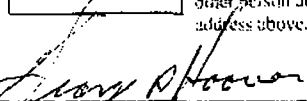



B-10 (Official Form 10) (12/07)

UNITED STATES BANKRUPTCY COURT		Northern District of Texas	PROOF OF CLAIM
Name of Debtor: In re Opus West Corporation		Case Number: 09-34356	
<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): ASI Millwork, Inc.		Check this box to indicate that this claim amends a previously filed claim. Court Claims Number: <i>(If known)</i> Filed on: _____	
Name and address where notices should be sent: ASI Millwork, Inc. 4921 Peachtree Road, Balch Springs, Texas 75180		Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. Check this box if you are the debtor or trustee in this case.	
Telephone number: (972) 557-9600			
Name and address where payment should be sent (if different from above): BMC GROUP		Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. Check this box if you are the debtor or trustee in this case.	
Telephone number:			
1. Amount of Claim as of Date Case Filed: \$ <u>27,377.60</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. 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. Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier. 11 U.S.C. § 507(a)(4). Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(6). Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). Other - Specify applicable paragraph of 11 U.S.C. § 507(a) _____. Amount entitled to priority: \$ _____ <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>millwork</u> (See instruction #2 on reverse side.)		Specify the priority of the claim. Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier. 11 U.S.C. § 507(a)(4). Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(6). Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). Other - Specify applicable paragraph of 11 U.S.C. § 507(a) _____. Amount entitled to priority: \$ _____ <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>	
3. Last four digits of any number by which creditor identifies debtor: _____ 5a. 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"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate: ____ % Amount of arrearage and other charges as of time case filed included in secured claim. If any: \$ _____ Basis for perfection: <u>Mechanic's lien</u> Amount of Secured Claim: \$ <u>27,377.60</u> Amount Unsecured: \$ _____			
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See 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: <u>11-9-09</u>  <u>George A. Hoover President</u>		FOR COURT USE ONLY OPUS WEST  00537	

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.

ASI Millwork, Inc.
4921 Peachtree Road
Balch Springs, Texas 75180

Telephone: (972) 557-9600

Facsimile: (972) 557-9999

May 15, 2009

Certified 7008 1300 0001 7023 2671
Return Receipt Requested and
Federal Express
Opus West LP
3555 East Camelback Road, Suite 800
Phoenix, AZ 85018

Certified 7008 1300 0001 7023 2695
Return Receipt Requested and
Facsimile (972) 392-8838
Opus West Construction Corporation
15455 North Dallas Parkway, Suite 450
Addison, TX 75001

Certified 7008 1300 0001 7023 2688
Return Receipt Requested and
Facsimile (602) 468-7045
Opus West LP
c/o Opus West Corporation, General
Partner
2555 East Camelback Road, Suite 800
Phoenix, AZ 85016

Certified 7008 1300 0001 7023 2701
Return Receipt Requested and
Federal Express
Opus West Construction Corporation
c/o Tax Department
10350 Bren Road West
Minnetonka, MN 55343

Certified 7008 1300 0001 7023 2862
Return Receipt Requested and
Facsimile (602) 468-7045
Opus West LP
2555 East Camelback Road, Suite 800
Phoenix, AZ 85016

RE: Notice of Unpaid Account
Project: Energy Crossing Spec Office
15021 Katy Freeway
Houston, Texas
Amount Unpaid: \$154,976.00

Dear Sirs/Madams:

ASI Millwork, Inc. has furnished labor and/or materials to the above-referenced project under a contract with Opus West Construction Corporation. There remains due and owing \$154,976.00 for such labor and/or materials furnished to Opus West Construction Corporation as more fully set forth on the attached statements and billings sent to Opus West Construction Corporation.

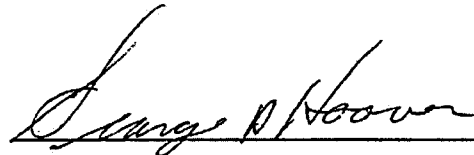
This claim has accrued under § 53.053 of the Texas Property Code and/or is past-due under the terms of the contract referenced above. Demand is hereby made under §53.083 of the Texas Property Code for payment of the amount set forth above.

This notice is sent to comply with the requirements of § 53.056 of the Texas Property Code, which requires that we advise you that if this claim remains unpaid, you may be personally liable and your property subjected to a lien unless payment is withheld from Opus West Construction Corporation for the payment of this claim or unless the claim is otherwise paid or settled.

Pursuant to the laws of the State of Texas, attached is a copy of a Lien Affidavit and Claim filed of record.

ASI Millwork, Inc.

By:

A handwritten signature in cursive script, appearing to read "George A. Hoover", is written over a horizontal line.

