

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

PROOF OF CLAIM

Name of Debtor: OPUS West LP

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):

The Sherwin-Williams Company

Check this box to indicate that this claim amends a previously filed claim.

Name and address where notices should be sent:

Randall F. Adair, Adair, Morris & Osborn, P.C., 325 N. St. Paul Street, Suite 4100, Dallas, Texas 75201, Telephone number: 214-748-8000

Court Claim Number: (If known)

Filed on:

FILED

Name and address where payment should be sent (if different from above):

OCT 27 2009 JAW

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.

Telephone number:

TAWANA C. MARSHALL, CLERK U.S. BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS

Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ 25,578.89

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.

Specify the priority of the claim.

2. Basis for Claim: mechanic's and materialman's lien (See instruction #2 on reverse side.)

Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).

3. Last four digits of any number by which creditor identifies debtor: 9817

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).

3a. Debtor may have scheduled account as: (See instruction #3a on reverse side.)

Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).

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: X Real Estate Motor Vehicle Other

Describe: mechanic's and materialman's claim (see attached) RECEIVED

Value of Property: \$ Annual Interest Rate % NOV 02 2009

Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ Basis for perfection:

Amount of Secured Claim: \$ 25,578.89 Amount Unsecured: \$ BMC GROUP

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).

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

Other - Specify applicable paragraph of 11 U.S.C. §507 (a)().

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.)

Amount entitled to priority:

\$

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

*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.

If the documents are not available, please explain:

Date: 10/15/09

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.

FOR COURT USE ONLY

Eric D. Easter Financial Services Manager



RSARF055
RSARM055

Untitled
SHERWIN-WILLIAMS STORES GROUP
COMMERCIAL STATEMENTS

DATE: 06/09/09
PAGE: 1

ACCT NBR: 6709-4981-7 JOB: 15 NAME/ADDR: QUALTEX INC
STMT YR/MO: 2009 / 06 OI STORE: 4344 906 STANLEY DR
TERMS: 120 DCM: 00136 EULESS TX 76040
PAST DUE AMOUNT MINIMUM PAYMENT

PREVIOUS BALANCE		CURRENT CHARGES		CURRENT CREDITS		ACCOUNT BALANCE
25,578.89						25,578.89
	TRAN DATE	REF NO.	TYPE	STORE	TRANS AMOUNT	TOTAL AMOUNT
PAST DUE	03/06/09	34667IT	CHRG	4344	1,989.64	
	03/09/09	56295IT	CHRG	7740	176.76	
	03/16/09	58762IT	CHRG	7740	387.58	
	03/17/09	10904IT	CHRG	7740	373.44	
	03/17/09	37538IT	CHRG	4344	1,989.64	
	03/19/09	38460IT	CHRG	4344	3,085.13	
	03/23/09	61584IT	CHRG	7740	137.57	
	03/23/09	39229IT	CHRG	4344	5,193.29	
	03/27/09	41258IT	CHRG	4344	3,085.13	
	04/06/09	67315IT	CHRG	4344	2,375.00	
	04/13/09	69462IT	CHRG	7740	91.90	
	04/14/09	69801IT	CHRG	7740	18.33	
	04/14/09	46570IT	CHRG	4344	2,850.00	
	04/15/09	21026IT	CHRG	7740	25.48	
	04/22/09	48998IT	CHRG	4344	3,800.00	25,578.89

**NOTICE: THIS IS NOT A LIEN. THIS IS ONLY
AN AFFIDAVIT CLAIMING A LIEN.**

AFFIDAVIT AND CLAIM FOR MECHANIC'S AND MATERIALMAN'S LIEN
(Subcontractor)

STATE OF TEXAS

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COUNTY OF DENTON

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BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Eric D. Easter, who being by me here and now duly sworn, upon oath says:

"My name is Eric D. Easter and I am the North Area Financial Services Manager, Financial Operations, of **The Sherwin-Williams Company**, a corporation, whose mailing and whose physical address is 2100 Lakeside Blvd., Suite 400, Richardson, Texas 75082 (hereinafter called "Claimant"). The facts set forth herein are true and correct, and I am competent and authorized to make this Affidavit.

1. **Opus West LP**, whose address is 2555 East Camelback Road, Suite 800, Phoenix, AZ 85016-9267, is the owner or reputed owner of the said land and is the owner or reputed owner of the improvements located thereon.

2. Claimant is a subcontractor on the job or that portion thereof for which the hereinafter described material and/or labor was furnished.

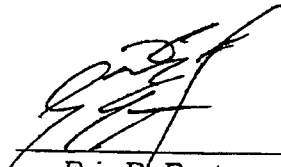
3. Said materials and/or labor were furnished to Qualtex, Inc., 906 Stanley Drive, Euless, Texas 76040, a subcontractor of Opus West Construction Corporation, 15455 N. Dallas Parkway, Suite 450, Addison, Texas 75001, original contractor, pursuant to a contract with such party, it having been furnished for the improvement of property located in Denton County, Texas, and described as follows:

Being all of Lot 1R, Block A and all of Lot 4, Block A, Crossroads Centre North, an addition in the City of Lewisville, Denton County, Texas, being commonly known as Lakepointe 121/Opus, 2525 E. SH 121, Lewisville, Texas 75056.

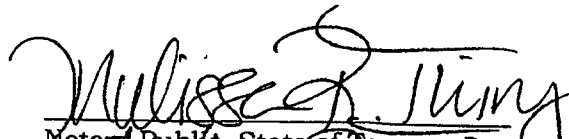
4. The amount of this claim is \$25,578.89 and said amount is just, reasonable and unpaid. Such unpaid work was furnished during the month(s) of March and April, 2009. A general statement of the kind of work done and/or materials furnished by Claimant is as follows:

Paint and related materials and supplies.

5. This lien for the amount shown above is upon the land and the improvements described above. Notice of Claimant's claim against the owner was sent to the owner on May 5, 2009, by U.S. certified mail, return receipt requested."


Eric D. Easter

SWORN TO AND SUBSCRIBED before me under my official hand and seal of office this 10 day of June, 2009, by Eric D. Easter.


Notary Public, State of Texas
Notary's Printed Name
My Commission Expires: 01/20/10

AFTER RECORDING RETURN TO:
Randall F. Adair
Adair, Morris & Osborn, P.C.
325 N. St. Paul Street, Suite 4100
Dallas, Texas 75201



Electronically Filed Document

**Denton County
Cynthia Mitchell
County Clerk**

Document Number: 2009-70415

Recorded As : ERX-MECHANICS LIEN A

Recorded On: June 10, 2009

Recorded At: 03:24:05 pm

Number of Pages: 3

Recording Fee: \$19.00

Parties:

Direct- EASTER ERIC D

Indirect-

Receipt Number: 592580

Processed By: Patsy Sallee

******* 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.



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