

UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS	PROOF OF CLAIM
--	-----------------------

Name of Debtor: (Check Only One):
 Opus West Corporation
 Opus West Construction Corporation
 O.W. Commercial, Inc.
 Opus West LP
 Opus West Partners, Inc.

Case Number:

 09-34360

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.

Name of Creditor (the person or other entity to whom the debtor owes money or property):

 Ware Malcomb
 10 Edelman
 Irvine CA 92618

RECEIVED

OCT 28 2009

BMC GROUP

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:
 Ware Malcomb
 10 Edelman, Irvine CA 92618
Telephone number: 949.660.9128
Email Address: nwear@waremalcomb.com

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.

 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):
 Ware Malcomb Accounts Receivable
 10 Edelman
 Irvine CA 92618
Telephone number: 949.660.9128

1. Amount of Claim as of Date Case Filed: \$ 14,769.26
 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.
 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.

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.

2. Basis for Claim: Architectural Services Rendered
 (See instruction #2 on reverse side.)

Specify the priority of the claim.
 Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).
 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).
 Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).
 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).
 Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8).
 Other - Specify applicable paragraph of 11 U.S.C. §507 (a)().

Amount entitled to priority:

 \$

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: Real Estate Motor Vehicle Equipment Other
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 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 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. (See instruction 7 and definition of "redacted" on reverse side.)
 Exhibit A
 DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.
 If the documents are not available, please explain: _____

Date:
 10/23/09

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.
 Tobin Sloane, Chief Financial Officer

FOR COURT USE ONLY

EXHIBIT A

**PROOF OF CLAIM OF WARE MALCOMB IN RE: OPUS WEST CONSTRUCTION CORPORATION
BANKRUPTCY (CASE NO. 09-34360)**

1. Notice to Debtors and the Bankruptcy Trustee
2. Project Agreement for Arch Road Industrial/Master Planning Project No. SNR07-0036-00, including:
 - a. Invoice No. 610017 with \$7,849.48 due and owing;
 - b. Invoice No. 610553 with \$6,470.00 due and owing;
 - c. Invoice No. 610769 with \$449.78 due and owing;
3. Statement of Ware Malcomb Re: Outstanding Invoices with and amount of \$14,769.26.

NOTICE TO DEBTORS AND THE BANKRUPTCY TRUSTEE

IN ORDER TO AVOID ANY MISUNDERSTANDING REGARDING THE ASSETS OF THE DEBTOR, AS THE DEBTOR HAS FAILED TO PAY TO WARE MALCOMB ("WM") THE \$14,769.26 PLUS INTEREST, FOR THE GOODS SOLD AND SERVICES IT RENDERED TO THE PROJECTS OUTLINED IN THE ATTACHED DOCUMENTS, AND WITH REFERENCE TO THE PERTINENT SECTIONS OF THE ATTACHED AGREEMENTS AND GENERAL COPYRIGHT LAW, THIS LETTER WILL SIMPLY CONFIRM THAT ANY INSTRUMENTS OF SERVICE PREPARED BY OR ON BEHALF OF WM FOR THE REFERENCED PROJECT ARE ASSETS OF WM (AND NOT THE DEBTOR). IN ADDITION, WM DEMANDS THAT THE DEBTOR CEASE AND DESIST FURTHER USE OF THE INSTRUMENTS OF SERVICE PREPARED BY OR ON BEHALF OF WM CONCERNING THE PROJECT, AND ANY DESIGNS CONTAINED THEREIN, IN ORDER TO AVOID ANY PLAGIARISM CLAIMS.



