

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS/DALLAS DIVISION		PROOF OF CLAIM
Name of Debtor: Opus West Construction Corp.		Case Number: 09-34360
<i>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.</i>		
Name of Creditor (The person or other entity to whom the debtor owes money or property): Westar Electric Company		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.
Name and address where notices should be sent: c/o B. Weldon Ponder, Jr. Attorney at Law Bldg. 3, Suite 200 4601 Spicewood Springs Road Austin, TX 78759-7841 Telephone number: (512) 342-8222		Court Claim Number: _____ (if known) Filed on: _____
Name and address where payment should be sent (if different from above): Westar Electric Company 100 Commons Road, Suite 7, #400 Dripping Springs, TX 78620 Telephone number: (512) 894-3362		<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.
1. Amount of Claim as of Date Case Filed: <u> \$76,852.00 </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)(____).
2. Basis for Claim: <u> Labor & materials provided--construction contract </u> (See instruction #2 on reverse side.)		Amount entitled to priority: _____
3. Last four digits of any number by which creditor identifies debtor: <u> Supplier #1065308 </u> 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 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: _____ Amount of Secured Claim: _____ 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:		* 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.
Date: 11/9/2009	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. /s/ B. Weldon Ponder, Jr. Agent and Attorney for Claimant	FOR COURT USE ONLY OPUS WEST  00519

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.



SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Hill-Country Galleria
 Subcontractor: Westar Electric
 Supplier #: 1065308
 Address: 100 Commodore Rd Ste 7 #400
Dripping Springs, TX 78620
 Phone: (12789 673)
 Remittance Address: Opus West Construction Corporation
Attn: Accounts Payable
15455 N Dallas Parkway
Addison, TX 75001

Project Number: 07337
 Date of Application: 12-25-08
 Application Number: 1
 Period From: — Period To: 12-25-08

CONTRACT INFORMATION

ITEM	SALES TAX (S) (if applicable)	TOTAL (S)
ORIGINAL CONTRACT AMOUNT		\$99,000.00
OPUS APPROVED CHANGE ORDER #1 thru #		
CONTRACT AMOUNT TO DATE TOTAL		\$99,000.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 15,000
 B Less Retainage 10 % \$ 1,500
 C Total Earned less Retainage (A - B) \$ 13,500
 D Less Previous Billings (previous req's line C) \$ 0
 E Current Payment Due (C - D) \$ 13,500
 F Balance to Finish, Plus Retainage (F - A + B) \$ 85,500
 G Current Gross Amount Completed This Period \$ 15,000

SUBCONTRACTOR: Westar Electric Supplier #: 1065308
 BY: [Signature]
 DATE: 12-25-08

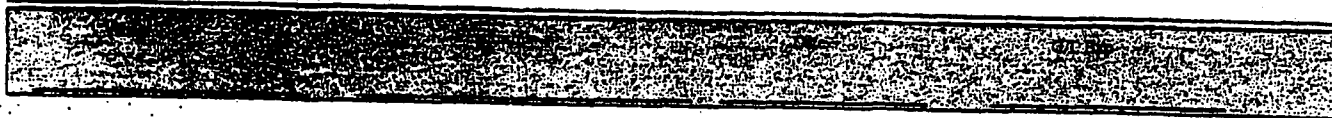
APPLICATION BREAKDOWN

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					
07337 40-A-10-16000 00-S	Electrical Systems - Subcontract	\$79,000.00	—	15,000	15,000	15	1500	13,500	
07337 40-A-10-16220 00-S	Interior Lighting Sys - Subcontract	\$20,000.00							
	Total	\$99,000.00		15,000	15,000	15	1500	13,500	
			H	I	J	A	B	C	D

Entered By: _____ Accounting Date _____ Approved By: _____ Project Manager Date _____

