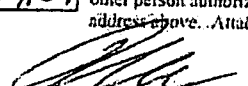



B-10 (Official Form 10) (12/07)

UNITED STATES BANKRUPTCY COURT		Northern District of Texas	PROOF OF CLAIM
Name of Debtor: In re Opus West Corporation		Case Number: 09-34356	
<small>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.</small>			
Name of Creditor (the person or other entity to whom the debtor owes money or property): T.A.S. Commercial Concrete Construction, L.L.C.		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.	
Name and address where notices should be sent: T.A.S. Commercial Concrete Construction, L.L.C. 19319 Oil Center Boulevard, Houston, Texas 77073		Court Claim Number: _____ (If known)	
Telephone number: (281) 230-7500		Filed on: _____	
Name and address where payment should be sent (if different from above):		<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.	
Telephone number:		<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>500,704.70</u>		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.	
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.		<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	
If all or part of your claim is entitled to priority, complete item 5.		<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"/> 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.		<input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5).	
2. Basis for Claim: <u>concrete work</u> (See instruction #2 on reverse side.)		<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).	
3. Last four digits of any number by which creditor identifies debtor: _____		<input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).	
3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		<input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(): _____	
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.		Amount entitled to priority: \$ _____	
Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other		*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.	
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>500,704.70</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>	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.		
 Bob Bacon, CFO			FOR COURT USE ONLY  00540

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 557.

T.A.S. Commercial Concrete Construction, L.L.C.

19319 Oil Center Boulevard
Houston, Texas 77073

Telephone: (281) 230-7500

Facsimile: (281) 230-7664

May 19, 2009

Certified #7008 1300 0001 7023 3975
Return Receipt Requested and
Fax No. (972) 392-8838

Opus West, LP
15455 N. Dallas Parkway, Suite 450
Addison, TX 75001

Certified #7008 1300 0001 7023 3982
Return Receipt Requested and
Fax No. (866) 592-6139

Opus West, LP
2555 East Camelback Road, Suite 800
Phoenix, AZ 85016

Certified #7008 1300 0001 7023 3999
Return Receipt Requested and
(972) 392-8838

Opus West Construction Corporation
15455 N. Dallas Parkway, Suite 450
Addison, TX 75001

Certified #7008 1300 0001 7023 4002
Return Receipt Requested and
Fax No. (952) 656-4529

Opus West Construction Corporation
10350 Bren Road West
Minnetonka, MN 55343

RE: Notice of Unpaid Account
Project: Two Addison Circle Spec Office
15725 North Dallas Parkway
Addison, TX 75001
Amount Unpaid: \$419,010.00

Dear Sirs/Madams:

T.A.S. Commercial Concrete Construction, L.L.C. f/k/a T.A.S. Commercial Concrete Construction, L.P. has furnished labor and materials to the above-referenced project under a contract with Opus West Construction Corporation. There remains due and owing \$419,010.00 for such labor and materials furnished to Opus West Construction Corporation as more fully set forth on the attached pay applications 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

APPLICATION AND CERTIFICATE FOR PAYMENT

AIA DOCUMENT G702 (Instructions on reverse side)

PAGE ONE

CONTRACTOR: OPUS WEST CONSTRUCTION

PROJECT: TWO ADDISON CIRCLE

APPLICATION NO.: 90011

PERIOD TO: 01/31/2009

PROJECT NOS.: 65002

OWNER SUB-CONTRACTOR:

VIA ARCHITECT:

T.A.S. COMMERCIAL CONCRETE

CONTRACT DATE: 03/24/2008

Distribution to:

OWNER

ARCHITECT

CONTRACTOR

09-34356-003

CONTRACT NO: 65002

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract Continuation Sheet, (A Document G703 is attached).

ORIGINAL CONTRACT SUM.....\$ 3,812,005.00

Net change by Change Orders.....\$ 205,975.00

CONTRACT SUM TO DATE (Line 1 + 2).....\$ 4,017,980.00

TOTAL COMPLETED & STORED TO DATE.....\$ 4,017,980.00
(Column G on G703)

RETAINAGE.....\$.00

TOTAL EARNED LESS RETAINAGE.....\$ 4,017,980.00
(Line 4 less Line 5 Total)

LESS PREVIOUS CERTIFICATES FOR PAYMENT.....\$ 3,616,182.00
(Line 6 from prior Certificate)

CURRENT PAYMENT DUE.....\$ 401,798.00

BALANCE TO FINISH, INCLUDING RETAINAGE.....\$.00
(Line 3 less Line 6)

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown here is now due.

