Rd., Suite 140  
Richardson, Texas 75081



**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS

A handwritten signature in black ink, likely belonging to John F. Warren.

John F. Warren, County Clerk  
Dallas County TEXAS

May 14, 2009 11:32:12 AM

FEE: \$24.00

200900137804



70 2009 00042861

Instrument Number: 2009-42861

Recorded On: April 13, 2009

As  
Affidavit

Parties: COMMERCIAL OPENINGS INC

Billable Pages: 3

To

Number of Pages: 3

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

Affidavit	19.00
Total Recording:	19.00

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

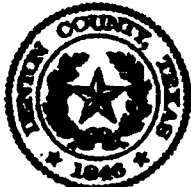
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2009-42861  
Receipt Number: 573785  
Recorded Date/Time: April 13, 2009 12:25:37P  
User / Station: D Kitzmiller - Cash Station 2

Record and Return To:

ROBERT B SOMERS  
801 E CAMPBELL  
STE140  
RICHARDSON TX 75081



THE STATE OF TEXAS }  
COUNTY OF DENTON }

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed herein, and was duly RECORDED in the Official Records of Denton County, Texas.

Cynthia Mitchell

County Clerk  
Denton County, Texas

**AFFIDAVIT OF  
MECHANIC'S LIEN OF SUB-CONTRACTOR**

**Notice: This document is not a lien. It is only an affidavit claiming a lien**

**STATE OF TEXAS**

§

**KNOW ALL MEN BY THESE PRESENTS:**

**COUNTY OF DALLAS**

§

§

Before me, the undersigned authority, on this day personally appeared **PHILLIP VAUGHAN**, being the duly authorized agent for **COMMERCIAL OPENINGS, INC.** being hereinafter referred to as **CLAIMANT**, and said **PHILLIP VAUGHAN**, who, upon his oath deposed and stated:

1. My name is **PHILLIP VAUGHAN** and I am a duly authorized agent for **CLAIMANT**. I have personal knowledge of the facts as set forth herein and I am competent and authorized to make this affidavit on behalf of the **CLAIMANT**. The facts as contained herein are true and correct according to my personal knowledge.
2. The physical and mailing address of the **CLAIMANT** is 10990 Petal Street, Suite 700, Dallas, Texas 75238.
3. Pursuant to a contract by and between **CLAIMANT** and Opus West Construction Corporation, the Claimant was to provide furnish materials to improve the real property located at Lake Pointe Crossing II, said property being more particularly described in paragraph 5 below. The materials furnished by the Claimant are generally described as doors and door accessories.
4. The owner of the real property is Opus West LP. The address of the owner is 3555 Camelback Road, Suite 800, Phoenix, Arizona 85081.
5. The real property sought to be charged with a lien by the **CLAIMANT** has a legal description of Crossroad Centre North, Block A, Lot 1r-1, Denton County, Texas.
6. After allowing all just and lawful credits, offsets and payments, the amount of \$29,274.00 remains unpaid and is due and owing to the **CLAIMANT** under said contract and the **CLAIMANT** claims a lien on said property and improvements to secure payment of the above referenced amount.

- 7. The Owner was notified by certified mail, return receipt requested, on the claim as set forth here in April of 2009.
- 8. The CLAIMANT also claims the constitutional lien on said property pursuant to the provisions of Article 16, Section 37 of the Texas Constitution.

**COMMERCIAL OPENINGS, INC.**

By: Phillip Vaughan KE0  
Phillip Vaughan, Authorized Agent

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

Before me, the undersigned authority, on this date personally appeared by **Phillip Vaughan**, duly authorized agent for Commercial Openings, Inc. and known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he has executed same for the purposes as expressed therein, and in the capacity therein stated and in the act and deed of the corporation.

SUBSCRIBED AND SWORN TO BEFORE ME this the 13<sup>th</sup> day of April, 2009.

Commission Expires: 5-30-11

Rebecca M. Ramos  
Notary Public in and for the State of Texas



Robert B. Somers  
801 E. Campbell, Ste. 140  
Richardson, TX 75081

# 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> (12640900) Commercial Openings, Inc. 801 E. Campbell Rd., Suite 140 Richardson, TX 75081</p>	<p><b>Claim No: 14</b> <i>Original Filed</i> <i>Date:</i> 09/14/2009 <i>Original Entered</i> <i>Date:</i> 09/14/2009</p>	<p><i>Status:</i> <i>Filed by:</i> CR <i>Entered by:</i> Bergreen, J. <i>Modified:</i></p>
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Unsecured claimed: \$50063.80

**Total claimed: \$50063.80**

*History:*

Details    14-1 09/14/2009 Claim #14 filed by Commercial Openings, Inc., total amount claimed:  
\$50063.8 (Bergreen, J. )

*Description:*

*Remarks:*

## Claims Register Summary