SHADED AREA FOR OPUS ACCOUNTING USE ONLY





SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Hill County Jailern
Subcontractor: Westar Electric
Supplier #: 1065308
Address: 100 Commons Rd Ste 7-400
Dropping Springs, TX 78620
Phone: 292-782-6731
Remittance Address: Opus West Construction Corporation
Attn: Accounts Payable
15485 N. Travis Parkway
Addison, TX 75001

Project Number: 97337
Date of Application: 2
Application Number:
Period From: 12/25 Period To: 1/25

CONTRACT INFORMATION

Table with 3 columns: ITEM, SALES TAX \$(if applicable), TOTAL (\$). Rows include ORIGINAL CONTRACT AMOUNT (\$99,000.00), OPUS APPROVED CHANGE ORDER # 1 thru #, and CONTRACT AMOUNT TO DATE TOTAL (\$99,000.00).

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 25,000
B Less Retainage 10 % \$ 2,500
C Total Earned less Retainage (A - B) \$ 22,500
D Less Previous Billings (previous req's line C) \$ 12,500
E Current Payment Due (C - D) \$ 10,000
F Balance to Finish, Plus Retainage (H - A - B) \$ 76,500
G Current Gross Amount Completed This Period \$ 10,000

SUBCONTRACTOR: Westar Electric Supplier # 1065308
BY:
DATE:

APPLICATION BREAKDOWN

THIS SECTION MUST BE COMPLETED IN ORDER FOR THIS PAYMENT TO BE PROCESSED BY OPUS

Table with 8 columns: Account Code, Description, Current Contract Amount, Work Completed (From Previous Application, This Period), Total Work Complete, Percent Complete, Retainage This Application, Net Payment. Includes rows for Electrical Systems and Interior Lighting Systems.

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

SHADED AREA FOR OPUS ACCOUNTING USE ONLY

Shaded area for accounting use with columns for Vendor ID, Vendor Inv. #, Date, G/P. Etc.



SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Hill Country Center
 Subcontractor: Weaver Electric
 Supplier #: 1065308
 Address: 100 Commons Rd Ste 7 #100
 Driscoll Springs, TX 78520
 Phone: 412.789.6731
 Project Number: 93337
 Date of Application: 02-20-09
 Application Number: 3
 Period From: 1/25 Period To: 2/25
 Remittance Address: Opus West Construction Corporation
 Attn: Accounts Payable
 15455 N. Dallas Parkway
 Addison, TX 75001

CONTRACT INFORMATION

ITEM	SALES TAX (5% if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$99,975.00
OPUS APPROVED CHANGE ORDER (no #)		\$-25.00
CONTRACT AMOUNT TO DATE TOTAL		\$99,950.00

APPLICATION INFORMATION

A. Total Completed & Stored to Date: \$60,000
 B. Less Retainage: \$6,000
 C. Total Earned less Retainage (A - B): \$54,000
 D. Less Previous Billings (previous req's line C): \$22,500
 E. Current Payment Due (C - D): \$31,500
 F. Balance to Finish, Plus Retainage (H + A - B): \$44,975
 G. Current Gross Amount Completed This Period: \$35,000

SUBCONTRACTOR: Weaver Electric Supplier #: 1065308
 BY: *[Signature]*
 DATE: 2/20/09

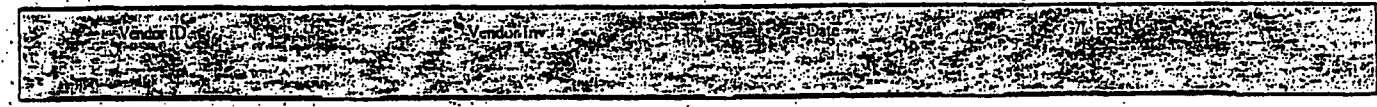
APPLICATION BREAKDOWN

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 Completed	Percent Complete	Retainage This Application	Net Payment
			From Previous Application	This Period				
93337-10-K10-16000-00-S	Electrical Systems - Subcontract	\$79,975.00	10,000	35,000	45,000	45	3500	31,500
93337-40-K10-16200-00-S	Intense Lighting Sys - Subcontract	\$20,000.00						
	Total	\$99,975.00	10,000	35,000	45,000	45	3500	31,500