CONTRACTOR:

By:

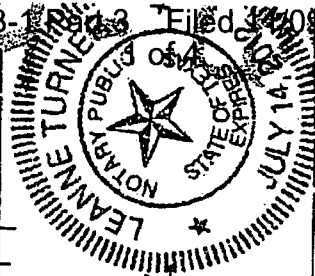
Date: 1/12/09

State of Texas
County of Dallas
Subscribed and sworn to before

me this 12th day of JANUARY, 2009

Notary Public:

My Commission expires: 7/14/2009



ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work in accordance with the Contract Documents, and the Contractor is entitled to payment of Amount Certified.

AMOUNT CERTIFIED

Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.

ARCHITECT:

By:

Date:

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of Payment are without prejudice to any rights of the Owner or Contractor under this Contract.

COPY

LIEN AFFIDAVIT AND CLAIM

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, personally appeared Jimmy Popelka, who upon his oath, deposed and stated the following:

1. My name is Jimmy Popelka and I am a resident of Dallas County, Texas. I am Vice President of T.A.S. Commercial Concrete Construction, L.L.C. f/k/a T.A.S. Commercial Concrete Construction, L.P., 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 and physical address is 19319 Oil Center Boulevard, Houston, Texas 77073.

3. Claimant furnished labor and materials for improvements to the property described herein under a contract by and between Claimant and Opus West Construction Corporation, the original contractor on the project, whose last known addresses are 15455 N. Dallas Parkway, Suite 450, Addison, Texas 75001 and 10350 Bren Road West, Minnetonka, Minnesota 55343.

4. The name of the owner or reputed owner of the real estate hereinafter described is Opus West LP, whose last known addresses are 15455 N. Dallas Parkway, Suite 450, Addison, Texas 75001 and 2555 East Camelback Road, Suite 800, Phoenix, Arizona 85016.

5. The labor, materials, and work furnished by Claimant are generally described as follows: Concrete work.

6. The real property sought to be charged with a lien by Claimant is described as the Two Addison Circle Spec Office project located 15725 North Dallas Parkway, Addison, Dallas County, Texas and also described in Exhibit "A" attached hereto and incorporated herein by reference.

7. After allowing all just credits, offsets, and payments, the amount of \$419,010.00 remains unpaid and is due and owing to Claimant under its contract with Opus West Construction Corporation and Claimant claims a lien on said property and improvements under the provisions of Texas Property Code § 53.001 et seq. to secure payment of said amount.

8. The month or months that the work was done and materials were furnished for which payment is requested are March through December 2008 and January through April 2009.

9. 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.	April 15, 2008	Certified Mail, Return Receipt Requested
b.	May <u>20</u> , 2009	Certified Mail, Return Receipt Requested

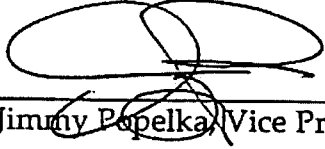
10. The name of the entity with which Claimant contracted on this project is Opus West Construction Corporation. Upon information and belief, Opus West LP can effectively control Opus West Construction Corporation through ownership of voting stock, interlocking directorships or otherwise. Further, upon information and belief, Opus West Construction Corporation can effectively control Opus West LP through ownership of voting stock, interlocking directorships or otherwise. Further, upon information and belief, Opus West LP contracted with Opus West Construction Corporation for the construction or repair of a house, building, or improvements and the contract was made without good faith intention of the parties that Opus West Construction Corporation was to perform the contract. Pursuant to Section 53.026 of the Texas Property Code, Claimant herein should be considered to be in direct contractual relationship with the owner and have a lien as an original contractor.

11. Since Claimant contracted directly with the owner, Claimant also claims its constitutional lien on the above-described real property pursuant to Article 16, §37 of the Constitution of the State of Texas.

