



<b>UNITED STATES BANKRUPTCY COURT</b>		<b>PROOF OF CLAIM</b>
Name of Debtor: <b>Opus West LP</b>		Case Number: <b>09-34334-11</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>Karsten Interior Services, L.P.</b>		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>William R. Sudela Cradly, Jewett &amp; McCulley, LLP 2727 Allen Parkway, Suite 1700 Houston, Texas 77019-2125 Telephone number: (713) 739-7007</b>		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):  Telephone number:		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.
1. Amount of Claim as of Date Case Filed: \$ <u>39,525.63</u>		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.
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 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. (See the attached Exhibit "B")		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:  \$ _____
2. Basis for Claim: <u>Services/Materials</u> (See the attached Exhibit "C") (See instruction #2 on reverse side.)		*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: _____  3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		FOR COURT USE ONLY  <b>OPUS WEST</b>  00346
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: <u>Mechanic's Lien</u>  Amount of Secured Claim: \$ <u>39,525.63</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: (See the Attached Exhibit "A")		
Date: <u>10.28.09</u>  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.  <b>William R. Sudela, Attorney for Karsten Interior Services, L.P.</b> 		

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.

# 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.*

## Items to be completed in Proof of Claim form

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

Fill in the federal judicial district where the bankruptcy case was filed (for example, Central District of California), the bankruptcy debtor's name, and the bankruptcy case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is located at the top of the notice.

### 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. 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 date of the Bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 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 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.

### 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 that arose on or before the date of the bankruptcy filing. See 11 U.S.C. §101 (10)

### Claim

A claim is the creditor's right to receive payment on a debt owed by the debtor that arose 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 clerk of the same bankruptcy court in which the bankruptcy case was filed.

### 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, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system ([www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov)) for a small fee to view your filed proof of claim.

### 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(c), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

20090228018  
05/28/2009 RP2- \$80.00

## AFFIDAVIT OF CLAIM FOR MECHANIC'S LIEN

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

STATE OF TEXAS           §  
                                     §  
COUNTY OF HARRIS   §

BEFORE ME, the undersigned authority, on this day personally appeared **Dan J. Karsten** who, upon his/her oath, after first being duly sworn, deposed and stated:

My name is **Dan J. Karsten**. I am the **President** of **Karsten Management, L.L.C.**, a Texas limited liability company, **General Partner** of **Karsten Interior Services, L.P.**, a Texas limited partnership, hereinafter referred to in this affidavit as "Claimant". The facts set forth herein are true and correct, and I am competent to make this affidavit. (7) 122

Pursuant to an Agreement (the "Agreement") between Claimant and **OPUS West Construction Corporation**, ("OPUS West") (the "Agreement") the party to whom Claimant furnished labor, equipment, and material as further described in the letter attached hereto as Attachment "A" (collectively, the "Work") in connection with a construction project (the "Project") on that property in **Harris County, Texas** commonly known as **15021 Katy Freeway, Houston, Texas 77079** (together with all improvements and appurtenances thereto, the "Property"). Certain leased property on the Property, as further described hereinafter. The Property is more particularly described in Attachment "A" hereto.

The owner or reputed owner of the Property (the "Owner") is **OPUS West L P, a Delaware limited partnership**, whose last known address is **2555 E. Camelback Road, Suite 800, Phoenix, AZ 85018**. 122

The party to whom Claimant furnished the materials and labor which constitutes the Work is **OPUS West Construction Corporation**. As indicated in Attachment "A" hereto, Claimant performed the Work: (i) as a first-tier subcontractor to **OPUS West Construction Corporation**, who, as an original contractor, furnished the Work to Owner; or, (ii) as an original contractor to Owner pursuant to the sham contractor statute, § 53.026 of the Texas Property Code.

Claimant, who was a subcontractor to **OPUS West Construction Corporation** on the Project, or, as further specified herein, was an original contractor to Owner, has a mailing address of **4530 W. 34<sup>th</sup> Street, Suite D, Houston, TX 77092**.

**OPUS West Construction Corporation**, who was an original contractor to Owner on the Project, has a mailing address of **15455 N. Dallas Parkway # 450, Addison, TX 75001** and, **2555 E. Camelback Road, Suite 800, Phoenix, AZ 85018**.

