


UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS		PROOF OF CLAIM
<b>Name of Debtor: (Check Only One):</b> <input checked="" type="checkbox"/> Opus West Corporation <input type="checkbox"/> Opus West Construction Corporation <input type="checkbox"/> O.W. Commercial, Inc. <input type="checkbox"/> Opus West LP <input type="checkbox"/> Opus West Partners, Inc.	Case Number:	
<small>NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. All other requests for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.</small>		
<b>Name of Creditor (the person or other entity to whom the debtor owes money or property):</b> DFO Architecture dba Davis RECEIVED OCT 13 2009 BMC GROUP	<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.  Court Claim Number: (If known)  Filed on:	
<b>Name and address where notices should be sent:</b> Kathleen Balencic 60 E. Rio Salado Pkwy #118 Tempe, AZ 85281 <b>Telephone number:</b> 480.638.1184 <b>Email Address:</b> kbalencic@thedavisexperience.com	<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.	
<b>Name and address where payment should be sent (if different from above):</b>  <b>Telephone number:</b>		
<b>1. Amount of Claim as of Date Case Filed:</b> \$ 1,2,980.42 <small>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.</small> <small>If all or part of your claim is entitled to priority, complete item 5.</small> <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.	<b>5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a).</b> <b>If any portion of your claim falls in one of the following categories, check the box and state the amount.</b>  Specify the priority of the claim.	
<b>2. Basis for Claim:</b> Architectural Services Performed <small>(See instruction #2 on reverse side.)</small>	<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)( ).	
<b>3. Last four digits of any number by which creditor identifies debtor:</b> _____ <b>3a. Debtor may have scheduled account as:</b> _____ <small>(See instruction §3a on reverse side.)</small>	<b>Amount entitled to priority:</b>  \$	
<b>4. Secured Claim (See instruction #4 on reverse side.)</b> <small>Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.</small> <b>Nature of property or right of setoff:</b> <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Equipment <input type="checkbox"/> Other <b>Value of Property:</b> \$ _____ <b>Annual Interest Rate</b> ____% <b>Amount of arrearage and other charges as of time case filed included in secured claim, if any:</b> \$ _____ <b>Basis for perfection:</b> _____ <b>Amount Unsecured:</b> \$ _____		
<b>6. Credits:</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim. <b>7. Documents:</b> Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or 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. <i>(See instruction 7 and definition of "redacted" on reverse side.)</i>  DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.  If the documents are not available, please explain: _____		
<b>Date:</b> 10-6-09	<b>Signature:</b> 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. Kathleen L Balencic	<b>FOR COURT USE ONLY</b> OPUS WEST  00291

*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.*  
 Modified B10 (GCG) (12/08)

## INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, there may be exceptions to these general rules. The attorneys for the Debtors and their court-appointed claims agent (The BMC Group) are not authorized and are not providing you with any legal advice.

PLEASE SEND YOUR ORIGINAL, COMPLETED CLAIM FORM AS FOLLOWS: **IF BY MAIL:** OPUS WEST CORPORATION, et al C/O BMC GROUP, PO BOX 3020, CHANHASSEN, MN, 55317-3020. **IF BY HAND OR OVERNIGHT COURIER:** OPUS WEST CORPORATION, et al C/O BMC GROUP, 18750 LAKE DRIVE EAST, CHANHASSEN, MN, 55317. ANY PROOF OF CLAIM SUBMITTED BY FACSIMILE OR E-MAIL WILL NOT BE ACCEPTED.

THE GENERAL BAR DATE IN THESE CHAPTER 11 CASES IS November 9, 2009

### Court, Name of Debtor, and Case Number:

These chapter 11 cases were commenced in the United States Bankruptcy Court for the Northern District of Texas on July 6, 2009. You should select the Debtor against which you are asserting your claim.

**A SEPARATE PROOF OF CLAIM FORM MUST BE FILED AGAINST EACH DEBTOR.**

### Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. Please provide us with a valid email address. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

### 1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the Petition Date. Follow the instructions concerning whether to complete items 4 and/or 5. Check the box if interest or other charges are included in the claim.