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

THE OPUS GROUP
ARCHITECTS
CONTRACTORS
DEVELOPERS
www.opuscorp.com

Main Office: 10350 Bren Road West Minnetonka, MN 55343 952-656-4444 952-656-4529 Fax	Branch Office: Suite 360 6160 Stoneridge Mall Road Pleasanton, CA 94588 925-463-9254 • 925-460-6058 Fax	Branch Office: Suite 800 2020 Main Street Irvine, CA 92614 949-622-2172 • 949-622-1148 Fax	Branch Office: Suite 800 2415 East Camelback Road Phoenix, AZ 85016-4201 602-468-7000 • 602-468-7010 Fax
---	--	---	---

California Architectural Officer: Robert Carli • California License No. 16887 • California Engineering Officer: Michael E. Lederte • California License Nos. C-33231 & S-3038

May 1, 2007

Mr. Gary Drew
Ware Malcomb
5000 Executive Parkway, Suite 298
San Ramon, CA 94583

**RE: Arch Road Industrial / Master Planning
Stockton, CA**

Dear Mr. Drew:

This Project Agreement supplements and is made part of that certain Master Service Agreement Between Architect and Consultant ("Agreement") entered into by Opus Architects & Engineers, Inc. ("Architect") and Ware Malcomb ("Consultant") dated May 14, 2004, 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 master planned industrial complex covering approximately 500 acres. The industrial buildings will vary greatly in size and number over several phases. The project will include a new infrastructure including streets, sidewalks, canals and any entry features required. The projects will be surface parking and will include trailer parking on several of the parcels.

PROJECT SITE

The Project Site is located on the east side of Highway 99 at Arch Road in Stockton, CA.

DESIGN BUILDER

Opus West Construction Corporation (OWCC) is the Design-Builder for the project.

SERVICES

Consultant will perform the following Design services for the Project;

- A. As outlined in the Consultant Proposal dated April 30, 2007.
They include architecture / master planning.
 1. Master Planning of the site.
 2. Site integration of desired site features; canals, creeks, detention basins....
 3. Review preliminary plans with governmental agencies.
 4. Assist Opus West to establish easements for future function of property.

SCHEDULE

Services will be performed and completed in accordance with proposal dated April 30, 2007.

COMPENSATION

Consultant will be paid monthly on a percentage complete by phase basis to an estimated maximum fee of:

\$ Hourly not to exceed \$20,000 for the Master Planning



Consultant will not exceed the estimated maximum amount without prior written approval of the Architect. Hourly rates are based on the Consultant's Rate Schedule, as described in Article 8 – Basis of Compensation in the Letter dated April 30, 2007, from Ware Malcomb, and are in effect for the duration of this Project. Reimbursable Expenses will be paid at the rate of 1.15 times the actual cost incurred by Consultant. Consultant will send all invoices for Services by the 15th of each month, for payment by the 30th of the following month, to Architect at the following address:

Mickey Ankhelyi, AIA
Opus Architects & Engineers
180 Promenade Circle, Suite 115
Sacramento, CA 95834

DESIGNATED REPRESENTATIVES

Consultant's Designated Representative is: Mr. Gary Drew
Architect's Designated Representative is: Mr. Mickey Ankhelyi, AIA

SUBCONSULTANTS

Consultant will engage the following Subconsultants to perform a portion of the Services: None identified at this time.

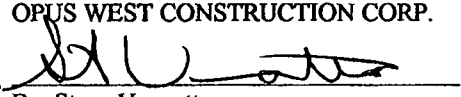
Please signify your acceptance of this Project Agreement by signing the enclosed duplicate original of this letter and returning it to us at the address listed above.

Sincerely,

OPUS ARCHITECTS & ENGINEERS


By: Mickey Ankhelyi, AIA
Its: Architectural Manager

OPUS WEST CONSTRUCTION CORP.


By: Steve Vannatta
Its: Director of Construction

ACKNOWLEDGED AND ACCEPTED BY:

WARE MALCOMB

By: 

Its: 



SUR07-0036-00

OPUS Architects & Engineers, Inc.
6160 Stoneridge Mall Road, Suite 360
Pleasanton, CA 94588
Tel 925.463.9254
Fax 925.460.6058

OPUS Architects & Engineers, Inc.
180 Promenade Circle, Suite 115
Sacramento, CA 95834
Tel 916.928.7500
Fax 916.928.7512

TRANSMITTAL

To: Ware Malcomb
5000 Executive Parkway, Suite 298
San Ramon, CA 94583
925.244.9620

