


UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS		PROOF OF CLAIM
Name of Debtor: (Check Only One): <input type="checkbox"/> Opus West Corporation <input checked="" 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: 09-34360-11
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): SCS Flooring Systems c/o MYER LAW 1220 1/2 State Street Santa Barbara, CA 93101		RECEIVED NOV 04 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:
Name and address where notices should be sent: SCS Flooring Systems, c/o MYER LAW, 1220 1/2 State Street, Santa Barbara, CA 93101 Telephone number: 805/962-0083 Email Address: myer@myerlawpc.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.
Name and address where payment should be sent (if different from above): Telephone number:		
1. Amount of Claim as of Date Case Filed: \$ 246,940.70 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.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,425 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a) (). Amount entitled to priority: \$
2. Basis for Claim: <u>Flooring labor, services, materials and equipment</u> (See instruction #2 on reverse side.)		
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: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Equipment <input type="checkbox"/> Other Value of Property: \$ <u>Unknown</u> 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 Unsecured: \$ <u>239,040.13</u>		
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.) 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.	FOR COURT USE ONLY OPUS WEST  00355

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 (GCC) (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 your 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.

UNITED STATES BANKRUPTCY COURT Northern District of Texas

Notice of

Chapter 11 Bankruptcy Cases, Meeting of Creditors, & Deadlines

Chapter 11 bankruptcy cases concerning the debtors listed below were filed on 7/6/09.

You may be a creditor of the debtors. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in these cases may be inspected at the bankruptcy clerk's office at the address listed below.

NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side for Important Explanations

Debtors (names used by the debtors in the last 8 years, including married, maiden, trade, and address):

Opus West Corporation
2555 E Camelback Road, Suite 800
Phoenix, Arizona 85016
Tax ID No.: 86-0811533
Case No.: 09-34356

O. W. Commercial, Inc.
2555 E Camelback Road, Suite 800
Phoenix, Arizona 85016
Tax ID No.: 20-2789134
Case No.: 09-34363

Opus West Partners, Inc.
2555 E Camelback Road, Suite 800
Phoenix, Arizona 85016
Tax ID No.: 81-0545527
Case No.: 09-34373

Opus West Construction Corporation
2555 E Camelback Road, Suite 800
Phoenix, Arizona 85016
Tax ID No.: 41-0855917
Case No.: 09-34360

Opus West LP
2555 E Camelback Road, Suite 800
Phoenix, Arizona 85016
Tax ID No.: 81-0545535
Case No.: 09-34334

Attorneys for Opus West Corporation, Opus West Construction Corporation, and O. W. Commercial, Inc. (names and addresses):

Clifton R. Jessup, Jr.
Greenberg Traurig, LLP
2200 Ross Avenue, Suite 5200
Dallas, TX 75201
Telephone: 214-665-3600
Facsimile: 214-665-5938

Attorneys for Opus West Partners, Inc., and Opus West LP: (names and addresses):

Peter Franklin
Doug Skierski
Franklin Skierski Lovall Hayward, LLP
10501 N. Central Expressway, Suite 106
Dallas, TX 75231
Telephone: 214-702-4061
Facsimile: 214-723-5345

Meeting of Creditors

Date: August 12, 2009

Time: 2:00 P.M.

Location: Office of the U.S. Trustee, 1100 Commerce St., Room 976, Dallas, TX 75242

Deadline to File a Proof of Claim

Proof of claim must be received by the BMC Group, Debtors' Claims Agent, by the following deadline:

For all creditors (except a governmental unit): **11/9/09**

For a governmental unit: _____

Claims Should be Sent to:

IF BY MAIL:

Opus West Corporation, et al
c/o BMC Group
P.O. 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

Creditors with a Foreign Address:

A Creditor to whom this notice is sent at a foreign address should read the information under "claims" on the reverse side.