### 2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if the debtor, trustee or another party in interest files an objection to your claim.

### 3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the Debtor, if any.

### 3a. Debtor May Have Scheduled Account As:

Use this space to report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the Debtor.

### 4. Secured Claim:

Check the appropriate box and provide the requested information if the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See DEFINITIONS, below.) State the type and the value of property that secures the claim, attach copies of lien documentation, and state annual interest rate and the amount past due on the claim as of the date of the bankruptcy filing.

### 5. Amount of Claim Entitled to Priority Under 11 U.S.C. §507(a).

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

### 6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the Debtor credit for any payments received toward the debt.

### 7. Documents:

Attach to this proof of claim form redacted copies documenting the existence of the debt and of any lien securing the debt. You may also attach a summary. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary. FRBP 3001(c) and (d). If the claim is based on the delivery of health care goods or services, see instruction 2. Do not send original documents, as attachments may be destroyed after scanning.

### Date and Signature:

The person filing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2), authorizes courts to establish local rules specifying what constitutes a signature. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. Attach a complete copy of any power of attorney. Criminal penalties apply for making a false statement on a proof of claim.

## DEFINITIONS

### Debtor

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

### Creditor

A creditor is a person, corporation, or other entity owed a debt by the debtor on the date of the bankruptcy filing.

### Claim

A claim is the creditor's right to receive payment on a debt owed by the Debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

### Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the BMC Group as described in the instructions above and in the Bar Date Notice.

### Secured Claim Under 11 U.S.C. §506(a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car.

A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

### Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

### Claim Entitled to Priority Under 11 U.S.C. §507(a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

### Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor should redact and use only the last four digits of any social-security, individual's tax-identification, or financial-account number, all but the initials of a minor's name and only the year of any person's date of birth.

### Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

## INFORMATION

### Acknowledgment of Filing of Claim

To receive acknowledgment of your filing from the BMC Group, please provide a self-addressed stamped envelope and a copy of this proof of claim when you submit the original claim to the BMC Group.

### Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

# Aged Accounts Receivable

Wednesday, October 07, 2009

DAVIS

Aged as of 10/7/09  
Job-to-Date through 10/4/09

11:25:55 AM

Invoice	Date	Balance	Current	31-60	61-90	Over 90	Interest	Unassig Receipts
<b>Billing Company Name: OPUS West Corporation</b>								
<b>Project Number: 06189A.000 Tempe Gateway / Senior Designer: Zobrist / Project Architect: Zobrist</b>								
0037238	9/25/08	3,654.40				3,520.00	134.40	
<b>Project Number: 09100A.000 Pima V (III) - Building A - ATM / Senior Designer: Edwards / Project Architect: Boardman</b>								
0037446	1/28/09	2,150.00				2,150.00		
0037460	2/17/09	2,200.00				2,200.00		
0037499	3/24/09	3,705.52				3,662.02	43.50	
0037549	4/28/09	288.52				208.40	80.12	
0037602	7/2/09	1,322.20				1,240.00	82.20	
<b>Total for 09100A.000</b>		<b>9,666.24</b>				<b>9,460.42</b>	<b>205.82</b>	
<b>Total for OPUS West Corporation</b>		<b>13,320.64</b>				<b>12,980.42</b>	<b>340.22</b>	
<b>Final Totals (Interest Included)</b>		<b>13,320.64</b>				<b>13,320.64</b>	<b>340.22</b>	
<b>Distribution</b>		<b>100%</b>				<b>100%</b>		
<b>Interest Totals</b>		<b>340.22</b>				<b>340.22</b>		
<b>Final Totals (Net of Interest)</b>		<b>12,980.42</b>				<b>12,980.42</b>		



