


<b>UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF TEXAS/DALLAS DIVISION</b>		<b>PROOF OF CLAIM</b>
Name of Debtor: <b>Opus West Construction Corporation</b>		Case Number: <b>09-34360</b>
<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): <b>Cazzola Plumbing, Inc.</b>		<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: <b>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</b>		
Name and address where payment should be sent (if different from above): <b>Cazzola Plumbing, Inc. P.O. Box 181180 Austin, TX 78718</b>		<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.
Telephone number: <b>(512) 719-3000</b>		
1. Amount of Claim as of Date Case Filed: <u>          \$18,130.00          </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)(____).  <b>Amount entitled to priority:</b> _____  <small>* 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.</small>
2. Basis for Claim: <u>Labor &amp; materials provided--construction contract</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 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: _____		
Date: <b>11/9/2009</b>	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>B. Weldon Ponder, Jr.</b> <b>Agent and Attorney for Claimant</b>	FOR COURT USE ONLY  <b>OPUS WEST</b>  00520

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.

THE STATE OF TEXAS  
COUNTY OF TRAVIS

## LIEN AFFIDAVIT AND CLAIM

I, CHARLES CAZZOLA the undersigned affiant, PRESIDENT of CAZZOLA PLUMBING INC., "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 CHARLES CAZZOLA, and I am the PRESIDENT of CAZZOLA PLUMBING INC., with offices at 9201 Brown Lane, Austin, TX 78754 and mailing address of P.O. Box 181180, Austin, TX 78718. 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 \$18,130.00, and said amount is just and reasonable and has not been paid. Said claim constitutes the contract price for the material furnished and/or labor performed and constitutes the reasonable value of the material and/or labor 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. c/o Opus Group, whose last known mailing address is 2555 E. Camelback Rd. #800, Phoenix, AZ 85016. OPUS WEST CONSTRUCTION CORP., whose last known mailing address is 15455 Dallas N. Parkway #450, Addison, TX 75001, 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 plumbing labor and materials for improvement of the above-described real property during February, March and April 2009.

6. "Claimant furnished material and/or labor pursuant to a contract with OPUS WEST CONSTRUCTION CORP., the original contractor.

Claimant also claims a 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. c/o Opus Group and OPUS WEST CONSTRUCTION CORP., addressed to each party's last known address. A notice of claim was sent to HILL COUNTRY GALLERIA, L.P. c/o Opus Group and OPUS WEST CONSTRUCTION CORP. on May 1, 2009 by certified mail."

Charles Cazzola  
CHARLES CAZZOLA

SUBSCRIBED AND SWORN TO before me by CHARLES CAZZOLA on May 6<sup>th</sup> 2009, to certify which witness my hand and seal of office.

My Commission Expires:  
3/21/2010

Morguana Rose Griffin  
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

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

May 06 2009 04:24 PM

FEE: \$ 20.00 2009074016



**SUBCONTRACTOR APPLICATION FOR PAYMENT**

Project Name: Hill Country Galleria  
 Subcontractor: Cazzola Plumbing  
 Supplier #: \_\_\_\_\_  
 Address: 9201 Brown Lane  
Austin, TX 78754  
 Phone: 512.719.3000  
 Remittance Address: Opus West Construction Corporation  
Attn: Accounts Payable  
15455 N. Dallas Parkway  
Addicks, TX 75001

Project Number: 97337  
 Date of Application: 4/16/09  
 Application Number: 4  
 Period From: 2/23/09 Period To: 4/30/09

**CONTRACT INFORMATION**

ITEM	SALES TAX (3% if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		149,000.00
OPUS APPROVED CHANGE ORDER # 1 thru # _____		
<b>CONTRACT AMOUNT TO DATE TOTAL</b>		<b>149,000.00</b>

**APPLICATION INFORMATION**

A Total Completed & Stored to Date : 49,000.00  
 B Less Retainage 10 % : 4900.00  
 C Total Earned less Retainage (A - B) : 44100.00  
 D Less Previous Billings (previous req's line C) : 39690.00  
 E Current Payment Due (C - D) : 4410.00  
 F Balance to Finish, Plus Retainage (E - A + B) : 4900.00  
 G Current Gross Amount Completed This Period : 4900.00

SUBCONTRACTOR: Cazzola Plumbing Supplier #: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_

**APPLICATION BREAKDOWN**

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

Description	Current Contract Amount	Work Completed		Total Work Complete	Percent Complete	Retainage This Application	Net Payment
		From Previous Application	This Period				
				J + G	A / B		O - K
<b>Total</b>	<u>49,000.00</u>	<u>44,100.00</u>	<u>4,410.00</u>	<u>49,000.00</u>	<u>100%</u>	<u>4,900.00</u>	<u>44,100.00</u>
	H	I	G	A	B	K	E