Deadline to File a Complaint to Determine Dischargeability of Certain Debts:

Creditors May Not Take Certain Actions:

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtors and the debtors' property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtors can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

Address of the Bankruptcy Clerk's Office:

1100 Commerce Street, Room 1254
Dallas, Texas 75242
Telephone number: 214-753-2000

For the Court:

Clerk of the Bankruptcy Court:
Tawana C. Marshall

Hours Open: Monday - Friday 8:30 AM - 4:30 PM

EXPLANATIONS

Filing of Chapter 11 Bankruptcy Case	Bankruptcy cases under Chapter 11 of the Bankruptcy Code (title 11, United States Code) have been filed in this court by the debtors listed on the front side, and orders for relief have been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent a notice of the date of confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in these cases.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office, You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is not listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all or if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim and may be unable to vote on the plan. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. Filing Deadline for a Creditor with a Foreign Address: The deadlines for filing claims set forth on the front of this notice apply to all creditors. If this notice has been mailed to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline.
Discharge of Debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141(d). A discharge means that you may never try to collect the debt from the debtor, except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 1141(d)(6)(A), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that Deadline.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side, You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.
Creditor with a Foreign Address	Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in these cases.

OPUS WEST CONSTRUCTION CORPORATION Bankruptcy

Case No. 09-34360-11

Itemized Statement of Interest and Costs

SCS Flooring System's Proof of Claim

1st Mechanic's Lien:

Doc #: 2009-0299597

Date of Recordation: June 03, 2009

Property Address:

10301-10343 Meanley Dr.

San Diego, CA 92122

Principal Amount: \$28,400.00

**Interest: .83 % per month
(10% annual rate)**

Interest accrued from March 20, 2009 to July 7, 2009, a total of 109 days at the rate of \$7.78 per day. A total sum of \$848.11.

Interest \$848.11

2nd Mechanic's Lien:

Doc #: 2009-0299588

Date of Recordation: June 03, 2009

Property Address:

10301-10343 Meanley Dr.

San Diego, CA 92131

Principal Amount of: \$148,356.91

**Interest: .83 % per month
(10% annual rate)**

Interest accrued from April 1, 2009 to July 7, 2009, a total of 97 days at the rate of \$40.65 per day. A total sum of \$3,942.64.

Interest \$3,942.64

3rd Mechanic's Lien:

Doc #: 2009-0314325

Date of Recordation: June 10, 2009

Property Address:

3205 Lionshead Ave.,
San Diego, CA 92008

Principal Amount: **\$62,283.22**

Interest: .83 % per month
(10% annual rate)

Interest accrued from March 20, 2009 to July 7, 2009, a total of 109 days at the rate of
\$17.06 per day. A total sum of \$1859.96

Interest **\$1859.96**

Total Interest: **\$6650.71**
(848.11 + 3,942.64 + 1859.96)

Date of Bankruptcy Filing: July 7, 2009

Allowable Costs per C.C.P. §1033.5:

1st and 2nd Mechanic's Liens:

Filing Complaint fee \$355,
Serving Complaint on LaSalle Bank N.A. \$190,
Serving Complaint on Lockheed Martin Corporation \$70,
Recording of Notice of Pending Action fee \$18.00
Recording of Mechanics Lien fee (\$16 + \$16 = \$32),
Mailing of Preliminary Notice (\$16.62 + \$16.62 = \$33.24)
Costs = \$698.24

3rd Mechanic's Lien:

Filing Complaint Fee \$355,
Serving Complaint on Bank of the West \$70,
Serving Complaint on Aethercomm Inc. \$70.
Recording of Notice of Pending Action fee \$22,
Recording of Mechanics Lien fee \$18,

Mailing of Preliminary Notice \$16.62

Costs = \$551.62

Total Costs = (\$698.24 + \$551.62) = \$1249.86

Total amount of SCS Flooring System's claim: \$246,940.70

(\$28,400.00 + \$148,356.91 + \$62,283.22 + \$6650.71 + 1249.86)

RECEIVED

RECEIVED APR 03 2008



MAR 27 2008

OPUS WEST IRVINE

Horizon Tech Center / 1026200

/Flooring

SCS Flooring Systems / Kevin Nasseri

Contact Phone # 760.931.1600

Contact Fax # 760.931.6100

Payment Terms: Standard

SUBCONTRACT AGREEMENT (Labor and Materials)

This Subcontract Agreement ("Subcontract") is made as of this 18th day of March, 2008, by and between OPUS West Construction Corporation ("Contractor"), with its office located at 2650 Main St., Suite 800, Irvine, CA 92614, and SCS Flooring Systems ("Subcontractor") with its office located at 5875 Owens Ave., Ste. 120, Carlsbad, CA 92008.