George A. Hoover, President

ASI Millwork, Inc.
4921 Peachtree Road
Balch Springs, Texas 75180

Telephone: (972) 557-9600

Facsimile: (972) 557-9999

Statement of Account

<u>Date</u>	<u>Invoice No.</u>	<u>Amount</u>
3/05/09	No. 10194	\$127,598.40
4/28/09	No. 10228	\$11,880.00
4/28/09	No. 10229	\$15,497.60
	Amount Due, Owing And Unpaid:	<u>\$154,976.00</u>

*Invoices attached



4921 Peachtree Road
Balch Springs, TX. 75180

Invoice

DATE	INVOICE #
3/5/2009	10194

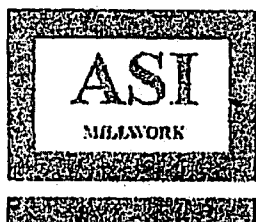
SOLD TO
Opus West Construction Corp. 15455 North Dallas Pkwy. #450 Addison, TX 75001 Attn: Accounts Payable

SHIP TO
Energy Crossing Spec Office Project #10592 Pay App#1

JOB NO.	TERMS	DUE DATE
3118	Net 30	4/4/2009

DESCRIPTION	AMOUNT
Furnish material, labor & equipment to install millwork: \$152,576.00 - per contract \$141,776.00 - completed \$ 14,177.60 less 10% retainage Amount this pay request Material Tax Included	127,598.4
Total	\$127,598.4

Invoice



4921 Peachtree Road
Balch Springs, TX. 75180

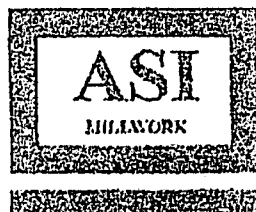
DATE	INVOICE
4/28/2009	10228

SOLD TO
Opus West Construction Corp. 15455 North Dallas Pkwy. #450 Addison, TX 75001 Attn: Accounts Payable

SHIP TO
Energy Crossing Spec Office Project #10592 Pay App#2

JOB NO.	TERMS	DUE DATE
3118	Net 30	5/28/2009

DESCRIPTION	AMOUNT
Furnish material, labor & equipment to install millwork: \$154,976.00 - per adjusted contract <\$ 15,497.60>- less 10% retainage <\$127,598.40>- less previously invoiced Amount this pay request Material Tax Included	11,880.00
Total	\$11,880.00



4921 Peachtree Road
Balch Springs, TX. 75180

Invoice

DATE	INVOICE
4/28/2009	10229

SOLD TO
Opus West Construction Corp. 15455 North Dallas Pkwy. #450 Addison, TX 75001 Attn: Accounts Payable

SHIP TO
Energy Crossing Spec Office Project #10592 Pay App#3

JOB NO.	TERMS	DUE DATE
3118	Net 30	5/28/2009

DESCRIPTION	AMOUNT
Furnish material, labor & equipment to install millwork: \$154,976.00 - per adjusted contract <\$139,478.40>- less previously invoiced Amount this pay request 10% retained Material Tax Included	15,497.60
Total	\$15,497.60

5
LAST
J

LIEN AFFIDAVIT AND CLAIM

THE STATE OF TEXAS

§
§
§

20090204848
05/14/2009 RP3 \$32.00

COUNTY OF DALLAS

BEFORE ME, the undersigned authority, personally appeared George A. Hoover, who upon his oath, deposed and stated the following:

1. My name is George A. Hoover. I am a resident of Van Zandt County, Texas and I have personal knowledge of the facts stated herein. I am President of ASI Millwork, Inc., which is hereinafter sometimes referred to as "Claimant." I am over 18 years of age and am competent and authorized to make this affidavit.

2. Claimant's mailing business address is 4921 Peachtree Road, Balch Springs, Texas 75180 and its physical address is the same as Claimant's mailing address.

3. Claimant furnished labor and materials for improvements to the real property described herein under a contract by and between Claimant and Opus West Construction Corporation, whose last known address is 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001 and Opus West Construction Corporation, c/o Tax Department, 10350 Bren Road West, Minnetonka, Minnesota 55343. The Owner or reputed Owner of the real property described herein is Opus West LP, whose last known addresses are 2555 East Camelback Road, Suite 800, Phoenix, Arizona 85016 and 3555 East Camelback Road, Suite 800, Phoenix, Arizona 85018 and Opus West LP, c/o Opus West Corporation, General Partner, 2555 East Camelback Road, Suite 800, Phoenix, Arizona 85016.

4. The labor, materials, and work furnished by Claimant are generally described as follows: Furnish and install cherry wall panels, doors, door frames and security desk with granite top. Incurred overtime to complete the job on schedule.

5. The real property sought to be charged with a lien by Claimant is described as Energy Crossing Spec Office project, 15021 Katy Freeway, Houston, Harris County, Texas and further described as follows:

A tract of land containing approximately 16.898 acres, more or less, out of the David Middleton Survey, Abstract 535, Harris County, Texas, and being out of and a part of that called 12.000 acres conveyed to KT-6A Corporation, a Nevada corporation, in instrument filed for record under Harris County Clerk's File No. J299042 in the Official Public Records of Real Property of Harris County Texas and a tract of land containing 4.982 acres of land more or less out of the David Middleton Survey, Abstract 535, Harris County, Texas and being a part of that called 4.982 acres conveyed to KT6-B Corporation, a Nevada corporation in instrument filed for record under Harris County Clerk's File No. J299040 in the Official Public Records of Real Property of Harris County Texas together with (i) all buildings, improvements and fixtures; and (ii) all rights, privileges, and

appurtenances pertaining to the Property, including Grantor's right, title, and interest in any adjacent streets, alleys, strips, gores, and rights-of-way, all being more particularly described on *Exhibit A* attached hereto.