RP 065-07-0562

The amount of \$78,042.50 remains unpaid, is due and owing to Claimant for the Work which was provided by Claimant to OPUS West Construction Corp. and/or, pursuant to the sham contractor statute, Owner, pursuant to the Agreement during the period specified hereinafter, and is hereby claimed by Claimant. The Work for which payment has not yet been tendered to Claimant was performed during the months of February thru April of 2009.

Pursuant to Chapter 53 of the Texas Property Code (the "Code"), a mechanic's lien securing the payment of such amount is herein claimed by Claimant against the Property and all improvements thereto, to the greatest extent provided by Chapter 53 of the Code.

In addition to the lien claim pursuant to Chapter 53 of the Code to the extent Claimant is deemed to be an original contractor on the Project, Claimant claims a lien against the Property pursuant to Article XVI, Section 37 of the Texas Constitution.

Notice of Claimant's lien claim as specified herein was sent to Owner on the following date(s) in the manner indicated:

Date Notice of  
Claim Sent  
May 15, 2009

Method by Which  
Notice Sent  
Certified U.S. Mail, return  
receipt requested; and,  
regular mail

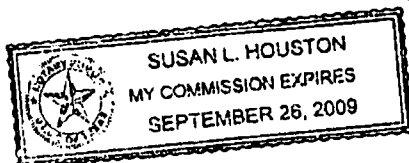
Further Affiant sayeth not.

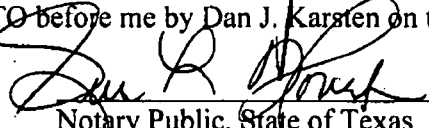
KARSTEN INTERIOR SERVICES, L.P., a Texas limited Partnership  
By: Karsten Management, L.L.C., a Texas limited liability Company,  
General Partner

By:

  
Dan J. Karsten, President

SUBSCRIBED AND SWORN TO before me by Dan J. Karsten on this 28th day of May, 2009.



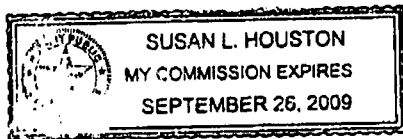
  
Notary Public, State of Texas

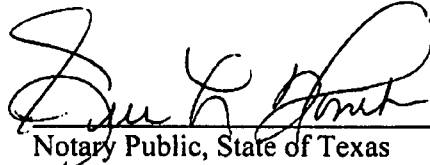
RP 065-07-0563

## Acknowledgment

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on the 28th day of May, 2009 by Dan J. Karsten, President of Karsten Management, L.L.C., a Texas limited liability Company, General Partner of Karsten Interior Services, L.P., a Texas limited partnership, on behalf of said company and said partnership.



  
\_\_\_\_\_  
Notary Public, State of Texas

**AFTER RECORDING, RETURN TO:**  
Karsten Interior Services, L.P.  
4530 W. 34<sup>th</sup> Street, Suite D  
Houston, TX 77092

//

RP 065-07-0564

Attachment "A"



EXHIBIT A

## KARSTEN INTERIOR SERVICES, L.P.

May 15, 2009

OPUS West, LP  
3555 E. Camelback Rd, Suite 800  
Phoenix, AZ 85018

**CERTIFIED MAIL/RETURN RECEIPT**  
**REQUESTED: # 7008 0500 0001 3402 4572**

OPUS West LP  
C/o Corporation Service Company DBA  
CSC - Lawyer Inc. Service Company, Registered Agent  
701 Brazos, Suite 1050  
Austin, TX 78701

**CERTIFIED MAIL/RETURN RECEIPT**  
**REQUESTED: # 7008 0500 0001 3402 4961**

OPUS West Construction Corporation  
15455 N. Dallas Parkway # 450  
Addison, TX 75001

**CERTIFIED MAIL/RETURN RECEIPT**  
**REQUESTED: # 7008 0500 0001 3402 4589**

OPUS West Construction Corporation  
C/o Corporation Service Company DBA  
CSC - Lawyer Inc. Service Company, Registered Agent  
701 Brazos, Suite 1050  
Austin, TX 78701

**CERTIFIED MAIL/RETURN RECEIPT**  
**REQUESTED: # 7009 0080 0002 2350 8501**

Re: Claim of Karsten Interior Services, L.P. ("Claimant") in connection with labor, equipment, and/or material provided by Claimant pursuant to an Agreement (the "Agreement") entered into by and between Claimant and OPUS West Construction Corporation in connection with a construction project on certain real property in Harris County, Texas owned by OPUS West LP.