Entered By: _____ Accounting Date: _____ Approved By: _____ Project Manager Date: _____

SHADED AREA FOR OPUS ACCOUNTING USE ONLY





SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Hill Country Galleria Project Number: 97337
 Subcontractor: Westar Electric Date of Application: 3-23-09
 Supplier #: 1065308 Application Number: 4
 Address: 100 Commons Rd Ste 7 #400 Dripping Springs, TX 78620 Period From: 2/25 Period To: 3/25
 Phone: 512.789.6731
 Remittance Address: Opus West Construction Corporation
 Attn: Accounts Payable
 15455 N Dallas Parkway
 Addison, TX 75001

CONTRACT INFORMATION

ITEM	SALES TAX (\$/if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$99,000.00
OPUS APPROVED CHANGE ORDER thru # 2		\$-1,325.00
CONTRACT AMOUNT TO DATE TOTAL		\$97,675.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 91407.50
 B Less Retainage 10 % \$ 9140.75
 C Total Earned less Retainage (A - B) \$ 82266.75
 D Less Previous Billings (previous req's line C) \$ 54,000
 E Current Payment Due (C - D) \$ 28,266.75
 F Balance to Finish, Plus Retainage (H - A + B) \$ 15408.25
 G Current Gross Amount Completed This Period \$ 31407.50

SUBCONTRACTOR: Westar Electric Supplier #: 1065308

BY: [Signature]
 DATE: 3-23-09

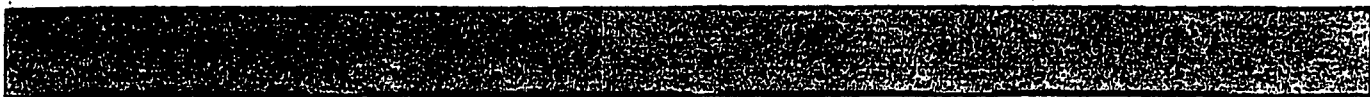
APPLICATION BREAKDOWN

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				
					I-G	A+H		C-K
97337 40-K10-16000-00-S	Electrical Systems - Subcontract	\$77,675.00	60,000	17675	77675	100%	1767.50	15907.50
97337 40-K10-16220-00-S	Interior Lighting Sys - Subcontract	\$20,000.00		13732.50	13732.50	68%	1373.25	12359.25
	Total	\$97,675.00	60,000	31407.50	91407.50	93%	3140.75	28266.75

Entered By: _____ Accounting Date _____ Approved By: [Signature] Project Manager Date _____

SHADED AREA FOR OPUS ACCOUNTING USE ONLY





SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Hill Country Galleria Project Number: 97337
 Subcontractor: Westar Electric Date of Application: 4-00-09
 Supplier #: 1065308
 Address: 100 Commerce Rd Ste 7 #410 Application Number: 5
Dripping Springs, TX 78620 Period From: 3/25 Period To: 4/25
 Phone: 512.789.6731
 Remittance Address: Opus West Construction Corporation
Attn: Accounts Payable
15455 N Dallas Parkway
Addison, TX 75001

CONTRACT INFORMATION

ITEM	SALES TAX \$(if applicable)	TOTAL (\$)
CONTRACT AMOUNT		\$99,000.00
PROVED CHANGE ORDER thru # 3		\$10.00
CONTRACT AMOUNT TO DATE TOTAL		\$99,110.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 99,110.00
 B Less Retainage 10 % \$ 9,911.00
 C Total Earned less Retainage (A - B) \$ 89,199.00
 D Less Previous Billings (previous req's line C) \$ 82,266.75
 E Current Payment Due (C - D) \$ 6,932.25
 F Balance to Finish, Plus Retainage (H - A + B) \$ _____
 G Current Gross Amount Completed This Period \$ 7,702.50