6. Claimant furnished labor and materials under a direct contractual relationship with Opus West Construction Corporation. Upon information and belief, the Owner, Opus West LP, contracted with Opus West Construction Corporation for the construction or repair of a house, building or improvements on the real property described herein. Upon information and belief, Opus West LP can effectively control Opus West Construction Corporation through ownership of voting stock, interlocking directorships or otherwise. Therefore, pursuant to Section 53.026 of the Texas Property Code, Claimant herein should be considered to be in direct contractual relationship with the Owner, Opus West LP, and have a lien as an original contractor.

7. Pursuant to Section 53.026 of the Texas Property Code and the preceding paragraph, Claimant is an original contractor for the improvements for which a lien is claimed.

8. After allowing all just credits, offsets, and payments, the amount of 154,976.00 remains unpaid and is due and owing to Claimant, and Claimant claims a lien on said property and improvements under the provisions of Texas Property Code Section 53.001 *et seq.* to secure payment of said amount.

9. The month or months that the work was done and materials were furnished for which payment is requested are February, March and April 2009.

10. Notice of the claim was sent to the Owner on the following dates and by the following method:

	<u>Date sent</u>	<u>Method Sent</u>
a.	May <u>15</u> , 2009	Certified Mail, Return Receipt Requested

11. Claimant also claims a constitutional lien on the above-described real property pursuant to the provisions of Article 16, Section 37 of the Constitution of the State of Texas to secure payment of the amount of its claim.

12. One (1) copy of this Affidavit is being sent certified mail, return receipt requested to the above-described Owner, addressed to its last known addresses and is being sent by certified mail, return receipt requested to Opus West Construction Corporation, addressed to its last known address.

ASI Millwork, Inc.

By: 
George A. Hoover, President

10

SUBSCRIBED AND SWORN TO AND ACKNOWLEDGED before me by the
said George A. Hoover, President of ASI Millwork, Inc., on this 13th day of May,
2009, to certify which witness my hand and seal of office.

Cynthia M. Page

Notary Public In and For the State of Texas



FILED

2009 MAY 14 AM 11:00

Barbara A. [Signature]
COUNTY CLERK
HARRIS COUNTY, TEXAS

EXHIBIT "A"

16.898 ACRES
736,065 SQUARE FEET
DAVID MIDDLETON SURVEY
ABSTRACT 535
HARRIS COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 16.898 acre (736,065 square feet) tract of land located in the David Middleton Survey, Abstract Number 535, Harris County, Texas, said 16.898 acre tract of land being all of a called 12,000 acre tract described deed to KTB-A Corporation, recorded under Harris County Clerk's File Number (H.C.C.F. No.) J299042, and all of a called 4.982 acre tract described in deed to KT-68 in H.C.C.F. No. J299040, said 16.898 acre tract being more particularly described by metes and bounds as follows (The bearings described herein are based on the western line of said called 4.982 acre tract):

BEGINNING at a 1/2-inch iron rod found at the southern corner of said called 12,000 acre tract, being the southwest corner of a called 3.298212 acre tract described in deed to M. Hassan Kozemhi and Mohammed Ali Mallaol Mehrjerdi, recorded under H.C.C.F. No. J515174, and being on a northwest line of Barker Reservoir;

THENCE, North 47° 32' 38" West, along the common line of said called 12,000 acre tract and said Barker Reservoir, and the common line of aforesaid called 4.982 acre tract and said Barker Reservoir, a distance of 831.58 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking an interior corner of the herein described tract, from which a U.S. Corps of Engineers disk set in concrete bears South 33° 30' 48" East, a distance of 1.82 feet;

THENCE, South 88° 27' 00" West, continuing along the common line of said 4.982 acre tract and said Barker Reservoir, a distance of 421.62 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking the southwest corner of the herein described tract;

THENCE, North 01° 23' 09" West, at a distance of 60.00 feet passing a 3/8-inch iron rod found marking the southeast corner of a called 1.4014 acre tract described in deed to Nasy Lodging Group, Inc., recorded under H.C.C.F. No. U600708, and continuing for a total distance of 490.91 feet to an "X" set in concrete and marking the northwest corner of the herein described tract and the northeast corner of said called 1.4014 acre tract, and being in the southerly Right-of-Way line of Interstate Highway 10 (width varies);

THENCE, South 87° 21' 06" East, along said southerly Right-of-Way line of Interstate Highway 10, a distance of 132.02 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set;

