

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


UNITED STATES BANKRUPTCY COURT Northern District of Texas		PROOF OF CLAIM
Name of Debtor: Opus West Corporation, et al.		Case Number: 09-34356-hdh-11
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Roy Lee Hardin, dba Roy Hardin Masonry		<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: Tom D. Jester, Jr., Atty. for Roy Lee Hardin, dba Roy Hardin Masonry P.O. Box 280 Denton, TX 76202 Telephone number: (940) 387-7585		
Name and address where payment should be sent (if different from above): Telephone number: _____		<div style="text-align: center;"> RECEIVED OCT 12 2009 BMC GROUP </div> <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.
1. Amount of Claim as of Date Case Filed: \$ <u>28,900.00</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: <u>Services & Material</u> (See instruction #2 on reverse side.)		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <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.
3. Last four digits of any number by which creditor identifies debtor: <u>7306</u> 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 checked="" 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: \$ <u>28,900.00</u> 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: <u>See Exhibits attached.</u>		
Date: 10/09/2009	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.	
/s/Tom D. Jester, Jr.		FOR COURT USE ONLY OPUS WEST  00283

EXHIBIT A

MINOR & JESTER, P.C.

ATTORNEYS & COUNSELORS

515A SOUTH CARROLL BLVD.

P.O. BOX 280

DENTON, TEXAS 76202

E-MAIL - minor.jester@verizon.net

WEBSITE - www.lawyers.com/minor&jester

PHONE 940/387-7585

METRO 972/434-2116

FAX 940/387-5093

FRED H. MINOR (1888-1976)

TOM D. JESTER JR.

JOSEPH M. VACEK

BRENT W. CHANDLER

May 21, 2009

CMRRR 7004 2510 0004 2915 2046

OPUS West Corporation, as Owner

2555 E. Camelback Rd.

Ste. 800

Phoenix, AZ 85016

CMRRR 7004 2510 0004 2915 2039

OPUS West Construction Corporation, as General Contractor

2555 E. Camelback Rd.

Ste. 800

Phoenix, AZ 85016

RE: Claims of Roy Hardin Masonry; for unpaid billings totaling \$28,900.00; 121 Lakepointe Crossing Phase 2, located at 2525 E. State Hwy, Lewisville, TX 75056

Gentlemen:

Enclosed are copies of the Mechanics and Materialman's Lien filed in Denton County on behalf of Roy Hardin Masonry; for unpaid billings totaling \$28,900.00; 121 Lakepointe Crossing Phase 2, located at 2525 E. State Hwy, Lewisville, TX 75056.

Please contact Roy Hardin Masonry if you should have any questions or concerns regarding this lien.

Yours very truly,



Brent W. Chandler

BWC/mo

Enclosures

Cc: Client

CMRRR 7004 2510 0004 2915 2022

OPUS West Construction Corporation, as General Contractor
OPUS West Corporation, as Owner
15455 N. Dallas Pkwy, Suite 450
Addison, Texas 75001

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

OPUS West Construction Corp.
 as General Contractor
 OPUS West LP as Owner
 15155 N. Dallas PKwy, Suite 450
 Addison, TX 75001

2. Article Number

7004 2510 0004 2915 2022

(Transfer from service)

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *L. Buchanan*

- Agent
- Addressee

B. Received by (Printed Name)

L. Buchanan

C. Date of Delivery

5-22-09

D. Is delivery address different from item 1?

If YES, enter delivery address below: Yes No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

OPUS West LP, customer
 2555 E. Camelback Rd.
 Ste. 800
 Phoenix, AZ 85016

2. Article Number

7004 2510 0004 2915 2046

(Transfer from service)

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *M. Clow*

- Agent
- Addressee

B. Received by (Printed Name)

M. Clow

C. Date of Delivery

5/22/09

D. Is delivery address different from item 1?

If YES, enter delivery address below: Yes No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

OPUS West Construction
 Corporation, As General
 Contractor
 2555 E. Camelback Rd
 Ste. 800
 Phoenix, AZ 85016

2. Article Number

7004 2510 0004 2915 2039

(Transfer from service)

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *M. Clow*

- Agent
- Addressee

B. Received by (Printed Name)

M. Clow

C. Date of Delivery

5/22/09

D. Is delivery address different from item 1?

If YES, enter delivery address below: Yes No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

EXHIBIT B

Denton County
Cynthia Mitchell
County Clerk
Denton, Tx 76202



70 2009 00056342

Instrument Number: 2009-56342

As

Recorded On: May 11, 2009

Mechanics Lien Affidavit

Parties: HARDIN ROY L

Billable Pages: 4

To

Number of Pages: 4

Comment:

(Parties listed above are for Clerks reference only)

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

Mechanics Lien Affidavit	23.00
Total Recording:	23.00

***** 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:

Record and Return To:

Document Number: 2009-56342
Receipt Number: 582393
Recorded Date/Time: May 11, 2009 01:27:40P

MINOR & JESTER PC
PO BOX 280
DENTON TX 76202

User / Station: D Fahrney - Cash Station 3



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 hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

C. Mitchell

County Clerk
Denton County, Texas

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

MECHANIC'S LIEN AFFIDAVIT

AFFIDAVIT CLAIMING MECHANIC'S LIEN.