SUBCONTRACTOR: Westar Electric Supplier #: 1065308

BY: _____
DATE: _____

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				
97337 40-K10-16000 00-S	Electrical Systems - Subcontract	\$79,110.00	<u>77,675</u>	<u>1,435.00</u>	<u>79,110.00</u>	<u>100 %</u>	<u>1,435.50</u>	<u>1291.50</u>
97337 40-K10-16220 00-S	Interior Lighting Sys - Subcontract	\$20,000.00	<u>13,732.50</u>	<u>6,267.50</u>	<u>20,000.00</u>	<u>100 %</u>	<u>6,267.75</u>	<u>5,140.75</u>
97337 43-K10-16000 00-S	Electrical Systems - Subcontract	\$0.00	—	—	—	—	—	—
	Total	\$99,110.00	<u>91,407.50</u>	<u>7,702.50</u>	<u>99,110.00</u>	<u>100 %</u>	<u>7,702.25</u>	<u>6,932.25</u>

Entered By: _____ Accounting Date _____ Approved By: _____ Project Manager Date _____

SHADED AREA FOR OPUS ACCOUNTING USE ONLY



WESTAR ELECTRIC COMPANY

100 COMMONS ROAD
 SUITE 7, #400
 DRIPPING SPRINGS, TEXAS 78620

Invoice

Date	Invoice #
4/1/2009	976

Bill To
OPUS WEST CONSTRUCTION CORP. 13455 N. Dallas Parkway. Suite 450 Addison, TX 75001

P.O. No.	Terms	Project
		SC189 PAD 2 HCG 4/2

Item	Description	Amount
ELECTRICAL	INVOICE FOR ELECTRICAL WORK: HILL COUNTRY GALLERIA MALL PAD 2, PEI WEI BEE CAVE, TX INSTALL 2" CONDUIT, 20' AND 1 LB LABOR: 3 MAN HRS @ \$55.00 / HR \$165.00 MATERIAL: \$ 77.00 TOTAL: \$242.00 Sales Tax	242.00 0.00
Total		\$242.00

FAXED 4/1/09



13
SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Hill Country Galleria
 Subcontractor: Westar Electric
 Supplier #: 1055408
 Address: 1001 Commons Rd Ste 7 #400
 Shipping Springs, TX 78630
 Phone: 512-280-6711
 Mailing Address: One West Construction Corporation
 Attn: Accounts Payable
 15455 N. Dallas Parkway
 Addison, TX 75001

Project Number: _____
 Date of Application: 12-25-08
 Application Number: _____
 Period From: _____ Period To: 12-25-08

CONTRACT INFORMATION

ITEM	SALES TAX (\$/if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$99,000.00
OPUS APPROVED CHANGE ORDER #1 thru #		
CONTRACT AMOUNT TO DATE TOTAL		\$99,000.00

APPLICATION INFORMATION

A Total Completed & Stored to Date: \$15,000
 B Less Retainage: \$1,500
 C Total Earned less Retainage (A - B): \$13,500
 D Less Previous Billings (previous req't line #): \$0
 E Current Payment Due (C - D): \$13,500
 F Balance to Finish, Plus Retainage (H - A - B): \$85,500
 G Current Gross Amount Completed This Period: \$15,000

SUBCONTRACTOR: Westar Electric Supplier #: 1055408
 BY: Oliver Cash
 DATE: 12-25-08

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 Completed	Percent Complete	Retainage to Applicant	Net Amount
			Contract	Change Order				
62117-10-4-10-16000-00-5	Electrical Systems - Subcontract	\$10,000.00	-	15,000	15,000	.5	1500	13,500
62117-10-4-10-16120-00-5	General Lighting Sys - Subcontract	\$10,000.00						
	Total	\$19,000.00		15,000	15,000	.5	1500	13,500

Entered By: _____ Accounting Date: _____ Approved By: _____ Project Manager Date: _____