FULLY EXECUTED

Contractor and Subcontractor agreed as follows:

- Subcontract Documents. The term "Subcontract Documents" is defined in Paragraph 1 of the attached Rider "A".
- Project. Contractor is providing design and construction-related services to Owner (defined below) in connection with the project generally described as Horizon Tech Center ("Project"), located at 10301 Meany Drive, San Diego, CA 92131 ("Project Site"), and consisting of the total work provided by Contractor under contract documents between Owner and Contractor.
- Owner. The Owner of the Project is Opus West Corporation ("Owner").
- Architect/Engineer. The architect and engineers ("Architect/Engineer") of record for the Project are:
 Architect of Record: Opus Architects & Engineers, Inc.
 Civil Engineer: PBS&I
 Structural Engineer of Record: Opus Architects & Engineers, Inc.
- Scope of Work. Subcontractor's scope of work for the Project is described in the attached Rider "A" and is defined therein as the Work.
- Schedule. Time is of the essence. Accordingly, all time limits and requirements for completion set forth in the Subcontract Documents, including any intermediate milestones (collectively referred to in the Subcontract Documents as the "Schedule"), are of the essence of this Subcontract. Subcontractor shall begin its Work as soon as the Project is ready for the Work or within three (3) calendar days after being notified orally or in writing to proceed by Contractor. The Substantial Completion of the Work (defined in the General Conditions of Subcontract) shall be achieved as required by job progress, so as to allow the entire Project to be substantially completed on or before 07/09/2008. Subcontractor shall conform to all progress and schedule requirements of the Subcontract Documents and as directed by Contractor's project manager, and must achieve the milestones (if any) as described in the attached Rider "A".
- Subcontract Sum. Contractor shall pay Subcontractor the sum of \$ 329,600.00 ("Subcontract Sum"). The Subcontract Sum includes freight and delivery charges and all applicable state and local taxes including sales and use tax, and if required by law, these taxes must be separately stated on any payment applications, invoices or similar documents delivered by Subcontractor to Contractor for completion of the Work in accordance with the terms and conditions of the Subcontract Documents. A breakdown of the components of the Subcontract Sum is set forth in the attached Rider "A".
- Riders. The following Riders are attached to and made a part of this Subcontract:
 8.1 Rider A (Scope of Work)
 8.2 Rider B (Indemnification)
 8.3 Rider C (Insurance)

Contractor and Subcontractor sign as follows:

Approved by Contractor's project manager

Andrew Rahallo

CONTRACTOR
OPUS West Construction Corporation

By:

Jeffery J. Dickerson

(Print Name)

Vice President of Construction

(Title)

3/21/08

(Date)

SUBCONTRACTOR
SCS Flooring Systems

By:

Scott Gordon

(Print Name)

President

(Title)

03/25/08

(Date)

ORIGINAL

JUN 22 2009

DOC # 2009-0299597



JUN 03, 2009 3:40 PM

RECORDING REQUESTED BY AND RETURN TO:

File: 469383 APN: 319-170-23-00

SCS Flooring Systems

Ms. Lisa Gonzalez

530 S. Main St. # 110

Orange, CA 92868

Phone: 714-542-2146

Fax: 714-245-4987

10598

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
DAVID L. BUTLER, COUNTY RECORDER
FEES: 16.00

PAGES: 3



MECHANIC'S LIEN
(California Civil Code § 3084)

The undersigned claimant, SCS Flooring Systems, hereby claims a mechanic's lien as follows:

The claimant's demand, after deducting all just credits and offsets, is the sum of \$28,400.00, including service charges or interest at the rate of 18.00% per annum, thereon from 3/20/2009 until the amount owing is paid in full.

The name of the owner(s) or reputed owner(s), if known, is: SEQUOIA REALTY LP., 10350 BREN RD W, MINNETONKA, MN 55343-9014.

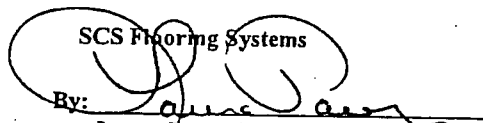
The name of the person to whom claimant furnished the labor, services, equipment or materials to was OPUS WEST CONSTRUCTION CORP. 4350 I.A JOLLA VILLAGE DR #110, SAN DIEGO, CA 92122.