STATE OF TEXAS §
 §
COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared Roy Lee Hardin, the undersigned Affiant, who swore on his oath that the following facts are true:

My name is Roy Lee Hardin, I am the Owner of Roy Hardin Masonry. This affidavit is made on behalf of claimant to perfect the Mechanic's and Materialman's Lien against the real property described below:

1. Claimant has an unpaid claim in the amount of \$28,900.00 for labor and materials furnished on the construction of improvements generally known as the 121 Lakepointe Crossing Phase 2, located at 2525 E. State Hwy, Lewisville, TX 75056. The claimed amount of \$28,900.00 is, within my personal knowledge, just and true, the same is due and unpaid, and all just and lawful offsets, payments and credits have been allowed. The claim about is for labor and materials furnished and described below, on which a systematic record has been kept.
2. The name and last know address of the owner or reputed owner of the real property and improvements upon which this claim is made is: OPUS West Corporation, 2555 E. Camelback Rd. Ste. 800, Phoenix, AZ 85016 and its Dallas Office is 15455 N. Dallas Pkwy, Suite 450, Addison, Texas 75001.
3. The claim amount of \$28,900.00 represents the unpaid contract price due claimant, or in the alternative, is the reasonable value of the unpaid portion of claimant's labor and materials furnished, which are described below.
4. Claimant's labor and materials furnished for construction of improvements on the real property described below are generally described as: all Masonry work for the Crossing Spec Office construction project at 121 Lakepointe Crossing Phase 2, located at 2525 E. State Hwy, Lewisville, TX 75056. Payment is requested for work performed or materials furnished during each of the following months: February and March of 2009.

5. Claimant furnished the above-described labor and materials under a subcontract with OPUS West Construction Corporation whose last known address is 2555 E. Camelback Rd. Ste. 800, Phoenix, AZ 85016, and its Dallas Office is 15455 N. Dallas Pkwy, Suite 450, Addison, Texas 75001.
6. The name and last known address of the original contractor on the above-referenced project is OPUS West Construction Corporation at 2555 E. Camelback Rd. Ste. 800, Phoenix, AZ 85016, and its Dallas Office is 15455 N. Dallas Pkwy, Suite 450. Addison, Texas 75001.
7. The legal description of the real property improved by Claimant's above-described labor and materials, and which real property and improvements thereon are sought to be charged with Claimant's lien, is:

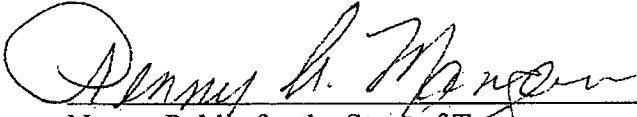
**Lot 1R Block A Crossroads Center Cabinet W Page 7 Plat Records,
Denton County, Texas.**

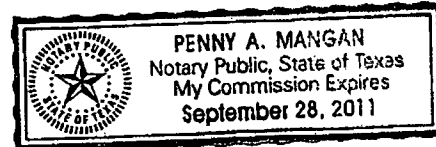
8. Claimant claims a Mechanic's and Materialman's lien upon the above-described real property and improvements thereon to secure payment of its claim in the amount of \$28,900.00 in accordance with the Texas Property Code.
9. Claimant's physical address is 7472 C.R. 1126 B, Godley, Texas 76044. Claimant's mailing address is 7472 C.R. 1126 B, Godley, Texas 76044.
10. Claimant's notice of mechanic's lien was sent to the Owner identified above by United States, certified mail, return receipt requested, on the following 7004 2510 0004 2915 2121 and 7004 2510 0004 2915 2107 on May 8, 2009.
11. In compliance with the Texas Property Code, Claimant is sending one copy of this Affidavit to the above-referenced Owner, at its last known address, and also one copy to the above-referenced original contractor at its last known addresses, 2555 E. Camelback Rd. Ste. 800, Phoenix, AZ 85016, and its Dallas Office is 15455 N. Dallas Pkwy, Suite 450. Addison, Texas 75001.



Roy Lee Hardin

SUBSCRIBED AND SWORN TO BEFORE ME by the said Roy Lee Hardin, this 8th Day of May, 2009, to certify which witness my hand and seal of office.