To Whom It May Concern:

We have furnished labor, material and/or equipment for the "Project", all as further described hereinafter, pursuant to the referenced Agreement and at the request of OPUS West Construction Corporation ("OPUS West Construction"), in connection with the construction of, and/or repairs to, certain improvements to that facility in Harris

HP 065-07-0565

**EXHIBIT A**

County, Texas commonly known as Energy Crossing Spec. Office (the "Project"). Claimant has not been paid in full the amount due to it under its Agreement with OPUS West Construction for the services, materials, and/or equipment furnished by Claimant on the Project during the months of February thru April of 2009, in the aggregate amount of \$ 78,042.50. The services/material/equipment provided by Claimant upon which the claim described herein is based are generally described in those Karsten invoices and related statements, copies of which are attached hereto as Exhibit "A".

Based upon a review of the Real Property Records of Harris County, Texas, and the Harris County Appraisal District Records, OPUS West LP ("OPUS West") appears to be the owner of the property on which the Project is located (the "Real Property"), as well as the improvements thereto (together with the Real Property, the "Property"), and appears to have been the owner of the Property at the time the foregoing claim accrued. The Real Property is know as Res A Blk 1, Energy Crossing, 15021 Katy Freeway, Houston, TX 77079, Harris County, Texas and is more particularly described in Exhibit "A" to that instrument recorded in the Real Property Records of Harris County, Texas, County Clerk's File No. 20070373880, which Real Property has since been platted, and is described in Exhibit "A" attached hereto. The Property includes that property covered by Harris County (Texas) Appraisal District Account No. 1303140010001.

Based upon Claimant's correspondence with OPUS West Construction, and based upon a review of the records of the Secretary of State of the State of Texas,

it appears that Claimant performed its work on the Project:

- (i) as a subcontractor to OPUS West Construction, an original contractor on the Project; or,
  - (ii) as an original contractor on the Project, because the relationship between OPUS West LP and OPUS West Construction is a sham relationship as described in § 53.026 of the Texas Property Code.
- (1) To the extent Claimant is considered to be an original contractor pursuant to the sham contractor statute, § 53.026 of the Texas Property Code, Claimant claims a lien in the amount of \$78,042.50 against the Property pursuant to Chapter 53 of the Texas Property Code and pursuant to Article XVI, Section 37 of the Texas Constitution for services, materials, and/or equipment furnished by Claimant for the Project during the months of February through April of 2009.
- I
- (2) In the event Claimant is not considered to be an original contractor on the Project, Claimant, as a subcontractor to OPUS West Construction, an original contractor on the Project, claims a lien in the amount of \$78,042.50 against the Property pursuant to Chapter 53 of the Texas Property Code, for services, materials and/or equipment furnished by

Attachment "A"

# EXHIBIT A

Claimant for the Project during the months of February through April of 2009.

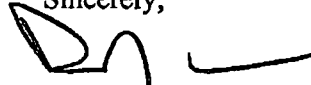
This is a demand for payment of the aforementioned unpaid balance, which is an accrued obligation or is past due under the terms of Claimant's Agreement with OPUS West Construction.

If the foregoing claim remains unpaid, OPUS West LP may be personally liable for this claim and the Property may be subject to a lien unless:

OPUS West LP withholds payment from OPUS West Construction for payment of the claim; or, the claim is otherwise paid or settled.

Contact me if you have any questions or comments regarding this claim.

Sincerely,



Karsten Interior Services, LP  
Dan J. Karsten, President of  
Karsten Management, L.L.C.  
The General Partner

Attachment(s)

RP 065-07-0567



# EXHIBIT A

## EXHIBIT "A"

ALL OF RESERVE "A" OF ENERGY CROSSING, A  
SUBDIVISION ACCORDING TO THE MAP OR PLAT  
RECORDED UNDER FILM CODE NO. 617276 OF THE MAP  
RECORDS, OF HARRIS COUNTY, TEXAS, BEING A  
SUBDIVISION OF 16.898 ACRES OUT OF THE DAVID  
MIDDLETON SURVEY, ABSTRACT NO. 535, HARRIS  
COUNTY, TEXAS.

D

RP 065-07-0568

**KARSTEN INTERIOR SERVICES, L.P.****INVOICE**

To: Opus West Construction Corp.  
15455 N Dallas Parkway #450  
Addison, TX 75001

Date: 02/23/09

Invoice No.: 7257

Job No.: 10592.00

KI Job No. 1505

ATTN: Monek' Smith

Application No: 3

Job Name: Energy Crossing, Phase I KBC

Period: 02/28/09

Location: 15021 Katy Freeway

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**DESCRIPTION:**

Work based on Opus West's contract and KI Services proposal dated November 13, 2008.