THE OPUS GROUP  
ARCHITECTS  
CONTRACTORS  
DEVELOPERS

06159A.000

OPUS ARCHITECTS & ENGINEERS, INC.  
A member of The Opus Group

2555 East Camelback Road, Suite 800

Phoenix, AZ 85016

Phone 602-468-7000

Fax 602-468-7010

www.opuscorp.com

June 29, 2007

DFD ComoyerHedrick  
2425 East Camelback Road  
Suite 400  
Phoenix, Arizona 85016

Attn: Eric L. Zobrist

**RE: Project Agreement  
Tempe Gateway  
Tempe, AZ  
OAE Project No. 567150**

Dear Eric:

This Project Agreement supplements and is made part of that certain Master Service Agreement Between Architect and Consultant ("Master Agreement") entered into by Opus Architects & Engineers, Inc. ("Architect") and DFD ComoyerHedrick ("Consultant") dated January 31, 2005 and sets forth the Project Terms (defined in the Master Agreement) for the Project described below. Capitalized terms that are not defined in this Project Agreement have the meaning ascribed to them in the Master Agreement.

#### PROJECT

The Project consists of a 8-story core/shell office building with a gross building area of approximately 267,000 square feet, and an open structured parking garage consisting of 5 levels above grade and 1/2 level below grade for approximately 1035 parking stalls. The total combined gross building area for the building and parking garage shall be approximately 589,000 square feet. The building shall be a post-tension concrete structure. Exterior walls are a mixture of aluminum curtainwall / metal panel and brick masonry. The foundation system shall be drilled caissons based on a soils report provided by Opus. The Project is based on the Planned Area Development Overlay for Tempe Gateway as of January 16, 2007.

#### PROJECT SITE

The Project Site is located at: Tempe Gateway, Tempe, AZ, on the northwest corner of Mill Avenue and 3<sup>rd</sup> Street

#### DESIGN BUILDER

Opus West Construction Corporation is the Design-Builder.

#### SERVICES

Consultant will perform the following services for the Project:

Develop the Schematic Design documents based on a detailed program of requirements. This shall include as a minimum site plans, floor plans, roof plan, building elevations and sections; an outline description of the site; area calculations; and other such data necessary to establish the general intent and scope of the project. Interior design services are not included in this project scope. These documents shall be used as the basis for establishing a conceptual cost estimate.

The Consultant shall provide a limited continuing, as needed service through the Construction Document and Construction Administration Phases

Construction Documents for the Parking Garage will be completed by OAE during the Schematic Design Phase.

**SCHEDULE**

Services will be performed in accordance with the following schedule:  
These services will begin May 29, 2007 and will conclude on or about August 28, 2007.

**COMPENSATION**

Consultant will be paid to an estimated maximum fee of \$182,000 for the Schematic Design Phase. The Consultant shall bill \$134,000.00 at the completion of the Schematic Design Phase (estimated at end of August, 2007). The remaining \$48,000.00 shall be billed monthly for services requested by OAE during the Construction Document Phase and the Construction Administration Phase.

Consultant will not exceed the estimated maximum amount without prior written approval of the Architect. Hourly rates are based on the Consultant's attached Rate Schedule for the year 2006 in effect for the duration of this Project. Reimbursable Expenses will be paid at the rate of 1.10 percent of actual cost incurred by Consultant. Consultant will send all invoices for Services to Architect at the following address:

Bob Carli  
Opus Architects and Engineers  
2555 East Camelback, Suite 800  
Phoenix, Arizona 85016

**DESIGNATED REPRESENTATIVES**

Consultant's Designated Representative is: Eric Zobrist.

Architect's Designated Representative is: Bob Carli.

**SUBCONSULTANTS**

Consultant will engage the following Sub-consultants to perform a portion of the Services:

None required

Please signify your acceptance of this Project Agreement by signing the enclosed duplicate original of this letter and returning it to us at the address listed above.

Sincerely,

OPUS ARCHITECTS & ENGINEERS, INC.