The claimant furnished the following kinds of labor, services, equipment or materials: Contract Floor Covering & Consultation.

The site at which the work of improvement was constructed is commonly known as the OPUS HORIZON TECH CNTR / BLDG A.B.C project, located at 10301-10343 MEANLEY DR, SAN DIEGO, CA 92122, in the County of SAN DIEGO. See Exhibit A for legal description attached hereto and made a part hereof.

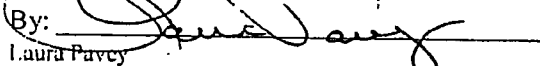
The specific contract information is for Our Job/Invoice 5708085.

Dated: 6/2/2009

SCS Flooring Systems
By: 
Laura Pavey Lien Administrator

VERIFICATION

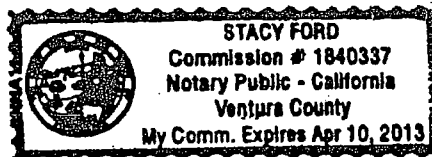
I declare that I, Laura Pavey, am authorized to file this claim on behalf of the claimant. I have read the foregoing document and know the contents thereof; the same is true of my own knowledge declare under penalty of perjury that the foregoing is true and correct. Executed at Simi Valley, CA on 6/2/2009 for SCS Flooring Systems.

By: 
Laura Pavey

STATE OF CALIFORNIA)
COUNTY OF VENTURA)

Subscribed and sworn to (or affirmed) before me on this 2 day of June, 2009, by Laura Pavey, who proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature _____ (seal)



10599

EXHIBIT "A"

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL I:

Lot 4 of Scripps Ranch Business Park Phase III, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12130 filed in the Office of the County Recorder of San Diego County, July 27, 1988; and as further defined in that certain Certificate of Correction recorded August 23, 1989 as Instrument No. 89-452514, of Official Records.

PARCEL II:

An easement for ingress, egress, construction, operation and maintenance of a monument sign as contained in that certain "Grant of Easement" recorded November 5, 1999, as Instrument No. 1999-0740198, of Official Records.

APN: 319-170-23-00

10600

EXHIBIT B - OTHER LEGAL PARTIES

OPUS HORIZON TECH CNTR / BLDG A,B,C
10301-10343 MEANLEY DR ,
SAN DIEGO, CA 92122

ADDITIONAL OWNER(S)

OPUS WEST CORP
2555 E CAMELBACK RD STE 800
PHOENIX AZ 85016

OPUS WEST CONSTRUCTION CORP
2050 MAIN STREET SUITE 800
IRVINE CA 92614

JUN 22 2009

DOC. 2009-0299588



JUN 03, 2009 3:34 PM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
DAVID L. BUTLER, COUNTY RECORDER
FEES: 16.00

PAGES: 3



RECORDING REQUESTED BY AND RETURN TO:

File: 498325 APN: 319-170-23-00

SCS Flooring Systems

Ms. Lisa Gonzalez

530 S. Main St. # 110

Orange, CA 92868

Phone: 714-542-2146

Fax: 714-245-4987

10534

MECHANIC'S LIEN
(California Civil Code § 3084)

The undersigned claimant, SCS Flooring Systems, hereby claims a mechanic's lien as follows:

The claimant's demand, after deducting all just credits and offsets, is the sum of \$148,356.91, including service charges or interest at the rate of 18.00% per annum, thereon from 4/1/2009 until the amount owing is paid in full.

The name of the owner(s) or reputed owner(s), if known, is: SEQUOIA REALTY LP., 10350 BREN RD W, MINNETONKA, MN 55343-9014.

The name of the person to whom claimant furnished the labor, services, equipment or materials to was OPUS WEST CONSTRUCTION CORP. 4350 LA JOLLA VILLAGE DR #110, SAN DIEGO, CA 92122.

The claimant furnished the following kinds of labor, services, equipment or materials: Contract Floor Covering & Consultation.