THENCE, continuing along said southerly Right-of-Way line in a easterly direction, along the arc of a curve to the left, having a radius of 5,769.58 feet, a central angle of 04° 00' 00" (chord bears South 89° 21' 06" East, 402.71 feet) and an arc distance of 402.79 feet, to a 3/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set marking an interior corner of the herein described tract;

THENCE, North 88° 38' 54" East, continuing along said southerly Right-of-Way line, a distance of 486.55 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking the most northerly northeast corner of the herein described tract, being the northwest corner of a called 2.5391 acre tract described in deed to Motel 6-Site No. 1139 recorded under Volume 350, Page 30 of the Harris County Map Records;

THENCE, South 01° 28' 15" East, continuing along the common line of said called 12,000 acre tract and said called 2.5391 acre tract, a distance of 533.31 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking an interior corner of the herein described tract, being the southwest corner of said called 2.5391 acre tract;

THENCE, North 88° 35' 13" East, along the common line of said called 12,000 acre tract and said called 2.5391 acre tract, a distance of 414.78 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking the most easterly northeast corner of the herein described tract, being on the westerly Right-of-Way line of State Highway 6 (width varies);

THENCE, South 02° 25' 44" East, along said westerly Right-of-Way line, a distance of 89.65 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking an exterior corner of the herein described tract;

THENCE, North 47° 01' 45" West, continuing along said westerly Right-of-Way line, a distance of 14.27 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking an interior corner of the herein described tract;

THENCE, South 88° 36' 30" West, continuing along said westerly Right-of-Way line, a distance of 55.30 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking an interior corner of the herein described tract;

THENCE, South 47° 40' 00" East, continuing along said westerly Right-of-Way line, a distance of 59.14 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking an exterior corner of the herein described tract;

THENCE, South 02° 40' 00" East, continuing along said westerly Right-of-Way line, a distance of 88.14 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking an exterior corner of the herein described tract, being the northeast corner of aforesaid 3.98212 acre tract;

THENCE, South 88° 41' 35" West, along the common line of aforesaid 12,000 acre tract and said 3.98212 acre tract, a distance of 395.65 feet, to a 1/2-inch iron rod found and marking an interior corner of the herein described tract, being the northwest corner of said 3.98212 acre tract;

THENCE, South 01° 26' 53" East, continuing along said common line, a distance of 298.55 feet, to the POINT OF BEGINNING and containing a computed area of 16.898 acres (736,065 square feet) of land as depicted on the ALTA/ACSM Land Title Survey dated May 3, 2007, prepared by West Belt Surveying, Inc., Project No. 5346-0084A.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS

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

MAY 14 2009



Beverly L. Kaufman

COUNTY CLERK
HARRIS COUNTY, TEXAS

After Recording, please return to:

Thomas, Feldman & Wilshusen

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage)

For delivery information visit our website at www.usps.com

OFFICIAL

Postage	\$	ASIM Energy Co. 05/15/09
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total:

Sent **Opus West LP**
 3555 E. Camelback Rd., Ste. 8
 Phoenix, AZ 85018

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Opus West LP
 3555 E. Camelback Rd., Ste. 800
 Phoenix, AZ 85018

2. Article Number
 (Transfer from service label)

7008 1300 0001 7023 2671

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

PS Form 3800, August 2006

See Reverse for Instructions

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) *McGomez* C. Date of Delivery *05/15/09*

D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

2555

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage)

For delivery information visit our website at www.usps.com

OFFICIAL

Postage	\$	ASIM-C Energy Co. 05/15/09
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Opus West LP
 c/o Opus West Corp., General Partner
 2555 E. Camelback Rd., Ste. 800
 Phoenix, AZ 85016

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Opus West LP
 c/o Opus West Corp., General Partner
 2555 E. Camelback Rd., Ste. 800
 Phoenix, AZ 85016

2. Article Number
 (Transfer from service label)

7008 1300 0001 7023 2688

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) *McGomez* C. Date of Delivery *05/15/09*

D. Is delivery address different from item 1? ☐ Yes ☒ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com.**OFFICIAL USE**

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

 AS Im-Gn
 Energy Crossing
 05/15/05
 Postmark
 Here

 1, 2, and 3. Also complete
 Delivery is desired.
 and address on the reverse
 return the card to you.
 to the back of the mailpiece,
 if space permits.

 to:
 LP
 Camelback Rd., Ste. 800
 AZ 85016

 To
 Opus West LP
 2555 E. Camelback Rd., Ste. 800
 Phoenix, AZ 85016

PS Form 3800, August 2006

See Reverse for Instructions

COMPLETE THIS SECTION ON DELIVERY

 A. Signature *[Signature]* ☐ Agent
☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Service label)

7008 1300 0001 7023 2862

February 2004

Domestic Return Receipt

102595-02-M-15

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com.**OFFICIAL USE**

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

 AS Im-Gn
 Energy Crossing
 05/15/05
 Postmark
 Here

COMPLETE THIS SECTION

 1, 2, and 3. Also complete
 Delivery is desired.
 and address on the reverse
 return the card to you.
 to the back of the mailpiece,
 if space permits.

 to:
 Construction Corp.
 Dallas Parkway, Ste. 450
 Texas 75001

COMPLETE THIS SECTION ON DELIVERY

 A. Signature *[Signature]* ☐ Agent
☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes
 To
 Opus West Construction Corp.
 15455 N. Dallas Parkway, Ste. 450
 Addison, Texas 75001

PS Form 3800, August 2006

See Reverse for Instructions

Service label)

7008 1300 0001 7023 2695

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL U.S.