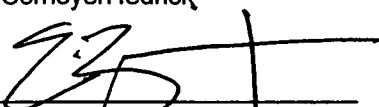


By: Dale Wenkus  
Its: Director, Architecture

  
By: Robert L. Carli, Jr.  
Its: Vice President - Architecture

ACKNOWLEDGED AND ACCEPTED BY:

DFD CornoyerHedrick



By: Eric Zobrist  
Its: Principal

**Invoice**



Bob Carli  
 OPUS A&E  
 2555 East Camelback Road  
 Suite 800  
 Phoenix, AZ 85016  
 USA

September 25, 2008  
 Project No: 06189A.000  
 Invoice No: 0037238

Project 06189A.000 Tempe Gateway

**Professional Services from August 18, 2008 to September 21, 2008**

Task 005 Pre-Design / SD  
 Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Billing	Current Fee Billing
Schematic Design - Bldg	184,400.00	70.00	129,080.00	129,080.00	0.00
Schematic Design - Garage	57,600.00	70.00	40,320.00	40,320.00	0.00
Schematic Design Credit	-20,000.00	100.00	-20,000.00	-19,200.00	-800.00
Add'l Schematic Design Credit	-15,400.00	100.00	-15,400.00	-15,400.00	0.00
<b>Total Fee</b>	<b>206,600.00</b>		<b>134,000.00</b>	<b>134,800.00</b>	<b>-800.00</b>
<b>Total Fee</b>					<b>-800.00</b>

**Total this Task -800.00**

*OPEN*

Task 008 Documentation and Construction Assist.  
 Fee

<b>Total Fee</b>	<b>48,000.00</b>				
<b>Percent Complete</b>	<b>100.00</b>	<b>Total Earned</b>	<b>48,000.00</b>		
		<b>Previous Fee Billing</b>	<b>43,680.00</b>		
		<b>Current Fee Billing</b>	<b>4,320.00</b>		
		<b>Total Fee</b>		<b>4,320.00</b>	

**Total this Task \$4,320.00**

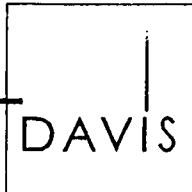
*OPEN*

Task 201 Graphics

Sub-Task 02 Site & Exterior Signage  
 Fee

**Total Fee 19,800.00**

passionately committed to enriching the human experience  
 intelligent social design, architecture, value creation, inspiration, strategic thinking  
 60 e. rio salado pkwy., suite 200 | tempe, az 85281 | phone: 480.638.1100 | fax: 480.638.1101



Project 06189A.000 Tempe Gateway Invoice 0037238

Percent Complete 95.00 Total Earned 18,810.00  
 Previous Fee Billing 17,820.00  
 Current Fee Billing 990.00  
 Total Fee 990.00

Total this Sub-Task \$990.00 PD

Sub-Task 04 Signage Criteria  
 Professional Personnel

	Hours	Rate	Amount
Graphics Designer II	14.00	100.00	1,400.00
Totals	14.00		1,400.00
Total Labor			1,400.00

Billing Limits	Current	Prior	To-Date
Labor	1,400.00	0.00	1,400.00
Limit			2,500.00
Remaining			1,100.00
Total this Sub-Task			\$1,400.00

Total this Task \$2,390.00 PD

Task 302 Tempe Gateway Composite  
 Fee

Total Fee 1,500.00  
 Percent Complete 100.00 Total Earned 1,500.00  
 Previous Fee Billing 0.00  
 Current Fee Billing 1,500.00  
 Total Fee 1,500.00

Total this Task \$1,500.00 PD

Task 900 Reimbursable Expenses  
 Reimbursable Expenses

Reproductions 142.09  
 Total Reimbursables 1.15 times 142.09 163.40  
 Total this Task \$163.40

Interest 1.0% of 19,411.27 (balance over 30 days) 194.11

Total this Invoice \$7,767.51

UNPAID BALANCE \$ 3520.00

INTEREST 134.40

\$ 3654.40

passionately committed to enriching the human experience  
 intelligent social design, architecture, value creation, inspiration, strategic thinking