Date: 7/12/2007

Job#: Opus Logistics Center
Stockton, CA

Attention: Gary Drew

Formerly:
Arch Road

- We are sending you:
- Attached
 - Under Separate Cover:
 - Copy
 - Prints
 - Plans
 - Samples
 - Specifications
 - Shop Drawings
 - Change Order
 - Sepias
 - Contracts

Sheet No.	No. of Copies	Dated	Description
	2	5.1.07	Copies of Project Agreement Letters

These are transmitted:

- For Approval
- For Your Use
- As Requested
- For Review and Comment
- Approved
- Approved As Noted
- Not Approved
- For Your Information
- For Bids Due:

CC: File, Steve Vannatta

Notes:

Gary,

Attached please find two copies of the Project Agreement Letters for the Master Planning scope. Please return

A signed copy to my attention

Sincerely,



Mickey M. Anklelyi, AIA
Architectural Manager

INVOICE

REMIT TO:
Ware Malcomb
Accounts Receivable

10 edelman
Irvine. california 92618
USA
p 949.660.9128
f 949.863.1581

WARE MALCOMB

Leading Design for Commercial Real Estate
architecture
planning
interiors
graphics
site development
waremalcomb.com

January 16, 2009

Project No: SNR07-0036-00

Invoice No: 610017

Mickey Ankhelyi
Opus Architects and Engineers, Sacramento
180 Promenade Circle, Suite 115
Sacramento, CA 95834

Project SNR07-0036-00 OPUS Logistics Center

Terms: Due Upon Receipt

INVOICE FOR PROFESSIONAL SERVICES FROM December 1, 2008 to December 31, 2008**Professional Personnel**

	Hours	Amount	
Project Architect	12.50	1,750.00	
Studio Manager	4.00	500.00	
Project Coordinator	44.25	3,961.25	
Production Coordinator	19.50	1,542.50	
Totals	80.25	7,753.75	
Total Labor			7,753.75

Reimbursable Expenses

OCB Reprographics		83.24	
Total Reimbursables	1.15 times	83.24	95.73

Billing Limits

	Current	Prior	To-Date
Labor	7,753.75	89,840.00	97,593.75
Limit			100,000.00
Remaining			2,406.25

TOTAL DUE THIS INVOICE \$7,849.48**Outstanding Invoices**

Number	Date	Balance
609649	12/16/08	912.50
Total		912.50

Billings to Date

	Current	Prior	Total
Labor	7,753.75	89,840.00	97,593.75
Expense	95.73	4,864.26	4,959.99
Totals	7,849.48	94,704.26	102,553.74

Billing Backup

Tuesday, October 13, 2009

Ware Malcomb

Invoice 610017 Dated 1/16/09

9:39:31 AM

Project SNR07-0036-00 OPUS Logistics Center

Professional Personnel

			Hours		Amount
Project Architect					
NORCROS	Norcross, Paul	10/31/07	12.50	140.00	1,750.00
S					
Studio Manager					
CATALDO	Cataldo, Anthony	12/15/08	1.00	125.00	125.00
CATALDO	Cataldo, Anthony	1/15/09	3.00	125.00	375.00
Project Coordinator					
BLANCHE	Blanchette, Timothy	10/31/07	.50	90.00	45.00
T					
BLANCHE	Blanchette, Timothy	12/15/08	1.00	90.00	90.00
T					
BLANCHE	Blanchette, Timothy	12/31/08	7.50	90.00	675.00
T					
BLANCHE	Blanchette, Timothy	1/15/09	31.00	90.00	2,790.00
T					
MEREDITH	Meredith, Tyneise	1/15/09	4.25	85.00	361.25
Production Coordinator					
VENTANIL	Lampa, Mylanie	9/30/07	8.00	85.00	680.00
MIKI	Miki, Young-Joon	9/30/07	8.00	75.00	600.00
MIKI	Miki, Young-Joon	12/31/08	3.00	75.00	225.00
WASHING	Washington,	9/30/07	.50	75.00	37.50
T Amanda					
Totals			80.25		7,753.75
Total Labor					7,753.75