The site at which the work of improvement was constructed is commonly known as the LOCKHEED MARTIN TI / BLDG A,B,C project, located at 10301-10343 MEANLEY DR, SAN DIEGO, CA 92131, in the County of SAN DIEGO. See Exhibit A for legal description attached hereto and made a part hereof.

The specific contract information is for Our Job/Invoice 5708187.

Dated: 6/2/2009

SCS Flooring Systems
By:
Laura Pavey Lien Administrator

VERIFICATION

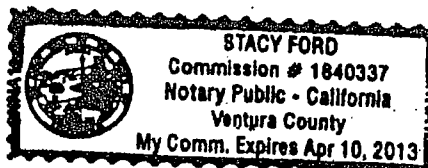
I declare that I, Laura Pavey, am authorized to file this claim on behalf of the claimant. I have read the foregoing document and know the contents thereof; the same is true of my own knowledge declare under penalty of perjury that the foregoing is true and correct. Executed at Simi Valley, CA on 6/2/2009 for SCS Flooring Systems.

By:
Laura Pavey

STATE OF CALIFORNIA)
COUNTY OF VENTURA)

Subscribed and sworn to (or affirmed) before me on this 2 day of June, 2009, by Laura Pavey, who proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature _____ (seal)



10535

EXHIBIT "A"

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL I:

Lot 4 of Scripps Ranch Business Park Phase III, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12130 filed in the Office of the County Recorder of San Diego County, July 27, 1988; and as further defined in that certain Certificate of Correction recorded August 23, 1989 as Instrument No. 89-452514, of Official Records.

PARCEL II:

An easement for ingress, egress, construction, operation and maintenance of a monument sign as contained in that certain "Grant of Easement" recorded November 5, 1999, as Instrument No. 1999-0740198, of Official Records.

APN: 319-170-23-00

10536

EXHIBIT B - OTHER LEGAL PARTIES

LOCKHEED MARTIN TI / BLDG A,B,C 498325
10301-10343 MEANLEY DR,
SAN DIEGO, CA 92131

ADDITIONAL OWNER(S)

OPUS WEST CONSTRUCTION CORP
2050 MAIN STREET SUITE 800
IRVINE CA 92614

ADDITIONAL OWNER(S)

OPUS WEST CORP
2555 E CAMELBACK RD STE 800
PHOENIX AZ 85016



RECEIVED SEP 09 2008

Aethercomm TI / 11077.10
See Price Breakdown / Flooring
SCS Flooring Systems / Kevin Nasseri
Contact Phone # 760.931.1600
Contact Fax # 760.931.6100
Payment Terms: Standard

SUBCONTRACT AGREEMENT (Labor and Materials)

This Subcontract Agreement ("Subcontract") is made as of this 22nd day of July, 2008, by and between OPUS West Construction Corporation ("Contractor"), with its office located at 4350 La Jolla Village Dr., Ste. 110, San Diego, CA 92122, and SCS Flooring Systems ("Subcontractor"), with its office located at 5876 Owens Ave., Ste. 120, Carlsbad, CA 92008.

Contractor and Subcontractor agree as follows:

1. Subcontract Documents. The term "Subcontract Documents" is defined in Paragraph 1 of the attached Rider "A".
2. Project. Contractor is providing design and construction-related services to Owner (defined below) in connection with the project generally described as Aethercomm TI ("Project"), located at 3205 Lionshead Avenue, Carlsbad, CA 92010 ("Project Site"), and consisting of the total work provided by Contractor under contract documents between Owner and Contractor.
3. Owner. The Owner of the Project is Opus West Corporation ("Owner").
4. Architect/Engineer. The architect and engineers ("Architect/Engineer") of record for the Project are:
Architect: Smith Consulting Architects
5. Scope of Work. Subcontractor's scope of work for the Project is described in the attached Rider "A" and is defined therein as the Work.
6. Schedule. Time is of the essence. Accordingly, all time limits and requirements for completion set forth in the Subcontract Documents, including any intermediate milestones (collectively referred to in the Subcontract Documents as the "Schedule"), are of the essence of this Subcontract. Subcontractor shall begin its Work as soon as the Project is ready for the Work or within three (3) calendar days after being notified orally or in writing to proceed by Contractor. The Substantial Completion of the Work (defined in the General Conditions of Subcontract) shall be achieved as required by job progress, so as to allow the entire Project to be substantially completed on or before 01/15/2009. Subcontractor shall conform to all progress and schedule requirements of the Subcontract Documents and as directed by Contractor's project manager, and must achieve the milestones (if any) as described in the attached Rider "A".
7. Subcontract Sum. Contractor shall pay Subcontractor the sum of \$102,293.00 ("Subcontract Sum"). The Subcontract Sum includes freight and delivery charges and all applicable state and local taxes including sales and use tax, and if required by law, these taxes must be separately stated on any payment applications, invoices, or similar documents delivered by Subcontractor to Contractor for completion of the Work in accordance with the terms and conditions of the Subcontract Documents. A breakdown of the components of the Subcontract Sum is set forth in the attached Rider "A".
8. Riders. The following Riders are attached to and made a part of this Subcontract:
 - 8.1 Rider A (Scope of Work)
 - 8.2 Rider B (Indemnification)
 - 8.3 Rider C (Insurance)