The Opus Group  
www.opuscorp.com

January 12, 2009

Larry G. Boardman  
Davis  
60 East Rio Salado Parkway, Suite 200  
Tempe, Arizona 85281

Via Email and Mail

**Re: Architectural Design Consulting Services**  
Mutual of Omaha T.I. @ Pima Center V (III) – Building A  
Opus Project #97352.25

Dear Mr. Boardman:

Under the terms of the Master Agreement for Consulting Services dated September 8, 2008, and as required in Article 1 of said agreement, this letter shall serve as written acceptance of your proposal, dated January 7, 2009, specifically to provide Architectural Design Services as defined in said proposal for a "not to exceed" amount of **Seven Thousand Eight Hundred Twenty Dollars (\$7,820.00)** (Attachment "A"). Please note the following clarifications considered to be a part of this authorization:

1. Work shall commence January 6, 2009, with the construction documents provided to Opus not later than February 11, 2009.
2. Consultant shall name the property Owner, PC 101, Inc., as additional insured on Opus' certificate required under the terms of the above-noted Master Agreement. Please note that Opus West Construction Corporation ("OWCC") and Opus West Corporation ("OWC") must be also listed as additional insureds. OWCC must be in receipt of your insurance certificate prior to any site work. Please forward at least a facsimile of the certificate by close of business January 13, 2009.
3. If any terms or conditions identified in the referenced Consultant proposal letter are in conflict with the above-noted Master Agreement, the terms and conditions of the Master Agreement shall prevail.
5. It is our understanding that the Consultant has designated Larry Boardman as its authorized representatives for the Project.
6. The project conceptual drawings and other pertinent documents are considered a part of this acceptance and are identified in Attachment "B" attached hereto.
7. Consultant's invoices shall be submitted monthly indicating cost breakdowns. Consultant shall reference Opus 97352.25 and cost code N10-17200-S on all invoices and correspondence.
8. This acceptance letter confirms authorization for the Consultant's Right of Entry at the Project Site in accordance with the terms of the Agreement.





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www.opuscorp.com

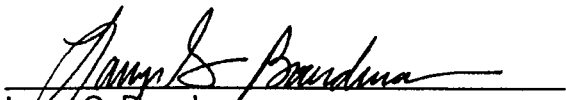
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We look forward to the opportunity to work with your firm on this project.

Sincerely,  
**Opus West Construction Corporation**

*Vincent Genetti 2/9/09*

Vincent Genetti  
Project Manager

  
Larry G. Boardman

Attachment A: Fee Schedule for Architectural Design Services

Attachment B: Project Document List

cc: File



The Opus Group  
www.opuscorp.com

**Attachment "A"**

**Hourly Fee Schedule for  
Architectural Design Services**

<b>SCOPE ITEM</b>	<b>RATE</b>
Conceptual Design Services (not to exceed) .....	\$2,170.00*
Design Review Submittal/Response Services (not to exceed) .....	\$1,550.00*
Construction Documents (not to exceed) .....	\$3,100.00*
Landscape Design Allowance (not to exceed) .....	\$1,000.00
<b>TOTAL</b> .....	<b>\$7,820.00</b>

\*per the Fee Schedule outlined below

**Professional Staff**

CEO/Director of Design .....	\$500.00/hr.
President .....	\$300.00/hr.
Vice President/Director of Production .....	\$300.00/hr.
Senior Designer/Project Architect .....	\$200.00/hr - \$300.00/hr.
Quality Assurance/Quality Control .....	\$175.00/hr - \$200.00/hr.
Designer .....	\$100.00/hr - \$200.00/hr.
Project Manager .....	\$150.00/hr - \$200.00/hr.
Technical Support .....	\$100.00/hr - \$150.00/hr.
Construction Administrator .....	\$100.00/hr - \$150.00/hr.
Graphic Designer .....	\$100.00/hr - \$150.00/hr.
Administrative Staff .....	\$75.00/hr.
Reimbursable Expenses (reproduction, printing, messenger, delivery and travel expenses outside Phoenix/Scottsdale metropolitan area) .....	\$1.15 x Actual Cost

**End Hourly Fee Schedule**



**Attachment "B"**

**Project Document List**

**Concept or Schematic Design Drawings:**

<u>Sheet No.</u>	<u>Description</u>	<u>Date</u>
------------------	--------------------	-------------

The following Mutual of Omaha ATM Sketches as outlined below:

-Mutual of Omaha Bank ATM Drawings as prepared by Image Resource dated 12/19/2008.