SHADED AREA FOR OPUS ACCOUNTING USE ONLY





10
SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Hill Country Intern
 Subcontractor: Westar Electric
 Supplier #: 045308
 Address: 1510 Commerce Rd Ste 1000
Spring Springs, TX 79620
 Phone: 817-799-0731
 Remittance Address: Westar Electric Corporation
Attn: Accounts Payable
1510 Commerce Rd Ste 1000
Spring Springs, TX 79620

Project Number: 0337
 Date of Application: 2/25
 Application Number: _____
 Period From: 2/25 Period To: 1/25

CONTRACT INFORMATION

ITEM	SALES TAX \$(if applicable)	TOTAL \$(S)
ORIGINAL CONTRACT AMOUNT		\$99,000.00
OPUS APPROVED CHANGE ORDER # _____		
CONTRACT AMOUNT TO DATE TOTAL		\$99,000.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 25,000
 B Less Retainage \$ 3,500
 C Total Earned less Retainage (A - B) \$ 21,500
 D Less Previous Billings (previous req's line C) \$ 1,500
 E Current Payment Due (C - D) \$ 20,000
 F Balance to Finish (plus Retainage) (H - A - B) \$ _____
 G Current Gross Amount Completed This Period \$ 25,000

SUBCONTRACTOR: Westar Electric Supplier # 045308
 BY: _____
 DATE: _____

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 on Application	Net Payment
			From Previous Application	This Period				
0337 10-110-16000 00-3	Electronic Systems - Subcontract	\$74,000.00	0.000	10.000	10.000	25%	1,750	4,250
0337 10-110-16222 00-5	Interior Lighting Sys - Subcontract	\$25,000.00						
	Total	\$99,000.00	0.000	10.000	10.000	25%	1,750	4,250

Entered By: _____ Accounting Date: _____ Approved By: _____ Project Manager Date: _____

SHADED AREA FOR OPUS ACCOUNTING USE ONLY

Vendor ID	Vendor Inv #	Date	G/L Exp



OPUS

SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Hill County Orders Project Number: 97337
 Subcontractor: Water Electric Date of Application: 02-20-09
 Supplier #: 1065508 Application Number: 3
 Address: 100 Commerce Rd Ste 7 #100 Period From: 1/25 Period To: 2/25
Orange Springs, TX 74529
 Phone: 912-782-6731
 Residence Address: One West Christmas Corporation
Attn: Accounts Payable
1455 N. Dallas Parkway
Atlanta, TX 75011

CONTRACT INFORMATION

ITEM	SALES TAX (5% if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		529,975.00
OPUS APPROVED CHANGE ORDER (thru)		5,275.00
CONTRACT AMOUNT TO DATE TOTAL		535,250.00

APPLICATION INFORMATION

A - Total Completed & Stored to Date: 60,000
 B - Less Retainage: 6,000
 C - Total Earned less Retainage (A - B): 54,000
 D - Less Previous Billings (previous req's line C): 22,500
 E - Current Payment Due (C - D): 31,500
 F - Balance to Finish, Plus Retainage (H - A - B): 44,975
 G - Current Gross Amount Completed This Period: 35,000

SUBCONTRACTOR: Water Electric Supplier #: 1065508
 BY: [Signature]
 DATE: 2/20/09

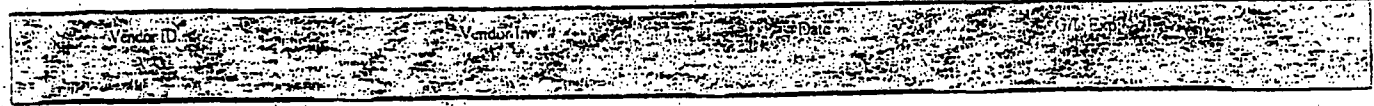
APPLICATION BREAKDOWN

THIS RETURN MAY BE COMPLETED IN EITHER OF THE FOLLOWING TWO BEING PROVIDED BY OPUS

Account Code	Description	Contract Amount	Work Completed		Tax Work	Percent Completed	Retainage	Net Amount
			From Previous Application	This Period				
97337 10-610-6000-00-0	Electric Systems - Subcontract	429,975.00	10,000	35,000	45,000	45	3500	31,500
97337 10-610-6020-00-0	Interior Lighting Sys - Subcontract	429,000.00						
	Total	278,975.00	10,000	35,000	45,000	45	3500	31,500