Reimbursable Expenses

OCB Reprographics

AP 72364	10/24/07 OCB Reprographics	68.21	
AP 76782	4/25/08 OCB Reprographics	15.03	
Total Reimbursables		1.15 times	83.24 95.73

Total this report \$7,849.48

INVOICE

REMIT TO:
Ware Malcomb
Accounts Receivable

10 edelman
irvine, california 92618
USA
p 949.660.9128
f 949.863.1581

WARE MALCOMB

Leading Design for Commercial Real Estate
architecture
planning
interiors
graphics
site development
waremalcomb.com

February 18, 2009

Project No: SNR07-0036-00

Invoice No: 610553

Mickey Ankhelyi
Opus Architects and Engineers, Sacramento
180 Promenade Circle, Suite 115
Sacramento, CA 95834

Project SNR07-0036-00 OPUS Logistics Center

Terms: Due Upon Receipt

INVOICE FOR PROFESSIONAL SERVICES FROM January 1, 2009 to January 31, 2009**Professional Personnel**

	Hours	Amount
Director	4.00	900.00
Studio Manager	7.50	937.50
Project Manager	12.25	1,347.50
Project Coordinator	36.50	3,285.00
Totals	60.25	6,470.00
Total Labor		6,470.00

Billing Limits	Current	Prior	To-Date
Labor	6,470.00	97,593.75	104,063.75
Limit			120,000.00
Remaining			15,936.25

TOTAL DUE THIS INVOICE \$6,470.00**Outstanding Invoices**

Number	Date	Balance
609649	12/16/08	912.50
610017	1/16/09	7,849.48
Total		8,761.98

Billings to Date

	Current	Prior	Total
Labor	6,470.00	97,593.75	104,063.75
Expense	0.00	4,959.99	4,959.99
Totals	6,470.00	102,553.74	109,023.74

Billing Backup

Tuesday, October 13, 2009

Ware Malcomb

Invoice 610553 Dated 2/18/09

9:40:54 AM

Project SNR07-0036-00 OPUS Logistics Center

Professional Personnel

			Hours		Amount
Director					
DREW	Drew, Gary	1/31/09	4.00	225.00	900.00
Studio Manager					
CATALDO	Cataldo, AIA, Anthony	1/31/09	7.50	125.00	937.50
Project Manager					
COELHO	Coelho, John	1/31/09	8.25	110.00	907.50
COELHO	Coelho, John	1/31/09	4.00	110.00	440.00
Project Coordinator					
BLANCHE T	Blanchette, Timothy	1/31/09	8.00	90.00	720.00
BLANCHE T	Blanchette, Timothy	1/31/09	28.50	90.00	2,565.00
	Totals		60.25		6,470.00
	Total Labor				6,470.00
				Total this report	\$6,470.00

INVOICE

REMIT TO:
Ware Malcomb
Accounts Receivable

10 edelman
irvine, california 92618
USA
p 949.660.9128
f 949.863.1581

WARE MALCOMB

Leading Design for Commercial Real Estate
architecture
planning
interiors
graphics
site development
waremalcomb.com

March 11, 2009

Project No: SNR07-0036-00

Invoice No: 610769

Mickey Ankhelyi
Opus Architects and Engineers, Sacramento
180 Promenade Circle, Suite 115
Sacramento, CA 95834

Project SNR07-0036-00 OPUS Logistics Center

Terms: Due Upon Receipt

INVOICE FOR PROFESSIONAL SERVICES FROM February 1, 2009 to February 28, 2009**Professional Personnel**

	Hours	Amount	
Project Architect	1.00	150.00	
Studio Manager	.50	62.50	
Project Coordinator	1.50	135.00	
Production Coordinator	1.00	85.00	
Totals	4.00	432.50	
Total Labor			432.50

Reimbursable Expenses

OCB Reprographics		15.03	
Total Reimbursables	1.15 times	15.03	17.28

Billing Limits

	Current	Prior	To-Date
Labor	432.50	104,063.75	104,496.25
Limit			120,000.00
Remaining			15,503.75