-Pima Center V (III) – Building A Mutual of Omaha ATM Change Sketches as prepared by Opus West Corporation dated 1/5/2009.

**Specification/Data:**

- 1. None

**Project Schedule:**

- 1. The following is the planned timeline:

- |  |                       |
|--|-----------------------|
| a. Davis completes concept drawings:           | 1/09/2009             |
| b. Opus provides approval/comments on concept: | 1/14/2009             |
| c. Davis completes DR drawings and documents:  | 1/20/2009             |
| d. Opus submits for DR approval:               | 1/21/2009             |
| e. DR approval anticipated:                    | 2/04/2009             |
| f. Davis completes construction drawings:      | 2/11/2009             |
| g. Opus submits for permit:                    | 2/12/2009             |
| h. Permit issue anticipated:                   | 2/26/2009             |
| i. Construction:                               | 2/27/2009 – 3/05/2009 |



The Opus Group  
www.opuscorp.com

**OPUS WEST CONSTRUCTION CORPORATION**

2555 E. Camelback Road, Suite 800, Phoenix, AZ 85016

Phone 602-468-7000 | Fax 602-468-7010

April 6, 2009

Larry G. Boardman  
Davis  
60 East Rio Salado Parkway, Suite 200  
Tempe, Arizona 85281

**Re: Architectural Design Consulting Services**  
Mutual of Omaha T.I. @ Pima Center V (III) – Building A  
Opus Project #97352.25

Dear Mr. Boardman:

This letter shall serve as an amendment to the Letter of Authorization (LOA) to provide Architectural Design Services for the Mutual of Omaha Bank T.I. at Pima Center V (III) – Building 'A' dated January 12, 2009. The aforementioned LOA stipulates a not-to-exceed fee of seven-thousand-eight-hundred-twenty dollars (\$7,820.00) for hourly fees related to the design of the ATM canopy, hardscape, and landscape.

This LOA amendment:

- Adds one-thousand-two-hundred dollars (\$1,200.00) to the Architectural Design Services not-to-exceed allowance due to project time extension, design iterations, and shop drawing review. The total not-to-exceed allowance for Architectural Design Services now totals nine-thousand-twenty dollars (\$9,020.00).
- Adds an one-thousand-two-hundred-forty dollar fixed fee (\$1,240.00) for structural engineering services with TLCP.
- Authorizes billing of two-hundred dollars (\$200.00) for a structural engineering special inspection if requested by Opus West Construction Corporation.

Please sign below to indicate your agreement with the aforementioned modification to the LOA dated January 12, 2009. If you have any questions or concerns you may contact me at 602-468-7035 or vincent.genetti@opuswest.com.

Sincerely,  
Opus West Construction Corporation

*Vincent Genetti 4/06/09*

Vincent Genetti  
Project Manager

*Larry G. Boardman*  
Larry G. Boardman

**Invoice**



Vincent Genetti  
OPUS West Corporation  
Opus West Construction Corporation  
2555 East Camelback Road  
Suite 800  
Phoenix, AZ 85016

January 28, 2009  
Project No: 09100A.000  
Invoice No: 0037446

Project 09100A.000 Pima V (III) - Building A - ATM  
Mutual of Omaha Tenant Improvement at Pima Center V (III) - Building A / Opus Job #97352.25