Postage \$
 Certified Fee
 Return Receipt Fee
 (endorsement Required)
 Restricted Delivery Fee
 (endorsement Required)

Asim-Gen
 Energy Cross
 05/15/05
 Postm
 Her

1 Opus West Construction Corp.
 c/o Tax Department
 10350 Bren Road West
 Minnetonka, MN 55343

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Opus West Construction Corp.
 c/o Tax Department
 10350 Bren Road West
 Minnetonka, MN 55343

2. Article Number

(Transfer from service label)

7008 1300 0001 7023 2701

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

Veronica

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

MAY 10 2005

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

From: Origin ID: TRLA (214) 369-3008
Gayle Seibel
Thomas, Feldman & Wilshusen
9400 N. CENTRAL EXPWY
SUITE 900
DALLAS, TX 75231



Ship Date: 15MAY09
ActWgt: 1.0 LB
CAD: 2232360/NET9011
Account#: S *****

Delivery Address Bar Code



Ref # asim-gen (energy crossing)
Invoice #
PO #
Dept #

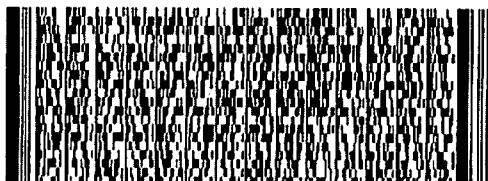
SHIP TO: (000) 000-0000

BILL SENDER

Opus West LP

3555 E CAMELBACK RD STE 800

PHOENIX, AZ 85018

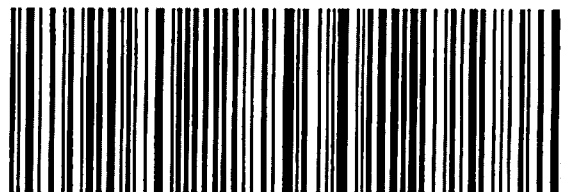


TRK# 7975 9612 2341
0201

MON - 18MAY A1
STANDARD OVERNIGHT

SA ZSYA

85018
AZ-US
PHX



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2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

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Subject: FedEx Shipment 797596122341 Delivered
Date: Monday, May 18, 2009 11:59 AM
From: TrackingUpdates@fedex.com
Reply-To: trackingmail@fedex.com
To: Jeanette Bell jbell@tfandw.com
Conversation: FedEx Shipment 797596122341 Delivered

This tracking update has been requested by:

Company Name: Thomas, Feldman & Wilshusen
Name: Gayle Seibel
E-mail: jbell@tfandw.com

Our records indicate that the following shipment has been delivered:

Reference: asim-gen (energy crossing)
Ship (P/U) date: May 15, 2009
Delivery date: May 18, 2009 9:57 AM
Sign for by: M.GOMEZ
Delivered to: Receptionist/Front Desk
Service type: FedEx Standard Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Deliver Weekday

Tracking number: 797596122341

Shipper Information

Gayle Seibel
Thomas, Feldman & Wilshusen
9400 N. CENTRAL EXPWY; SUITE 900
DALLAS
TX
US
75231

Recipient Information

Opus West LP
3555 E CAMELBACK RD STE 800
PHOENIX
AZ
US
85018

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All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to fedex.com.

Thank you for your business.

From: Origin ID: TRLA (214) 369-3008
Gayle Seibel
Thomas, Feldman & Wilshusen
9400 N. CENTRAL EXPWY
SUITE 900
DALLAS, TX 75231



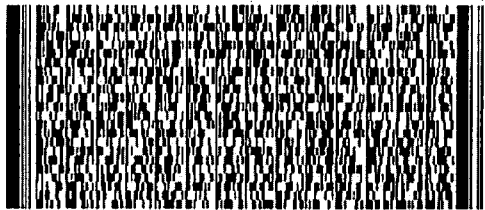
Ship Date: 15MAY09
ActWgt: 1.0 LB
CAD: 2232360/MNET9011
Account#: S *****

Delivery Address Bar Code



Ref # asim-gen (energy crossing)
Invoice #
PO #
Dept #

SHIP TO: (000) 000-0000 BILL SENDER
Opus West Construction Corporation
c/o Tax Department
10350 BREN RD W
WEST
MINNETONKA, MN 55343

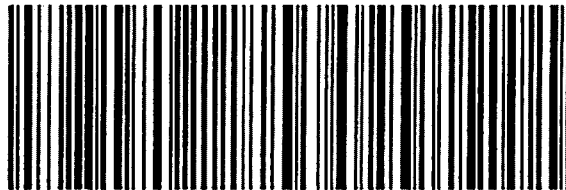


TRK# 7975 9613 7940
0201

MON - 18MAY A1
STANDARD OVERNIGHT

SE BBBA

55343
MN-US
MSP



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3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