Contractor and Subcontractor sign as follows:

Approved by Contractor's project manager

Ralph Miller
Ralph Miller

CONTRACTOR

OPUS West Construction Corporation

By:

Jeffery Dickerson
Jeffery Dickerson
(Print Name)
Vice President of Construction
(Title)
9/2/08
(Date)

SUBCONTRACTOR

SCS Flooring Systems

By:

Scott Gordon
Scott Gordon
(Print Name)
President
(Title)
08/04/08
(Date)

ORIGINAL



JUN 10, 2009 10:18 AM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
DAVID L. BUTLER, COUNTY RECORDER
FEES: 18.00

PAGES: 3



RECORDING REQUESTED BY AND RETURN TO:
File: 491658 APN: 221-881-1400
SCS Flooring Systems
Ms. Lisa Gonzalez
530 S. Main St. # 110
Orange, CA 92868
Phone: 714-542-2146
Fax: 714-245-4987

Handwritten notes: 3P, 1P, 4356

MECHANIC'S LIEN
(California Civil Code § 3084)

The undersigned claimant, SCS Flooring Systems, hereby claims a mechanic's lien as follows:

The claimant's demand, after deducting all just credits and offsets, is the sum of \$62,283.22, including service charges or interest at the rate of 18.00% per annum, thereon from 3/20/2009 until the amount owing is paid in full.

The name of the owner(s) or reputed owner(s), if known, is: OPUS WEST CORPORATION, 2050 MAIN ST STE 800, IRVINE, CA 92614. See also Exhibit B attached hereto.

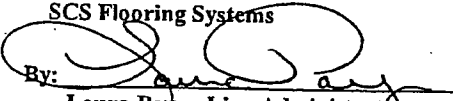
The name of the person to whom claimant furnished the labor, services, equipment or materials to was OPUS WEST CONSTRUCTION CORP, 4350 LA JOLLA VILLAGE DR #110, SAN DIEGO, CA 92122.

The claimant furnished the following kinds of labor, services, equipment or materials: Contract Floor Covering & Consultation.

The site at which the work of improvement was constructed is commonly known as the AETHERCOMM TI project, located at 3205 LIONSHEAD AVE, CARLSBAD, CA 92008, in the County of SAN DIEGO. See Exhibit A for legal description of property attached hereto and made a part hereof.

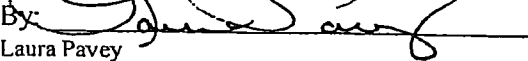
The specific contract information is for Our Job/Invoice 5708158.

Dated: 6/8/2009

SCS Flooring Systems
By: 
Laura Pavey Lien Administrator

VERIFICATION

I declare that I, Laura Pavey, am authorized to file this claim on behalf of the claimant. I have read the foregoing document and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct. Executed at Simi Valley, CA on 6/8/2009 for SCS Flooring Systems.

