

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-hdh11
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): STRS Ohio CA Real Estate Investments I, LLC (Re: The Courtyards at 65th Street) <div style="text-align: center;"> RECEIVED NOV 06 2009 BMC GROUP </div>		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: <i>(if known)</i> Filed on:
Name and address where notices should be sent: Eric J. Cassidy Squire, Sanders & Dempsey L.L.P. 6200 Chase Tower, 600 Travis Street Houston, TX 77002 Telephone number: (713) 546-5850 Email Address: ecassidy@ssd.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: <u>\$ At least \$2,000,000, but investigation is ongoing.</u> 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 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: Services performed negligently and/or breach of implied warranty regarding an apartment complex known as The Courtyards at 65th Street in Emeryville, California. See Attachment hereto.		
3. Last four digits of any number by which creditor identifies debtor: N/A 3a. Debtor may have scheduled account as: N/A (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 type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Equipment <input type="checkbox"/> Other Value of Property: \$__ Annual Interest Rate __% Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$_____ Basis for perfection: _____ Amount Unsecured: \$ _____		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.		
7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: _____		
Date: November 5, 2009	Signature: The person filing this claim must sign <i>if</i> 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. _____ ERIC J. CASSIDY	

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.
 Modified B10 (GCG) (12/08)

Attachment to Proof of Claim Against Opus West Construction Corporation
(The Courtyards at 65th Street)

Debtor Opus West Construction Corporation ("OWCC") was the general contractor/builder of a 331-unit, four-story multi-family residential development constructed in Emeryville, Alameda County, California known as The Courtyards at 65th Street (the "Courtyards").

STRS Ohio CA Real Estate Investments I, LLC ("STRS") purchased pursuant to a written contract the Courtyards from 65th and Hollis, L.L.C. ("Seller") in or around 2004. On information and belief, Seller is an alter ego of OWCC. The acts alleged herein to have been committed by OWCC were either committed by OWCC individually, or in conjunction with others.

Defects have been discovered at the Courtyards that have allowed water intrusion into residential units and commercial spaces. At this time, known defects include: deficient stucco design and/or installation, missing and/or improperly installed flashing and missing and/or incomplete design and/or installation of waterproofing membrane.

On information and belief, as an alter ego of the Seller and as the general contractor/builder of the Courtyards, OWCC had an obligation to deliver a conforming and properly designed and constructed residential development. OWCC breached its duties in this regard by delivering a non-conforming and improperly designed and constructed development.

As the general contractor, OWCC also had a duty to perform its construction and jobsite supervisory responsibilities with the level of care and skill that would normally be exercised by general contractors, and to ensure that the various subcontractors were performing their trades in a workmanlike fashion. OWCC breached its duties as a general contractor by constructing and/or supervising the construction of a non-conforming and defective development.

STRS alleges claims against OWCC for, *inter alia*, negligence, breach of implied warranty, and (as third party beneficiary and on information and belief) breach of the contract between Seller and OWCC as general contractor for the Courtyards.

Damages include, but are not limited to, damage to interior units, cracking and damage to interior and exterior building surfaces and the cost of investigation and remediation efforts. Investigation and repairs are ongoing, but damages are currently estimated to be at least \$2,000,000.