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Monday, May 18, 2009 10:38 AM

Subject: FedEx Shipment 797596137940 Delivered
Date: Monday, May 18, 2009 10:24 AM
From: TrackingUpdates@fedex.com
Reply-To: trackingmail@fedex.com
To: Jeanette Bell jbell@tfandw.com
Conversation: FedEx Shipment 797596137940 Delivered

This tracking update has been requested by:

Company Name: Thomas, Feldman & Wilshusen
Name: Gayle Seibel
E-mail: jbell@tfandw.com

Our records indicate that the following shipment has been delivered:

Reference: asim-gen (energy crossing)
Ship (P/U) date: May 15, 2009
Delivery date: May 18, 2009 10:23 AM
Sign for by: E.SWANSON
Delivered to: Receptionist/Front Desk
Service type: FedEx Standard Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Deliver Weekday

Tracking number: 797596137940

Shipper Information	Recipient Information
Gayle Seibel	Opus West Construction
Thomas, Feldman & Wilshusen	Corporation
9400 N. CENTRAL EXPWY; SUITE 900	c/o Tax Department
DALLAS	10350 BREN RD W; WEST
TX	MINNETONKA
US	MN
75231	US
	55343

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Thank you for your business.

ASI Millwork, Inc.
4921 Peachtree Road
Balch Springs, Texas 75180

Telephone: (972) 557-9600

Facsimile: (972) 557-9999

May 15, 2009

FACSIMILE TRANSMISSION COVERSHEET

SENT FROM: George A. Hoover

TOTAL NO. OF PAGES: 12
(Including Coversheet)

CASE CODE: asim-gen (energy crossing) **TIME:**

INITIALS: jcb

PLEASE FORWARD TO THE FOLLOWING:

ADDRESSEE:	FACSIMILE NUMBER:
Opus West LP	(602) 468-7045
Opus West Construction Corporation	(972) 392-8838

PLEASE NOTE: The information contained in this facsimile message may be privileged and confidential and is intended only for the use of the individual named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, or if any problems occur with this transmission, please notify us immediately by telephone: (214) 369-3008, and return the original message to us at the address above via the United States mail. Thank you.

MESSAGE:

Please see the attached.

Thank you.

☒ Original To Follow By Mail

☐ Original Not To Follow By Mail

**** Transmit Conf. Report ****

P.1

May 15 2009 12:48

Telephone Number	Mode	Start	Time	Page	Result	Note
16024687045	NORMAL	15,12:44	3'25"	12	* O K	BRDCAST

Telephone Number	Mode	Start	Time	Page	Result	Note
9723928838	NORMAL	15,12:40	3'22"	12	* O K	BRDCAST

ASI Millwork, Inc.
4921 Peachtree Road
Balch Springs, Texas 75180

Telephone: (972) 557-9600

Facsimile: (972) 557-9999

May 15, 2009

FACSIMILE TRANSMISSION COVERSHEET

SENT FROM: George A. Hoover

TOTAL NO. OF PAGES: 12
(Including Coversheet)

CASE CODE: asim-gen (energy crossing) **TIME:**

INITIALS: jcb

PLEASE FORWARD TO THE FOLLOWING:

ADDRESSEE:
Opus West LP
Opus West Construction Corporation

FACSIMILE NUMBER:
(602) 468-7045
(972) 392-8838

PLEASE NOTE: The information contained in this facsimile message may be

LIEN AFFIDAVIT AND CLAIM

THE STATE OF TEXAS

§
§
§

COUNTY OF DALLAS

20090204848
05/14/2009 RP3 \$32.00

BEFORE ME, the undersigned authority, personally appeared George A. Hoover, who upon his oath, deposed and stated the following:

1. My name is George A. Hoover. I am a resident of Van Zandt County, Texas and I have personal knowledge of the facts stated herein. I am President of ASI Millwork, Inc., which is hereinafter sometimes referred to as "Claimant." I am over 18 years of age and am competent and authorized to make this affidavit.

2. Claimant's mailing business address is 4921 Peachtree Road, Balch Springs, Texas 75180 and its physical address is the same as Claimant's mailing address.

3. Claimant furnished labor and materials for improvements to the real property described herein under a contract by and between Claimant and Opus West Construction Corporation, whose last known address is 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001 and Opus West Construction Corporation, c/o Tax Department, 10350 Bren Road West, Minnetonka, Minnesota 55343. The Owner or reputed Owner of the real property described herein is Opus West LP, whose last known addresses are 2555 East Camelback Road, Suite 800, Phoenix, Arizona 85016 and 3555 East Camelback Road, Suite 800, Phoenix, Arizona 85018 and Opus West LP, c/o Opus West Corporation, General Partner, 2555 East Camelback Road, Suite 800, Phoenix, Arizona 85016.