TOTAL DUE THIS INVOICE \$449.78**Outstanding Invoices**

Number	Date	Balance
609649	12/16/08	912.50
610017	1/16/09	7,849.48
610553	2/18/09	6,470.00
Total		15,231.98

Billings to Date

	Current	Prior	Total
Labor	432.50	104,063.75	104,496.25
Expense	17.28	4,959.99	4,977.27
Totals	449.78	109,023.74	109,473.52

Billing Backup

Tuesday, October 13, 2009

Ware Malcomb

Invoice 610769 Dated 3/11/09

9:43:15 AM

Project SNR07-0036-00 OPUS Logistics Center

Professional Personnel

			Hours		Amount
Project Architect					
TERRYJ	Terry, James	2/28/09	1.00	150.00	150.00
Studio Manager					
CATALDO	Cataldo, AIA, Anthony	2/15/09	.50	125.00	62.50
Project Coordinator					
BLANCHE	Blanchette, Timothy	2/15/09	1.50	90.00	135.00
T					
Production Coordinator					
VENTANIL	Lampa, Mylanie	2/15/09	1.00	85.00	85.00
	Totals		4.00		432.50
	Total Labor				432.50

Reimbursable Expenses

OCB Reprographics					
AP 83464	2/25/09 OCB Reprographics / INV No. - 5561655			15.03	
	Total Reimbursables		1.15 times	15.03	17.28
			Total this report		\$449.78

Statement

Ware Malcomb
10 Edelman
Irvine, California 92618
p. 949.660.9128 f. 949.863.1581
waremalcomb.com

October 6, 2009

Opus Architects and Engineers, Sacramento
180 Promenade Circle, Suite 115
Sacramento, CA 95834

Current
Past Due 16,984.00
Balance Due 16,984.00

Outstanding Invoices

Number	Date	Invoiced	Balance Due
Project: SNR07-0036-00 OPUS Logistics Center			
Invoice: 000000610017			
610017	1/16/09	7,849.48	7,849.48
Invoice: 000000610553			
610553	2/18/09	6,470.00	6,470.00
Invoice: 000000610769			
610769	3/11/09	449.78	449.78
Total for SNR07-0036-00		14,769.26	14,769.26
Project: SNR07-0103-00 Opus Logistics Center Building 1			
Invoice: 000000607195			
607195	8/12/08	2,794.64	-2,640.00
Invoice: 000000608401			
608401	10/16/08	264.74	264.74
Total for SNR07-0103-00		3,059.38	-2,375.26
Project: SNR07-0103-01 Opus Logistics Center Building 3			
Invoice: 000000606694			
606694	7/15/08	3,060.00	3,060.00
Invoice: 000000609995			
609995	1/16/09	1,530.00	1,530.00
Total for SNR07-0103-01		4,590.00	4,590.00
Statement Totals		22,418.64	16,984.00

MURTAUGH MEYER NELSON & TREGLIA LLP

ATTORNEYS AT LAW

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

2603 MAIN STREET, 9TH FLOOR
IRVINE, CALIFORNIA 92614-6232
TELEPHONE (949) 794-4000
FACSIMILE (949) 794-4099

CRYSTAL N. LE
FILE CLERK

CLE@MMNT.COM
DIRECT (949) 794-4080

October 26, 2009

CERTIFIED MAIL (RETURN RECEIPT)

Opus West Construction Corporation, et al c/o BMC Group
P.O. Box 3020
Chanhassen, MN 55317-3020

**Re: Opus West Construction Corporation BK No. 09-34360 USBC
Northern District of Texas Proof of Claim Filing
File No. 500-07014**

To Whom It May Concern

Enclosed are two copies of a Proof of Claim to be filed with the Northern District of Texas, United States Bankruptcy Court, Bankruptcy Court Case Opus West Construction Corporation, Debtor, Case No. 09-34360.

Please file and return one conformed copy to my attention at the address above. Should you have any questions please do not hesitate to contact me.

Very truly yours,

MURTAUGH MEYER NELSON & TREGLIA LLP



Crystal N. Le
File Clerk

CNL:cnl

Enclosures