Entered By: \_\_\_\_\_  
 Accounting Date

Approved By: Cheryl Cazzola 4/16/09  
 Project Manager Date

**SHADED AREA FOR OPUS ACCOUNTING USE ONLY**





CONTRACTOR APPLICATION FOR PAYMENT

Project Name: Hill Country Galleria  
 Subcontractor: Cazzola Plumbing  
 Supplier #: \_\_\_\_\_  
 Address: 9201 Brown Lane  
Austin, TX 78754  
 Phone: 512.719.3000  
 Remittance Address: Opus West Construction Corporation  
Attn: Accounts Payable  
15455 N. Dallas Parkway  
Addison, TX 75001

Project Number: 97337  
 Date of Application: 4/16/09  
 Application Number: 5  
 Period From: 4/1/09 Period To: 4/30/09

CONTRACT INFORMATION

ITEM	SALES TAX (if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$49,000.00
OPUS APPROVED CHANGE ORDER # 1 thru #		
CONTRACT AMOUNT TO DATE TOTAL		\$49,000.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 49,000.00  
 B Less Retainage 10 % \$ 0  
 C Total Earned less Retainage (A - B) \$ 44,100.00  
 D Less Previous Billings (previous req's line C) \$ 44,100.00  
 E Current Payment Due (C - D) \$ 4,900.00  
 F Balance to Finish, Plus Retainage (H - A + B) \$ 0  
 G Current Gross Amount Completed This Period \$ 4,900.00

SUBCONTRACTOR: Cazzola Plumbing Supplier #: \_\_\_\_\_  
 BY: Morgan Gaffia  
 DATE: 4/16/09

APPLICATION BREAKDOWN

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

Description	Current Contract Amount	Work Completed		Total Work Complete	Percent Complete	Retainage This Application	Net Payment
		From Previous Application	This Period				
Total	<u>49,000.00</u>	<u>44,100.00</u>	<u>4,900.00</u>	<u>49,000.00</u>	<u>100%</u>	<u>0</u>	<u>4,900.00</u>
	H	I	G	A	J	K	Z

Entered By: Morgan Gaffia 4/16/09 Accounting Date  
 Approved By: Cheryl Cazzola 4/16/09 Project Manager Date

SHADED AREA FOR OPUS ACCOUNTING USE ONLY



**Site:** Hill Country Galleria **Project Number:** 97337  
**Contractor:** Cazoola Plumbing **Date of Application:** 2/27/09  
**Supplier #:** \_\_\_\_\_  
**Address:** 9201 Brown Lane **Application Number:** 3  
 Austin, TX 78754 **Period From:** 1/31/09 **Period To:** 2/28/09  
**Phone:** 512.719.3000  
**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		\$49,000.00
OPUS APPROVED CHANGE ORDER # 1 thru #		
<b>CONTRACT AMOUNT TO DATE TOTAL</b>		<b>\$49,000.00</b>

**APPLICATION INFORMATION**

**A Total Completed & Stored to Date** \$ 44100.00  
**B Less Retainage** \_\_\_\_\_ 10 % \$ 4410.00  
**C Total Earned less Retainage (A - B)** \$ 39690.00  
**D Less Previous Billings (previous req's line C)** \$ 30870.00  
**E Current Payment Due (C - D)** \$ 8820.00  
**F Balance to Finish, Plus Retainage (E - A + B)** \$ 4900.00  
**G Current Gross Amount Completed This Period** \$ 9800.00

**SUBCONTRACTOR:** Cazoola Plumbing **Supplier #:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**DATE:** 2/27/09

**APPLICATION BREAKDOWN**

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

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		G - K
<b>Total</b>	<u>49000.00</u>	<u>34300.00</u>	<u>9800.00</u>	<u>44100.00</u>	<u>90%</u>	<u>4410.00</u>	<u>8820.00</u>
	II	I	G	A	I	K	E

**Entered By:** Morgan [Signature] 2/27/09 **Accounting** **Date**  
**Approved By:** Charles [Signature] 2/27/09 **Project Manager** **Date**

**SHADED AREA FOR OPUS ACCOUNTING USE ONLY**

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



**SUBCONTRACTOR APPLICATION FOR PAYMENT**

Name: Hill Country Galleria Project Number: 97337  
 Contractor: Cazzola Plumbing Date of Application: 02/01/08  
 Supplier #: \_\_\_\_\_  
 Address: 9201 Brown Lane Application Number: 2  
Austin, TX 78754 Period From: 12/15/07 Period To: 02/01/08  
 Phone: 512.719.3000  
 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		\$49,000.00
OPUS APPROVED CHANGE ORDER # 1 thru #		
CONTRACT AMOUNT TO DATE TOTAL		\$49,000.00