Entered By: _____ Accounting Date: _____ Approved By: _____ Project Manager Date: _____

GRADED AREA FOR OPUS ACCOUNTING USE ONLY



SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Hill Country Galleria
 Subcontractor: Westar Electric
 Supplier #: 1065308
 Address: 130 Commons Rd Ste #400
Orsinger Springs, TX 79620
 Phone: 512 789 6731
 Remittance Address: Deus West Construction Corporation
Attn: Accounts Payable
15455 N. Dallas Parkway
Addison, TX 75001

Project Number: 97317
 Date of Application: 3-23-09
 Application Number: 4
 Period From: 2/25 Period To: 3/25

CONTRACT INFORMATION

ITEM	SALES TAX (5% if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$99,000.00
OPUS APPROVED CHANGE ORDER # 4		\$1,323.00
CONTRACT AMOUNT TO DATE TOTAL		\$97,675.00

APPLICATION INFORMATION

A Total Completed & Stored to Date: \$ 91407.50
 B Less Retainage: \$ 9140.75
 C Total Earned less Retainage (A - B): \$ 82266.75
 D Less Previous Billings (previous req's (line C): \$ 54,000
 E Current Payment Due (C - D): \$ 28,266.75
 F Balance to Finish Plus Retainage (H - A - B): \$ 15408.25
 G Current Gross Amount Completed THIS Period: \$ 31407.50

SUBCONTRACTOR: Westar Electric Supplier #: 1065308
 BY: [Signature]
 DATE: 3-23-09

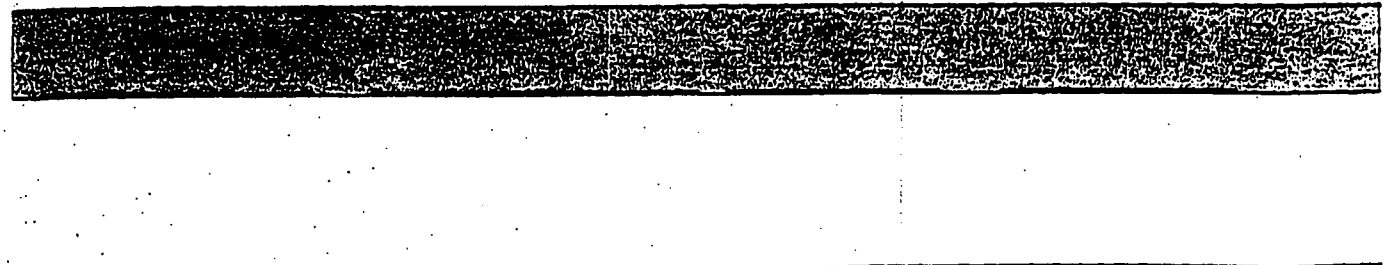
APPLICATION BREAKDOWN

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				
97317 40-410-15000 00-S	Electrical Systems - Subcontract	\$77,675.00	60,000	17,675	77,675	100%	17,675.50	15,907.50
97317 40-410-13223 00-S	Interior Lighting Sys - Subcontract	\$20,000.00		13,732.50	13,732.50	68%	13,732.25	12,359.25
	Total	\$97,675.00	60,000	31,407.50	91,407.50	93%	31,407.75	28,266.75

Entered By: _____ Accounting Date: _____ Approved By: [Signature] Project Manager Date: _____