Original Contract Amount	\$161,500.00
Net Change by Change Orders	4,230.00
Total Contract Amount	<u>165,730.00</u>
Percent Complete	95 %
Total Completed to Date	<u>157,655.00</u>
Less Retainage	<u>15,765.50</u>
Total Billed Less Retainage	141,889.50
Less Billed to Date	<u>109,012.50</u>

**TOTAL AMOUNT DUE THIS INVOICE**

**\$32,877.00**



## SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Energy Crossing Spec Office Project Number: 10592  
 Subcontractor: Karsten Interior Services LP Date of Application: 2/23/09  
 Supplier #: 1035175  
 Address: 4530 West 34th St - Suite D Application Number: 3  
 Houston, TX 77092 Period From: 2/01/09 Period To: 2/28/09  
 Phone: 713/290-1154  
 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		\$161,500.00
OPUS APPROVED CHANGE ORDER thru # 1		\$4,230.00
CONTRACT AMOUNT TO DATE TOTAL		\$165,730.00

## APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 157,655.00  
 B Less Retainage 10 % \$ 15,765.50  
 C Total Earned less Retainage (A - B) \$ 141,889.50  
 D Less Previous Billings (previous req's line C) \$ 109,012.50  
 E Current Payment Due (C - D) \$ 32,877.00  
 F Balance to Finish, Plus Retainage (H - A + B) \$ 8,075.00  
 G Current Gross Amount Completed This Period \$ 36,530.00

SUBCONTRACTOR:

Karsten Interior Services LP

Supplier #: 1035175

BY:

DATE:

2/23/09

## 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				
10592 10-F10-09000 00-S	Gypsum Board Systems - Subcontract	\$2,550.00	0.00	2,550.	2,550.	100%	255.	2,295.
10592 10-F10-18593 00-S	Int Finish Allowance 3 - Subcontract	\$11,000.00	8,250.	2,200.	10,450.	95%	220.	1,980.
10592 61-F10-09000 00-S	Gypsum Board Systems - Subcontract	\$99,180.00	73,125.	21,180.	94,305.	95%	2,118.	19,062.
10592 61-F10-09510 00-S	Acoustical Ceilings - Subcontract	\$53,000.00	39,750.	10,600.	50,350.	95%	1,060.	9,540.
	Total	\$165,730.00	121,125.	36,530.	157,655.	95%	3,653.	32,877.
		H	I	G	A	J	K	F

Entered By:

Accounting

Date

Approved By:

Project Manager

Date

SHADED AREA FOR OPUS ACCOUNTING USE ONLY

Attachment "A"

# EXHIBIT A



**KARSTEN INTERIOR SERVICES, L.P.**

## INVOICE

To: Opus West Construction Corp  
15455 N Dallas Parkway #450  
Addison, TX 75001

Date: 03/17/09

Invoice No.: 7305

Job No.: 10592.00

KI Job No. 1505

ATTN: Monek' Smith

Application No: 4

Job Name: Energy Crossing, Phase I KBC

Period: 03/31/09

Location: 15021 Katy Freeway

### DESCRIPTION:

Work based on Opus West's contract and KI Services proposal dated November 13, 2008.

Original Contract Amount	\$161,500.00
Net Change by Change Orders	4,230.00
Total Contract Amount	<u>165,730.00</u>
Percent Complete	100 %
Total Completed to Date	<u>165,730.00</u>
Less Retainage	<u>16,573.00</u>
Total Billed Less Retainage	149,157.00
Less Billed to Date	<u>141,889.50</u>

**TOTAL AMOUNT DUE THIS INVOICE**

**\$7,267.50**



**SUBCONTRACTOR APPLICATION FOR PAYMENT**

Project Name: Energy Crossing Spec Office Project Number: 10592  
 Subcontractor: Karsten Interior Services LP Date of Application: 03/17/09  
 Supplier #: 1035175  
 Address: 4530 West 34th St - Suite D Application Number: 4  
 Houston, TX 77092 Period From: 03/01/09 Period To: 3/31/09  
 Phone: 713/290-1134  
 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 \$(S)
ORIGINAL CONTRACT AMOUNT		\$161,500.00
OPUS APPROVED CHANGE ORDER thru # 1		\$4,230.00
CONTRACT AMOUNT TO DATE TOTAL		\$165,730.00