**APPLICATION INFORMATION**

A Total Completed & Stored to Date \$ 49,000.00  
 B Less Retainage 10 % \$ 4,900.00  
 C Total Earned less Retainage (A - B) \$ 44,100.00  
 D Less Previous Billings (previous req's line C) \$ 0.00  
 E Current Payment Due (C - D) \$ 44,100.00  
 F Balance to Finish, Plus Retainage (H - A + B) \$ 0.00  
 G Current Gross Amount Completed This Period \$ 44,100.00

SUBCONTRACTOR: Cazzola Plumbing Supplier #: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 DATE: 02/01/08

**APPLICATION BREAKDOWN**

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

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		G - K
Total	H	I	G	A	F	K	E

Entered By: [Signature] Accounting Date: 02/01/08  
 Approved By: Charles Cazzola Project Manager Date: 02/01/08

**SHADED AREA FOR OPUS ACCOUNTING USE ONLY**

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



# SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Hill Country Galleria  
 Subcontractor: Cazzola Plumbing  
 Supplier #: \_\_\_\_\_  
 Address: 9201 Brown Lane  
Austin, TX 78754  
 Phone: 512.719.3000  
 Remittance Address: Opus West Construction Corporation  
Attn: Accounts Payable  
15455 N. Dallas Parkway  
Addison, TX 75001

Project Number: 97337  
 Date of Application: \_\_\_\_\_  
 Application Number: \_\_\_\_\_  
 Period From: \_\_\_\_\_ Period To: \_\_\_\_\_

### CONTRACT INFORMATION

ITEM	SALES TAX \$(if applicable)	TOTAL \$(
ORIGINAL CONTRACT AMOUNT		\$49,000.00
OPUS APPROVED CHANGE ORDER # 1 thru #		
CONTRACT AMOUNT TO DATE TOTAL		\$49,000.00

### APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 49,000.00  
 B Less Retainage 10 % \$ 4,900.00  
 C Total Earned less Retainage (A - B) \$ 44,100.00  
 D Less Previous Billings (previous req's line C) \$ 0.00  
 E Current Payment Due (C - D) \$ 44,100.00  
 F Balance to Finish, Plus Retainage (E - A + B) \$ 0.00  
 G Current Gross Amount Completed This Period \$ 44,100.00

SUBCONTRACTOR: Cazzola Plumbing Supplier #: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_

### APPLICATION BREAKDOWN

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

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		G - K
Total				A	J	K	E

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

SHADED AREA FOR OPUS ACCOUNTING USE ONLY







**SUBCONTRACTOR APPLICATION FOR PAYMENT**

Project Name: Hill Country Galleria Project Number: 97337  
 Subcontractor: Cazzola Plumbing Date of Application: \_\_\_\_\_  
 Supplier #: \_\_\_\_\_  
 Address: 9201 Brown Lane Application Number: \_\_\_\_\_  
Austin, TX 78754 Period From: \_\_\_\_\_ Period To: \_\_\_\_\_  
 Phone: 512.719.3000  
 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		\$49,000.00
CPUS APPROVED CHANGE ORDER # 1 thru #		
CONTRACT AMOUNT TO DATE TOTAL		\$49,000.00

**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 (E - A + B) \$ \_\_\_\_\_  
 G Current Gross Amount Completed This Period \$ \_\_\_\_\_

SUBCONTRACTOR: Cazzola Plumbing Supplier #: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_

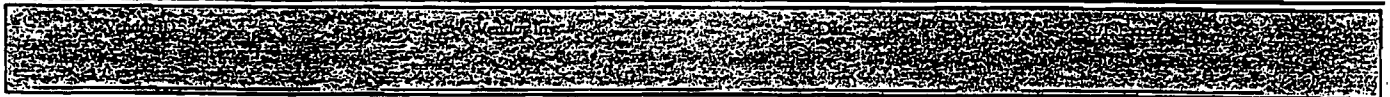
**APPLICATION BREAKDOWN**

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

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		D - K
Total							
	H	I	G	A	J	K	B

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

SHADED AREA FOR OPUS ACCOUNTING USE ONLY



# 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):**

<i>Creditor:</i> (12455220) Cazzola Plumbing, Inc. P.O. Box 181180 Austin, TX 78718	<b>Claim No: 22</b> <i>Original Filed</i> <i>Date: 11/09/2009</i> <i>Original Entered</i> <i>Date: 11/09/2009</i>	<i>Status:</i> <i>Filed by: CR</i> <i>Entered by: Ponder, B.</i> <i>Modified:</i>
--	---	--

Unsecured claimed: \$18130.00

**Total      claimed: \$18130.00**

<i>History:</i> Details <u>22-1</u> 11/09/2009 Claim #22 filed by Cazzola Plumbing, Inc., total amount claimed: \$18130 (Ponder, B. )
---

<i>Description:</i> (22-1) Labor & materials provided--construction contract
--

<i>Remarks:</i>
-----------------

## Claims Register Summary