4. The labor, materials, and work furnished by Claimant are generally described as follows: Furnish and install cherry wall panels, doors, door frames and security desk with granite top. Incurred overtime to complete the job on schedule.

5. The real property sought to be charged with a lien by Claimant is described as Energy Crossing Spec Office project, 15021 Katy Freeway, Houston, Harris County, Texas and further described as follows:

A tract of land containing approximately 16.898 acres, more or less, out of the David Middleton Survey, Abstract 535, Harris County, Texas, and being out of and a part of that called 12.000 acres conveyed to KT-6A Corporation, a Nevada corporation, in instrument filed for record under Harris County Clerk's File No. J299042 in the Official Public Records of Real Property of Harris County Texas and a tract of land containing 4.982 acres of land more or less out of the David Middleton Survey, Abstract 535, Harris County, Texas and being a part of that called 4.982 acres conveyed to KT6-B Corporation, a Nevada corporation in instrument filed for record under Harris County Clerk's File No. J299040 in the Official Public Records of Real Property of Harris County Texas together with (i) all buildings, improvements and fixtures; and (ii) all rights, privileges, and

appurtenances pertaining to the Property, including Grantor's right, title, and interest in any adjacent streets, alleys, strips, gores, and rights-of-way, all being more particularly described on *Exhibit A* attached hereto.

6. Claimant furnished labor and materials under a direct contractual relationship with Opus West Construction Corporation. Upon information and belief, the Owner, Opus West LP, contracted with Opus West Construction Corporation for the construction or repair of a house, building or improvements on the real property described herein. Upon information and belief, Opus West LP can effectively control Opus West Construction Corporation through ownership of voting stock, interlocking directorships or otherwise. Therefore, pursuant to Section 53.026 of the Texas Property Code, Claimant herein should be considered to be in direct contractual relationship with the Owner, Opus West LP, and have a lien as an original contractor.

7. Pursuant to Section 53.026 of the Texas Property Code and the preceding paragraph, Claimant is an original contractor for the improvements for which a lien is claimed.

8. After allowing all just credits, offsets, and payments, the amount of 154,976.00 remains unpaid and is due and owing to Claimant, and Claimant claims a lien on said property and improvements under the provisions of Texas Property Code Section 53.001 et seq. to secure payment of said amount.

9. The month or months that the work was done and materials were furnished for which payment is requested are February, March and April 2009.

10. Notice of the claim was sent to the Owner on the following dates and by the following method:

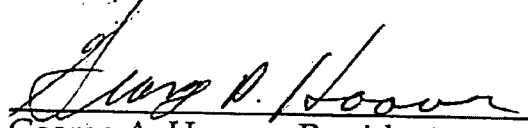
	<u>Date sent</u>	<u>Method Sent</u>
a.	May <u>15</u> , 2009	Certified Mail, Return Receipt Requested

11. Claimant also claims a constitutional lien on the above-described real property pursuant to the provisions of Article 16, Section 37 of the Constitution of the State of Texas to secure payment of the amount of its claim.

12. One (1) copy of this Affidavit is being sent certified mail, return receipt requested to the above-described Owner, addressed to its last known addresses and is being sent by certified mail, return receipt requested to Opus West Construction Corporation, addressed to its last known address.

ASI Millwork, Inc.

By:


George A. Hoover, President

18

SUBSCRIBED AND SWORN TO AND ACKNOWLEDGED before me by the
said George A. Hoover, President of ASI Millwork, Inc., on this 13th day of May,
2009, to certify which witness my hand and seal of office.

Cynthia M. Page

Notary Public In and For the State of Texas



FILED

2009 MAY 14 AM 11:00

George A. Hoover
COUNTY CLERK
HARRIS COUNTY, TEXAS

EXHIBIT "A"

16.898 ACRES
736,065 SQUARE FEET
DAVID MIDDLETON SURVEY
ABSTRACT 535
HARRIS COUNTY, TEXAS

FIELD NOTE DESCRIPTION of a 16.898 acre (736,065 square feet) tract of land located in the David Middleton Survey, Abstract Number 535, Harris County, Texas, sold 16.898 acre tract of land being all of a called 12,000 acre tract described in deed to KT6-A Corporation, recorded under Harris County Clerk's File Number (H.C.C.F. No.) J299042, and all of a called 4.982 acre tract described in deed to KT-6B in H.C.C.F. No. J299040, said 16.898 acre tract being more particularly described by metes and bounds as follows (The bearings described herein are based on the western line of said called 4.982 acre tract):

BEGINNING at a 1/2-inch iron rod found at the southern corner of said called 12,000 acre tract, being the southwest corner of a called 3.298212 acre tract described in deed to M. Hassan Kozemini and Mohammad Ali Malloei Mehrjerdi, recorded under H.C.C.F. No. J515174, and being on a northwest line of Barker Reservoir;