**APPLICATION INFORMATION**

A Total Completed & Stored to Date \$ 165,730.00  
 B Less Retainage 10 % \$ 16,573.00  
 C Total Earned less Retainage (A - B) \$ 149,157.00  
 D Less Previous Billings (previous req's line C) \$ 141,889.50  
 E Current Payment Due (C - D) \$ 7,267.50  
 F Balance to Finish, Plus Retainage (H - A + B) \$ 16,573.00  
 G Current Gross Amount Completed This Period \$ 8,075.00

SUBCONTRACTOR:

Karsten Interior Services LP

Supplier #: 1035175

BY:

DATE:

3/17/09

**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				
10592 10-F10-09000 00-S	Gypsum Board Systems - Subcontract	\$2,550.00	2,550.	0.00	2,550.	100%	0.00	0.00
10592 10-F10-18533 00-S	Int Finish Allowance 3 - Subcontract	\$11,000.00	10,450.	550.	11,000.	100%	55.00	495.00
10592 61-F10-09000 00-S	Gypsum Board Systems - Subcontract	\$99,180.00	94,305.	4,875.	99,180.	100%	487.50	4,387.50
10592 61-F10-09510 00-S	Acoustical Ceilings - Subcontract	\$53,000.00	50,350.	2,650.	53,000.	100%	265.00	2,385.00
	<b>Total</b>	<b>\$165,730.00</b>	<b>157,655.</b>	<b>8,075.</b>	<b>165,730.</b>	<b>100%</b>	<b>807.50</b>	<b>7,267.50</b>
		H	I	G	A	J	K	E

Entered By :

Accounting

Date

Approved By :

Project Manager

Date

SHADED AREA FOR OPUS ACCOUNTING USE ONLY



**EXHIBIT A****KARSTEN INTERIOR SERVICES, L.P.****INVOICE**

To: Opus West Construction Corp  
 15455 N Dallas Parkway #450  
 Addison, TX 75001

Date: 04/20/09

Invoice No.: 7362

Job No.: 10592.00

KI Job No. 1505

ATTN: Monek' Smith

Application No: 5

Job Name: Energy Crossing, Phase I KBC

Period: 04/30/09

Location: 15021 Katy Freeway

**DESCRIPTION:**

Work based on Opus West's contract and KI Services proposal dated November 13, 2008.

Original Contract Amount	\$161,500.00
Net Change by Change Orders	21,155.00
Total Contract Amount	<u>182,655.00</u>
Percent Complete	100 %
Total Completed to Date	<u>182,655.00</u>
Less Retainage	<u>18,265.50</u>
Total Billed Less Retainage	164,389.50
Less Billed to Date	<u>149,157.00</u>

**TOTAL AMOUNT DUE THIS INVOICE**

**\$15,232.50**

**SUBCONTRACTOR APPLICATION FOR PAYMENT**

Project Name: Energy Crossing Spec Office Project Number: 10592  
 Subcontractor: Karsten Interior Services LP Date of Application: 4/20/09  
 Supplier #: 1035175  
 Address: 4530 West 34th St - Suite D Application Number: 5  
Houston, TX 77092 Period From: 4/1/09 Period To: 4/30/09  
 Phone: 713/290-1154  
 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		\$161,500.00
OPUS APPROVED CHANGE ORDER thru # 3		\$9,690.00
<i>Changes to date</i>		<i>11,465.00</i>
CONTRACT AMOUNT TO DATE TOTAL		<i>182,655.00</i>

**APPLICATION INFORMATION**

A Total Completed & Stored to Date \$ 182,655.00  
 B Less Retainage 10 % \$ 18,265.50  
 C Total Earned less Retainage (A - B) \$ 164,389.50  
 D Less Previous Billings (previous req's line C) \$ 149,157.00  
 E Current Payment Due (C - D) \$ 15,232.50  
 F Balance to Finish, Plus Retainage (H - A + B) \$ 18,265.50  
 G Current Gross Amount Completed This Period \$ 16,925.00