SHADED AREA FOR OPUS ACCOUNTING USE ONLY





SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Hill Country Galleria
 Subcontractor: Westar Electric
 Supplier #: 1065308
 Address: 100 Commons Rd Ste 7040
Clipping Springs, TX 78620
 Phone: 512 789 6731
 Remittance Address: Opus West Construction Corporation
Attn: Accounts Payable
15455 N. Dallas Parkway
Addon, TX 75001

Project Number: 97337
 Date of Application: 4-20-09
 Application Number: 5
 Period From: 3/25 Period To: 4/25

CONTRACT INFORMATION

ITEM	SALES TAX (S)(if applicable)	TOTAL (S)
ORIGINAL CONTRACT AMOUNT		\$99,110.00
OPUS APPROVED CHANGE ORDER (no #)		\$10.00
CONTRACT AMOUNT TO DATE TOTAL		\$99,120.00

APPLICATION INFORMATION

A Total Completed & Stored to Date: \$ 99,110.00
 B Less Retainage: \$ 9,911.00
 C Total Earned less Retainage (A - B): \$ 89,199.00
 D Less Previous Billings (previous req's line C): \$ 82,266.75
 E Current Payment Due (C - D): \$ 6,932.25
 F Balance to Finish, Plus Retainage (H - A - B)
 G Current Gross Amount Completed This Period: \$ 7,702.50

SLBCONTRACTOR: Westar Electric Supplier #: 1065308
 BY: _____
 DATE: _____

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				
97337-10-K13-16000-00-5	Electrical Systems - Subcontract	\$79,110.00	<u>7,675</u>	<u>1,435.00</u>	<u>79,110.00</u>	<u>100%</u>	<u>1,435.50</u>	<u>139,150</u>
97337-10-K13-13220-00-5	Interior Lighting Sys - Subcontract	\$20,000.00	<u>13,732.50</u>	<u>6,267.5</u>	<u>20,000.00</u>	<u>100%</u>	<u>6,267.75</u>	<u>5,440.75</u>
97337-13-K10-15000-00-5	Electrical Systems - Subcontract	\$0.00	—	—	—	—	—	—
Total		\$99,110.00	<u>41,407.50</u>	<u>7,702.50</u>	<u>99,110.00</u>	<u>100%</u>	<u>7,702.25</u>	<u>6,932.25</u>

Entered By: _____ Accounting Date: _____ Approved By: _____ Project Manager Date: _____

SHADED AREA FOR OPUS ACCOUNTING USE ONLY

Vendor ID	Vendor Inv. #	Date	G/L Exp.

WESTAR ELECTRIC COMPANY
 100 COMMONS ROAD
 SUITE 7, #400
 DRIPPING SPRINGS, TEXAS 78620

Invoice

Date	Invoice #
4/17/2009	976

Bill To
OPUS WEST CONSTRUCTION CORP. 15455 N. Dallas Parkway, Suite 450 Addison, TX 75001

P O No.	Terms	Project
		SC189 PAD 2 HCG 4/2

Item	Description	Amount
ELECTRICAL	INVOICE FOR ELECTRICAL WORK. HILL COUNTRY GALLERIA MALL PAD 2, PEI WEI BEE CAVE, TX INSTALL 2" CONDUIT, 20' AND 1 LB LABOR: 3 MAN HRS @ \$55.00 / HR MATERIAL: TOTAL: Sales Tax	242.00 \$165.00 \$77.00 \$242.00 0.00
Total		\$242.00

PAID 7/10

THE STATE OF TEXAS

CONSTITUTIONAL AND STATUTORY LIEN
AFFIDAVIT AND CLAIM

COUNTY OF TRAVIS

I, OTTO ORSAK d/b/a WESTAR ELECTRIC COMPANY, "Claimant", having furnished material and/or performed labor to improve the real property herein described, make this Affidavit for the purpose of perfecting a lien on said real property and improvements, and on oath make the following statements:

1. "My name is OTTO ORSAK, and I am the OWNER of WESTAR ELECTRIC COMPANY, with offices at 100 Commons Road, Suite 7, #400, Dripping Springs, TX 78620 and mailing address of 100 Commons Rd., Suite 7, #400, Dripping Springs, TX 78620. I have personal knowledge of the facts contained in this affidavit, the facts are true and correct, and I am competent and duly authorized to make, and do make this Affidavit on behalf of said company.