**Professional Services from December 15, 2008 to January 25, 2009**

Task	102	Conceptual Design		
<b>Professional Personnel</b>				
		<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
Designer II		10.00	150.00	1,500.00
Project Architect II		1.75	200.00	350.00
	<b>Totals</b>	11.75		1,850.00
	<b>Total Labor</b>			<b>1,850.00</b>
			<b>Total this Task</b>	<b>\$1,850.00</b>

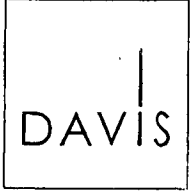
Task	103	Design Review Submittal/Response		
<b>Professional Personnel</b>				
		<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
Designer II		2.00	150.00	300.00
	<b>Totals</b>	2.00		300.00
	<b>Total Labor</b>			<b>300.00</b>
			<b>Total this Task</b>	<b>\$300.00</b>
			<b>Total this Invoice</b>	<b>\$2,150.00</b>

Payment Terms - Due Upon Receipt

If you have any questions regarding this invoice, please contact Andrea Friese @ (480) 638.1115

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**Invoice**



Vincent Genetti  
OPUS West Corporation  
Opus West Construction Corporation  
2555 East Camelback Road  
Suite 800  
Phoenix, AZ 85016

February 17, 2009  
Project No: 09100A.000  
Invoice No: 0037460

Project 09100A.000 Pima V (III) - Building A - ATM  
Mutual of Omaha Tenant Improvement at Pima Center V (III) - Building A / Opus Job #97352.25

**Professional Services from January 26, 2009 to February 15, 2009**

Task 003 Construction Documents

**Professional Personnel**

	Hours	Rate	Amount
Project Architect II	6.00	200.00	1,200.00
Technical Support II	8.00	125.00	1,000.00
Totals	14.00		2,200.00
<b>Total Labor</b>			<b>2,200.00</b>

**Total this Task \$2,200.00**

**Total this Invoice \$2,200.00**

**Outstanding Invoices**

Number	Date	Balance
0037446	1/28/09	2,150.00
<b>Total</b>		<b>2,150.00</b>

**Total Now Due \$4,350.00**

Payment Terms - Due Upon Receipt

If you have any questions regarding this invoice, please contact Andrea Friese @ (480) 638.1115

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# Invoice



Vincent Genetti  
 Opus West Construction Corporation  
 2555 East Camelback Road  
 Suite 800  
 Phoenix, AZ 85016

March 24, 2009  
 Project No: 09100A.000  
 Invoice No: 0037499

Project 09100A.000 Pima V (III) - Building A - ATM  
 Mutual of Omaha Tenant Improvement at Pima Center V (III) - Building A / Opus Job #97352.25

**Professional Services from February 16, 2009 to March 22, 2009**

Task 003 Construction Documents

**Professional Personnel**

	Hours	Rate	Amount
Designer I	1.00	175.00	175.00
Project Architect II	4.75	200.00	950.00
<b>Totals</b>	<b>5.75</b>		<b>1,125.00</b>
<b>Total Labor</b>			<b>1,125.00</b>

**Total this Task \$1,125.00**

Task 102 Conceptual Design

**Professional Personnel**

	Hours	Rate	Amount
Project Architect II	1.50	200.00	300.00
<b>Totals</b>	<b>1.50</b>		<b>300.00</b>
<b>Total Labor</b>			<b>300.00</b>

**Total this Task \$300.00**

Task 103 Design Review Submittal/Response

**Professional Personnel**

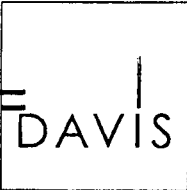
	Hours	Rate	Amount
Project Architect II	8.00	200.00	1,600.00
<b>Totals</b>	<b>8.00</b>		<b>1,600.00</b>
<b>Total Labor</b>			<b>1,600.00</b>

**Total this Task \$1,600.00**

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Project 09100A.000 Pima V (III) - Building A - ATM Invoice 0037499



Task 900 Reimbursable Expenses

**Consultants**

Landscape & Irrigation Consultant		495.00	
<b>Total Consultants</b>	<b>1.15 times</b>	<b>495.00</b>	<b>569.25</b>