THENCE, North 47° 32' 38" West, along the common line of said called 12,000 acre tract and said Barker Reservoir, and the common line of aforesaid called 4.982 acre tract and said Barker Reservoir, a distance of 831.58 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking an interior corner of the herein described tract, from which a U.S. Corps of Engineers disk set in concrete bears South 33° 30' 46" East, a distance of 1.82 feet;

THENCE, South 88° 27' 00" West, continuing along the common line of said 4.982 acre tract and said Barker Reservoir, a distance of 421.62 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking the southwest corner of the herein described tract;

THENCE, North 01° 23' 09" West, at a distance of 60.00 feet passing a 5/8-inch iron rod found marking the southeast corner of a called 1.4014 acre tract described in deed to Nasy Lodging Group, Inc., recorded under H.C.C.F. No. U600708, and continuing for a total distance of 490.91 feet to an "X" set in concrete and marking the northwest corner of the herein described tract and the northeast corner of said called 1.4014 acre tract, and being in the southerly Right-of-Way line of Interstate Highway 10 (width varies);

THENCE, South 87° 21' 06" East, along said southerly Right-of-Way line of Interstate Highway 10, a distance of 132.02 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set;

THENCE, continuing along said southerly Right-of-Way line in a easterly direction, along the arc of a curve to the left, having a radius of 5,769.58 feet, a central angle of 04° 00' 00" (chord bears, South 89° 21' 06" East, 402.71 feet) and an arc distance of 402.79 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set marking an interior corner of the herein described tract;

THENCE, North 88° 38' 54" East, continuing along said southerly Right-of-Way line, a distance of 486.55 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking the most northerly northeast corner of the herein described tract, being the County Corner of a called 2.5391 acre tract described in deed to Motel 6-Site No. 1139 recorded under Volume 350, Page 30 of the Harris County Map Records;

THENCE, South 01° 28' 15" East, continuing along the common line of said called 12,000 acre tract and said called 2.5391 acre tract, a distance of 533.31 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking an interior corner of the herein described tract, being the southwest corner of said called 2.5391 acre tract;

THENCE, North 88° 35' 13" East, along the common line of said called 12,000 acre tract and said called 2.5391 acre tract, a distance of 414.78 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking the most easterly northeast corner of the herein described tract, being on the westerly Right-of-Way line of State Highway 6 (width varies);

THENCE, South 02° 25' 44" East, along said westerly Right-of-Way line, a distance of 89.65 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking an exterior corner of the herein described tract;

THENCE, North 47° 01' 45" West, continuing along said westerly Right-of-Way line, a distance of 14.27 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking an interior corner of the herein described tract;

THENCE, South 88° 36' 30" West, continuing along said westerly Right-of-Way line, a distance of 55.30 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking an interior corner of the herein described tract;

THENCE, South 47° 40' 00" East, continuing along said westerly Right-of-Way line, a distance of 59.14 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking an exterior corner of the herein described tract;

THENCE, South 02° 40' 00" East, continuing along said westerly Right-of-Way line, a distance of 88.14 feet, to a 5/8-inch iron rod with an orange plastic cap stamped "West Belt Surveying Inc" set and marking an exterior corner of the herein described tract, being the northeast corner of aforesaid 3.98212 acre tract;

THENCE, South 88° 41' 35" West, along the common line of aforesaid 12,000 acre tract and said 3.98212 acre tract, a distance of 395.65 feet, to a 1/2-inch iron rod found and marking an interior corner of the herein described tract, being the northwest corner of said 3.98212 acre tract;

THENCE, South 01° 26' 53" East, continuing along said common line, a distance of 298.55 feet, to the POINT OF BEGINNING and containing a computed area of 16.898 acres (736,065 square feet) of land as depicted on the ALTA/ACSM Land Title Survey dated: May 3, 2007, prepared by West Belt Surveying, Inc., Project No. 5546-0084A.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL
PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS

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


MAY 14 2009



Dorothy L. Kayman

COUNTY CLERK
HARRIS COUNTY, TEXAS

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

After Recording, please return to: 

Thomas, Feldman & Wilshusen
9400 N. Central Expy., Suite 900
Dallas, Texas 75231

Northern District of Texas Claims Register

09-34356-hdh11 Opus West Corporation

Judge: Harlin DeWayne Hale

Chapter: 11

Office: Dallas

Last Date to file claims: 11/09/2009

Trustee:

Last Date to file (Govt):

<i>Creditor:</i> (12453515) ASI Millwork, Inc. 4921 South Peachtree Road Balch Springs, TX 75180	Claim No: 57 <i>Original Filed</i> <i>Date:</i> 11/09/2009 <i>Original Entered</i> <i>Date:</i> 11/09/2009	<i>Status:</i> <i>Filed by:</i> CR <i>Entered by:</i> Kennedy, Jason <i>Modified:</i>
Secured claimed: \$27377.60 Total claimed: \$27377.60		
<i>History:</i> <u>Details</u> <u>57-1</u> 11/09/2009 Claim #57 filed by ASI Millwork, Inc., total amount claimed: \$27377.6 (Kennedy, Jason)		
<i>Description:</i>		
<i>Remarks:</i>		

Claims Register Summary