Notary Public for the State of Texas



PREPARED IN THE OFFICE OF:

MINOR & JESTER
515 South Carroll Blvd., Suite A
P.O. Box 280
Denton, TX 76202
Tel: (940) 387-7585
Fax: (940) 387-5093

AFTER RECORDING RETURN TO:

MINOR & JESTER
515 South Carroll Blvd., Suite A
P.O. Box 280
Denton, TX 76202
Tel: (940) 387-7585
Fax: (940) 387-5093

EXHIBIT C



SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: 121 Lakepointe Crossing Phase 2 Project Number: 97306
 Subcontractor: Roy Hardin Masonry Date of Application: 2-24-09
 Supplier #: 1007699 Application Number: 1
 Address: 7472 CR 1126B Godley, TX 76044 Period From: 1-25-09 Period To: 2-25-09
 Phone: 817-360-7887
 Remittance Address: OPUS West Construction Corporation
 Attn: Accounts Payable
 15455 N. Dallas Parkway, Suite 450
 Addison, TX 75001

CONTRACT INFORMATION

ITEM	SALES TAX (\$)(if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$28,980.00
OPUS APPROVED CHANGE ORDER # 1 thru #		
CONTRACT AMOUNT TO DATE TOTAL		\$28,980.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 14,490.00
 B Less Retainage _____ 10 % \$ 1,449.00
 C Total Earned less Retainage (A - B) \$ 13,041.00
 D Less Previous Billings (previous req's line C) \$ -0-
 E Current Payment Due (C - D) \$ 13,041.00
 F Balance to Finish, Plus Retainage (H - A + B) \$ 15,939.00
 G Current Gross Amount Completed This Period \$ 13,041.00

SUBCONTRACTOR: Roy Hardin Masonry Supplier #: 1007699
 BY: [Signature]
 DATE: 2-24-09

APPLICATION BREAKDOWN

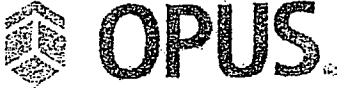
THIS SECTION MUST BE COMPLETED IN ORDER FOR THIS PAYMENT TO BE PROCESSED BY OPUS

Account Code	Description	Current Contract Amount	Work Completed		Total Work Complete	Percent Complete	Retainage This Application	Net Payment
			From Previous Application	This Period				
97306.10-F10-04415.00-S	Interior 8" CMU - Subcontract	\$14,490.00			I+G	A/H		G-K
97306.20-F10-04415.00-S	Interior 8" CMU - Subcontract	\$14,490.00						
	Total	\$28,980.00						
		H	I	G	A	J	K	E

Entered By: _____ Accounting Date _____ Approved By: _____ Project Manager Date _____

SHADED AREA FOR OPUS ACCOUNTING USE ONLY

Vendor ID	Vendor Inv #	Date	G/L Exp



SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: 121 Lakepointe Crossing Phase 2 Project Number: 97306
 Subcontractor: Roy Hardin Masonry Date of Application: 3-24-09
 Supplier #: 1007699
 Address: 7472 CR 1126B Application Number: 2
 Godley, TX 76044 Period From: 2-25-09 Period To: 3-25-09
 Phone: 817-360-7887
 Remittance Address: OPUS West Construction Corporation
 Attn: Accounts Payable
 15455 N. Dallas Parkway, Suite 450
 Addison, TX 75001

CONTRACT INFORMATION

ITEM	SALES TAX \$(if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$28,980.00
OPUS APPROVED CHANGE ORDER # 1 thru #		
CONTRACT AMOUNT TO DATE TOTAL		\$28,980.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 28,980.00
 B Less Retainage 10 % \$ 2,829.00
 C Total Earned less Retainage (A - B) \$ 26,082.00
 D Less Previous Billings (previous req's line C) \$ 12,041.00
 E Current Payment Due (C - D) \$ 13,041.00
 F Balance to Finish, Plus Retainage (H - A + B) \$ 2,829.00
 G Current Gross Amount Completed This Period \$ 13,041.00

SUBCONTRACTOR: Roy Hardin Masonry Supplier #: 1007699
 BY: *[Signature]*
 DATE: 3-24-09

APPLICATION BREAKDOWN

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

Account Code	Description	Current Contract Amount	Work Completed		Total Work Complete	Percent Complete	Retainage This Application	Net Payment
			From Previous Application	This Period				
97306.10-F10-04415.00-S	Interior 8" CMU - Subcontract	\$14,490.00						
97306.20-F10-04415.00-S	Interior 8" CMU - Subcontract	\$14,490.00						
	Total	\$28,980.00						
		H	I	G	A	J	K	E

Entered By: _____ Accounting Date _____ Approved By: _____ Project Manager Date _____

SHADED AREA FOR OPUS ACCOUNTING USE ONLY

Vendor ID	Vendor Inv. #	Date	G/L Exp

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> (12707719) Roy Lee Hardin dba Roy Hardin Masonry c/o Tom D. Jester, Jr. P.O. Box 280 Denton, TX 76202	Claim No: 23 <i>Original Filed</i> Date: 10/09/2009 <i>Original Entered</i> Date: 10/09/2009	<i>Status:</i> Filed by: CR Entered by: Jester, Tom Modified:
Secured claimed: \$28900.00 Total claimed: \$28900.00		
<i>History:</i> Details <u>23-1</u> 10/09/2009 Claim #23 filed by Roy Lee Hardin dba Roy Hardin Masonry, total amount claimed: \$28900 (Jester, Tom)		
<i>Description:</i> (23-1) Services & Material		
<i>Remarks:</i>		

Claims Register Summary