**Reimbursable Expenses**

Reproductions		27.43	
Delivery & Postage		31.50	
<b>Total Reimbursables</b>	<b>1.15 times</b>	<b>58.93</b>	<b>67.77</b>

**Total this Task \$637.02**

**Interest**

1.0% of 4,350.00 (balance over 30 days) 43.50

**Total this Invoice \$3,705.52**

**Outstanding Invoices**

Number	Date	Balance
0037446	1/28/09	2,150.00
0037460	2/17/09	2,200.00
<b>Total</b>		<b>4,350.00</b>

**Total Now Due \$8,055.52**

Payment Terms - Due Upon Receipt

If you have any questions regarding this invoice, please contact Andrea Friese @ (480) 638.1115

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**Invoice**



Vincent Genetti  
 Opus West Construction Corporation  
 2555 East Camelback Road  
 Suite 800  
 Phoenix, AZ 85016

April 28, 2009  
 Project No: 09100A.000  
 Invoice No: 0037549

Project 09100A.000 Pima V (III) - Building A - ATM  
 Mutual of Omaha Tenant Improvement at Pima Center V (III) - Building A / Opus Job #97352.25

**Professional Services from March 30, 2009 to April 26, 2009**

Task 401 Mutual of Omaha ATM Canopy  
 Sub-Task 01 Architectural Services

**Professional Personnel**

	Hours	Rate	Amount	
Project Architect II	1.00	200.00	200.00	
<b>Totals</b>	<b>1.00</b>		<b>200.00</b>	
<b>Total Labor</b>				<b>200.00</b>
				<b>Total this Task \$200.00</b>

Task 900 Reimbursable Expenses

**Reimbursable Expenses**

Consultants Reimbursable Expenses			7.30	
<b>Total Reimbursables</b>		<b>1.15 times</b>	<b>7.30</b>	<b>8.40</b>
				<b>Total this Task \$8.40</b>

**Interest**

1.0% of 8,012.02 (balance over 30 days) 80.12

**Total this Invoice \$288.52**

**Outstanding Invoices**

Number	Date	Balance
0037446	1/28/09	2,150.00
0037460	2/17/09	2,200.00
0037499	3/24/09	3,705.52
<b>Total</b>		<b>8,055.52</b>

**Total Now Due \$8,344.04**

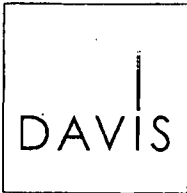
Payment Terms - Due Upon Receipt

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**Invoice**



Vincent Genetti  
OPUS West Corporation  
Opus West Construction Corporation  
2555 East Camelback Road  
Suite 800  
Phoenix, AZ 85016

July 2, 2009  
Project No: 09100A.000  
Invoice No: 0037602

Project 09100A.000 Pima V (III) - Building A - ATM  
Mutual of Omaha Tenant Improvement at Pima Center V (III) - Building A / Opus Job #97352.25

Professional Services from May 18, 2009 to June 28, 2009

Task	401	Mutual of Omaha ATM Canopy		
Sub-Task	02	Structural Engineering		
<b>Fee</b>				
Total Fee		1,240.00		
Percent Complete		100.00	Total Earned	1,240.00
			Previous Fee Billing	0.00
			Current Fee Billing	1,240.00
			<b>Total Fee</b>	<b>1,240.00</b>
			<b>Total this Sub-Task</b>	<b>\$1,240.00</b>
			<b>Total this Task</b>	<b>\$1,240.00</b>
<b>Interest</b>				
1.0% of 8,220.42		(balance over 30 days)		82.20
			<b>Total this Invoice</b>	<b>\$1,322.20</b>

**Outstanding Invoices**

Number	Date	Balance
0037446	1/28/09	2,150.00
0037460	2/17/09	2,200.00
0037499	3/24/09	3,705.52
0037549	4/28/09	288.52
<b>Total</b>		<b>8,344.04</b>

**Total Now Due \$9,666.24**

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