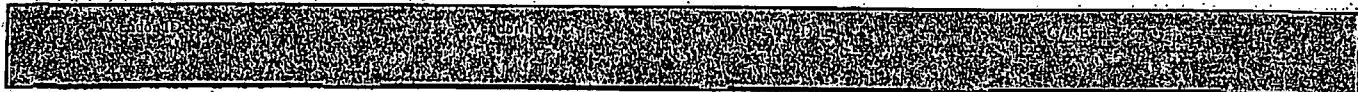
SUBCONTRACTOR: Karsten Interior Services LP Supplier #: 1035175  
 BY: [Signature]  
 DATE: 4/20/09

**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				
10592.10-F10-09000.00-S	Gypsum Board Systems - Subcontract	\$3,789.00	2550.	1239.	3789.	100	123.90	1115.10
10592.10-F10-18533.00-S	Int Finish Allowance 3 - Subcontract	\$11,000.00	11000.	8	11000.	100	8	8
10592.61-F10-09000.00-S	Gypsum Board Systems - Subcontract	114,816.6	99180.	15636.	114,816.6	100	1568.60	14117.40
10592.61-F10-09510.00-S	Acoustical Ceilings - Subcontract	\$53,000.00	53000.	8	53,000.	100	8	8
	<b>Total</b>	<b>182,655.</b>	<b>165,730.</b>	<b>16,925.</b>	<b>182,655.</b>	<b>100</b>	<b>1692.50</b>	<b>15232.50</b>

Entered By: \_\_\_\_\_ Accounting Date: \_\_\_\_\_ Approved By: \_\_\_\_\_ Project Manager Date: \_\_\_\_\_

**SHADED AREA FOR OPUS ACCOUNTING USE ONLY**



## KARSTEN INTERIOR SERVICES, L.P.

## INVOICE

To: Opus West Construction Corp  
15455 N Dallas Parkway #450  
Addison, TX 75001

Date: 04/24/09

Invoice No.: 7411

Job No.: 10592.00

KI Job No. 1505

ATTN: Monek' Smith

Application No: 6

Job Name: Energy Crossing, Phase I KBC

Period: 04/30/09

Location: 15021 Katy Freeway

## DESCRIPTION:

Work based on Opus West's contract and KI Services proposal dated November 13, 2008.

Original Contract Amount	\$161,500.00
Net Change by Change Orders	25,555.00
Total Contract Amount	<u>187,055.00</u>
Percent Complete	100 %
Total Completed to Date	<u>187,055.00</u>
Less Retainage	<u>0.00</u>
Total Billed Less Retainage	187,055.00
Less Billed to Date	<u>182,655.00</u>

**TOTAL AMOUNT DUE THIS INVOICE**

**\$4,400.00**





## SUBCONTRACTOR APPLICATION FOR PAYMENT

Attachment "A"  
EXHIBIT A

Project Name: Energy Crossing Spec Office  
Subcontractor: Karsten Interior Services LP  
Supplier #: 1035175  
Address: 4530 West 34th St - Suite D  
Houston, TX 77092  
Phone: 713/290-1154  
Remittance Address: Opus West Construction Corporation  
Attn: Accounts Payable  
15455 N. Dallas Parkway, Suite 450  
Addison, TX 75001

Project Number: 10592  
Date of Application: 4/24/09  
Application Number: 6  
Period From: 4/1/09 Period To: 4/20/09

## CONTRACT INFORMATION

ITEM	SALES TAX \$(if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$161,500.00
OPUS APPROVED CHANGE ORDER thru # 4		\$25,555.00
CONTRACT AMOUNT TO DATE TOTAL		\$187,055.00

## APPLICATION INFORMATION

- A Total Completed & Stored to Date  
B Less Retainage 10 %  
C Total Earned less Retainage (A - B)  
D Less Previous Billings (previous req's line C)  
E Current Payment Due (C - D)  
F Balance to Finish, Plus Retainage (H - A + B)  
G Current Gross Amount Completed This Period

\$ 187,055.<sup>2</sup>  
\$  
\$ 187,055.<sup>2</sup>  
\$ 182,655.<sup>2</sup>  
\$ 8  
\$ 4,400.<sup>2</sup>

\$ 187,055.<sup>2</sup>  
\$ 4,400.<sup>2</sup>

SUBCONTRACTOR:

Karsten Interior Services LP

Supplier #: 1035175

BY:

DATE:

4/23/09

## 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				
10592.10-F10-09000.00-S	Gypsum Board Systems - Subcontract	\$13,454.00	13054	400.	13454.	100	—	G-K
10592.10-F10-09510.00-S	Acoustical Ceilings - Subcontract	\$2,200.00	2200	—	2200.	100	—	
10592.10-F10-18533.00-S	Int Finish Allowance 3 - Subcontract	\$11,000.00	11000.	—	11000.	100	—	
10592.61-F10-09000.00-S	Gypsum Board Systems - Subcontract	\$103,401.00	103401.	—	103401.	100	—	
10592.61-F10-09510.00-S	Acoustical Ceilings - Subcontract	\$53,000.00	53000.	—	53000.	100	—	
10592.71-F10-18533.00-S	Int Finish Allowance 3 - Subcontract	\$4,000.00	8	4000.	4000.	100	—	
	Total	\$187,055.00	182655.	4400.	187055.	100	—	
			H	G	A	J	K	R

Entered By:

Accounting

Date

Approved By:

Project Manager

Date

SHADED AREA FOR OPUS ACCOUNTING USE ONLY



SUBCONTRACTOR APPLICATION FOR PAYMENT

Attachment "A"  
**EXHIBIT A**

Project Name:	Energy Crossing Spec Office	Project Number:	10592
Subcontractor:	Karsten Interior Services LP	Date of Application:	<u>4/24/09</u>
Supplier #:	1035175		
Address:	4530 West 34th St - Suite D	Application Number:	<u>6</u>
	Houston, TX 77092	Period From:	<u>4/1/09</u>
Phone:	713/290-1154	Period To:	<u>4/30/09</u>
Remittance Address:	Opus West Construction Corporation Attn: Accounts Payable 15455 N. Dallas Parkway, Suite 450 Addison, TX 75001		



RP 065-07-0577

**RECORDER'S MEMORANDUM:**  
At the time of recording, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument was filed and recorded.

*Brenda R. Thompson*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

2009 MAY 28 PM 2:18

**FILED**



**KARSTEN INTERIOR SERVICES, L.P.**

**INVOICE**

To: Opus West Construction Corp  
15455 N Dallas Parkway #450  
Addison, TX 75001

Date: 04/20/09

Invoice No.: 7375

Job No.: 10592.00

KI Job No. 1505

ATTN: Monek' Smith

Application No: Retainage

Job Name: Energy Crossing, Phase I KBC

Period: 04/30/09

Location: 15021 Katy Freeway

**DESCRIPTION:**

Work based on Opus West's contract and KI Services proposal dated November 13, 2008.

Original Contract Amount	\$161,500.00
Net Change by Change Orders	21,155.00
Total Contract Amount	182,655.00
Percent Complete	100 %
Total Completed to Date	182,655.00
Less Retainage	0.00
Total Billed Less Retainage	182,655.00
Less Billed to Date	164,389.50

**TOTAL AMOUNT DUE THIS INVOICE**

**\$18,265.50**

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 HARRIS  
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time  
indicated herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris  
County, Texas on

**MAY 28 2009**



*Dorothy B. Keyman*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

# EXHIBIT "B"

## INTEREST CALCULATIONS

### KARSTEN INTERIOR SERVICES, L.P.

Creditor	Debtor	Application No.	Amount Due	Invoice No(s)	Invoice Date	Invoice Due Date	Interest Accrual Date	Interest Accrued to 7/6/09	Total Balance Due
Karsten Interior Services, L.P.	Opus West Construction Corp.	4	\$1,512.00 Per Diem: \$248	7305	3/17/09	4/16/09	5/16/09	\$12.65	\$1,524.65
Karsten Interior Services, L.P.	Opus West Construction Corp.	5	\$15,232.50 Per Diem: \$2,503	7362	4/20/09	5/20/09	6/19/09	\$42.55	\$15,275.05
Karsten Interior Services, L.P.	Opus West Construction Corp.	Retainage	\$18,265.50 Per Diem: \$3,002	7375	4/20/09	5/20/09	6/19/09	\$9.40	\$18,316.53
Karsten Interior Services, L.P.	Opus West Construction Corp.	6	\$4,400.00 Per Diem: \$.723	7411	4/24/09	5/24/09	6/23/09	\$51.03	\$4,409.40
<b>TOTAL:</b>			<b>\$39,410.00</b>					<b>\$115.63</b>	<b>\$39,525.63</b>

## **EXHIBIT "C"**

The services/materials furnished by Claimant and giving rise to Claimant's claim herein were not furnished to Debtor, but were furnished to improve real property owned by Debtor. The claim of Claimant against Debtor is a lien claim pursuant to Chapter 53 of the Texas Property Code.