2. "The principal amount of the claim is \$76,852.00, and said amount is just and reasonable and has not been paid. Said claim constitutes the contract price of the material furnished and/or labor performed and constitutes the reasonable value of the material furnished and/or labor performed described in paragraph 5. Claimant claims a statutory mechanic's and materialman's lien on the real property and improvements described below.

3. "The name of the owner or reputed owner of the real property hereinafter described is HILL COUNTRY GALLERIA, L.P., whose last known mailing address is c/o OPUS WEST, 2555 E. Camelback Rd. #800, Phoenix, AZ 85016. OPUS WEST CONSTRUCTION CORP., whose last known mailing address is 2555 E. Camelback Rd. #800, Phoenix, AZ 85016, is the original contractor on the job or that portion thereof for which the hereinafter described labor and/or material were furnished. Claimant also claims priority over any and all other liens to the extent the material furnished to the job are removable under Section 53.123 of the Texas Property Code.

4. "The real property charged with the lien is described as follows:

Hill Country Galleria, 12912 Hill Country Blvd., Bee Cave, Texas, HILL COUNTRY GALLERIA SUBDIVISION, Travis County, Texas.

5. "Claimant furnished material and/or performed labor consisting generally of electrical labor and materials for improvement of the above-described real property during February through April 2009 and accrued retainage.

6. "Claimant furnished material and/or labor pursuant to a contract with OPUS WEST CONSTRUCTION CORP., the original contractor. Claimant also claims a constitutional lien and a statutory lien as an original contractor under Section 53.026 of the Texas Property Code.

7. "A copy of this Affidavit is being mailed by certified mail to HILL COUNTRY GALLERIA, L.P./ OPUS WEST and OPUS WEST CONSTRUCTION CORP., addressed to each party's last known address. A notice of claim was mailed by certified mail to HILL COUNTRY GALLERIA, L.P./ OPUS WEST and OPUS WEST CONSTRUCTION CORP. on April 21, 2009. A notice of retainage was sent to HILL COUNTRY GALLERIA, L.P. on February 19, 2009 by certified mail."


OTTO ORSAK

SUBSCRIBED AND SWORN TO before me by OTTO ORSAK on April 22, 2009, to certify which witness my hand and seal of office.

My Commission Expires: 02/28/2011

(X) 
NOTARY PUBLIC, STATE OF TEXAS

RETURN TO:

Ann Y. Riddel
P. O. Box 1912
Austin, Texas 78767-1912



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS




DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS

April 22 2009 03:16 PM

FEE: \$ 20.00 2009064445

Northern District of Texas Claims Register

09-34360-hdh11 Opus West Construction Corporation

Judge: Harlin DeWayne Hale **Chapter:** 11

Office: Dallas **Last Date to file claims:**

Trustee: **Last Date to file (Govt):**

<p><i>Creditor:</i> (12791624) Westar Electric Company c/o B. Weldon Ponder, Jr., Attorney Building 3, Suite 200 4601 Spicewood Springs Road Austin, TX 78759-7841</p>	<p>Claim No: 21 <i>Original Filed</i> <i>Date:</i> 11/09/2009 <i>Original Entered</i> <i>Date:</i> 11/09/2009</p>	<p><i>Status:</i> <i>Filed by:</i> CR <i>Entered by:</i> Ponder, B. <i>Modified:</i></p>
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Unsecured claimed: \$76852.00

Total claimed: \$76852.00

History:

Details 21-1 11/09/2009 Claim #21 filed by Westar Electric Company, total amount claimed: \$76852 (Ponder, B.)

Description: (21-1) Labor & materials provided--construction contract

Remarks:

Claims Register Summary