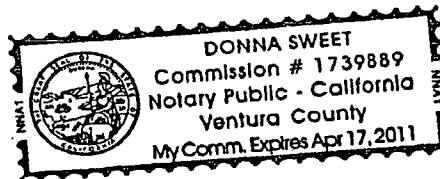
By: 
Laura Pavey

JUN 25 2009

STATE OF CALIFORNIA)
COUNTY OF VENTURA)

Subscribed and sworn to (or affirmed) before me on this 8 day of June, 2009, by Laura Pavey, who proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature  (seal)



PARCEL 1:

PARCEL A, AS SHOWN ON THE EXHIBIT "A" OF THAT CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 07, 2007 AS INSTRUMENT NO. 2007-760449 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 9 AND A PORTION OF LOT 10 OF CARLSBAD TRACT NO. 98-10, ACCORDING TO MAP THEREOF NO. 15013, IN THE CITY OF CARLSBAD COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MAY 3, 2005 AS FILE NO. 2005-0371022, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 9; THENCE, ALONG THE NORTH LINE OF SAID LOTS 9 AND 10, NORTH 81° 09' 39" EAST 165.30 FEET TO THE BEGINNING OF A 634-FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 9° 16' 48" A DISTANCE OF 102.69 FEET; THENCE SOUTH 89° 33' 33" EAST 108.84 FEET; THENCE, LEAVING SAID NORTH LINE, SOUTH 00° 26' 27" WEST 340.50 FEET; THENCE SOUTH 89° 33' 33" EAST 8.00 FEET; THENCE SOUTH 00° 26' 27" WEST 111.23 FEET TO THE SOUTH LINE OF SAID LOTS 9 AND 10; THENCE, ALONG SAID SOUTH LINE, SOUTH 89° 33' 45" WEST 374.92 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE, LEAVING SAID SOUTH LINE ALONG THE WEST LINE OF SAID LOT 9, NORTH 00° 33' 16" WEST 422.59 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A NON-EXCLUSIVE EASEMENT FOR SURFACE AND UNDERGROUND DRAINAGE AND VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS IN, TO, OVER AND ACROSS A PORTION OF LOT 11 OF CARLSBAD TRACT NO. 98-10, ACCORDING TO MAP THEREOF NO. 15013, IN THE CITY OF CARLSBAD COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MAY 3, 2005 AS FILE NO. 2005-0371022 AS CONTAINED IN AND SUBJECT TO THE PROVISIONS OF THE "DECLARATION OF COVENANTS AND GRANT OF EASEMENTS REGARDING ACCESS ROAD" RECORDED MARCH 10, 2008 AS INSTRUMENT NO. 2008-0124408 AND THE "AMENDED AND RESTATED DECLARATION OF COVENANTS AND GRANT OF EASEMENTS REGARDING ACCESS ROAD AND DRAINAGE" RECORDED MAY 08, 2008 AS INSTRUMENT NO. 2008-0248752, BOTH OF OFFICIAL RECORDS.

EXHIBIT B - OTHER LEGAL PARTIES

4358

AETHERCOMM TI 491658
3205 LIONSHEAD AVE,
CARLSBAD, CA 92008

ADDITIONAL OWNER(S)

AETHERCOMM INC
2910 NORMAN STRASSE #105
SAN MARCOS CA 92069

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PROOF OF SERVICE BY U.S. MAIL
[C.C.P. §1013a(1)]

STATE OF CALIFORNIA)
) SS
COUNTY OF SANTA BARBARA)

I am over the age of eighteen years, employed in the County of Santa Barbara and not a party to the within-entitled action. My business address is:

1220-1/2 State Street
Santa Barbara, California 93101

On October *28*, 2009 I served the within **PROOF OF CLAIM** on all interested parties in said action by placing a true copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid, in the United States mail at Santa Barbara, California, addressed as:

(See attached service list.)

I deposited such envelope in the mail at Santa Barbara, California. The envelope was mailed with postage thereon fully prepaid.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Santa Barbara, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October *28*, 2009, at Santa Barbara, California.


Rikki Bassi

SERVICE LIST

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By United States Mail

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

Clifton R. Jessup, Jr.
Greenberg Traurig, LLP
2200 Ross Avenue, Suite 5200
Dallas, TX 75201

Peter Franklin
Doug Skierski
Franklin Skierski Lovall Hayward, LLP
10501 N. Central Expressway, Suite 106
Dallas, TX 75231

United States Bankruptcy Court
Northern District of Texas
1100 Commerce Street, Room 1254
Dallas, TX 75242-1496

Office of the United States Trustee
1100 Commerce St., Room 976
Dallas, TX 75242