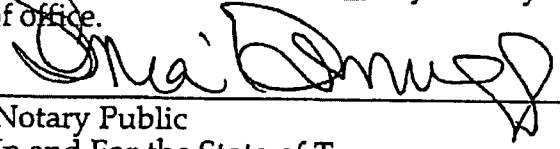
12. One (1) copy of this Affidavit is being sent by Certified Mail, Return Receipt Requested to the owner described above, addressed to the owner's last known address as described above and one (1) copy of this Affidavit is being sent by Certified Mail, Return Receipt Requested to the original contractor described above, addressed to the original contractor's last known addresses as described above.

T.A.S. Commercial Concrete Construction, L.L.C.
f/k/a T.A.S. Commercial Concrete Construction, L.P.

By:


Jimmy Popelka, Vice President

SUBSCRIBED AND SWORN TO AND ACKNOWLEDGED before me by the said Jimmy Popelka, Vice President of T.A.S. Commercial Concrete Construction, L.L.C. f/k/a T.A.S. Commercial Concrete Construction, L.P. this 19th day of May 2009, to certify which witness my hand and seal of office.


Notary Public
In and For the State of Texas

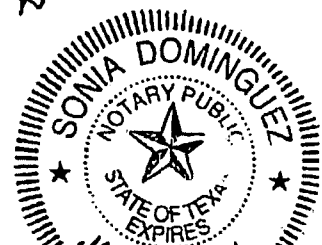


Exhibit A

BEING a tract of land situated in the G.W. FISHER SURVEY, Abstract No. 482, in the Town of Addison, Dallas County, Texas, and being a portion of two tracts of land described as Tract 4 (15.307 acres) and Tract 5 (0.293 of an acre) in instrument to Gaylord Properties, L.P. as recorded in Volume 97211, Page 01264. of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a "X" cut found in pavement at the intersection of the west right-of-way of Dallas Parkway (variable width) as evidenced by instrument to Gaylord Properties, L.P. (described as Tract 5) as recorded in Volume 97211, Page 01264. of the Deed Records of Dallas County, Texas with the northwesterly right-of-way line of Addison Circle (109 foot wide right-of-way at this point) as evidenced by plat of Addison Circle Phase II, an addition to the Town of Addison, Texas as recorded in Volume 97217, Page 3056 of the Deed Records of Dallas County, Texas;

THENCE, South 72 degrees 58 minutes 59 seconds West along the northerly right-of-way line of Addison Circle a distance of 247.36 feet to an "X" set in concrete for a corner, said point being the southeast corner of a 1.388 acre tract of land described in instrument to Amicus Partners, Ltd., a Texas limited partnership as recorded in Volume 99195, Page 07791 of the Deed Records of Dallas County, Texas, the same being the southeast corner of Lot 1, Block A of The Ashton, an addition to the Town of Addison, Texas as recorded in Volume 2000036, Page 2913 of the Deed Records of Dallas County, Texas;

THENCE, North 17 degrees 01 minute 01 second West along the easterly line of said 1.388 acre tract and said Lot 1, Block A of The Ashton a distance of 59.32 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE North 58 degrees 20 minutes 25 seconds West along the northeasterly line of said 1.388 acre tract and said Lot 1, Block A of The Ashton a distance of 261.51 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, North 89 degrees 04 minutes 47 seconds West along the northerly line of said 1.388 acre tract and said Lot 1, Block A of The Ashton a distance of 104.49 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner on the east right-of-way line of Spectrum Drive (69 feet wide at this point as established by plat recorded in Volume 2000036, Page 2913), said point being the northwest corner of said 1.388 acre tract and said Lot 1, Block A of The Ashton;

THENCE, North 00 degrees 55 minutes 13 seconds East along the east right-of-way line of said Spectrum Drive passing a 5/8 inch iron rod found for the northeast corner of said right-of-way at a distance of 9.78 feet and continuing in all a distance of 193.84 feet to a five-eighths inch iron rod set with "Huitt-Zollars" cap for a corner from which a 5/8 inch iron rod found with "Huitt-Zollars" cap bears North 00 degrees 55 minutes 13 seconds East at a

Exhibit A (Continued)

distance of 183.77 feet;

THENCE, South 89 degrees 04 minutes 47 seconds East a distance of 326.53 feet to a five-eighths inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, South 00 degrees 00 minutes 00 seconds East a distance of 72.87 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, North 90 degrees 00 minutes 00 seconds East a distance 239.67 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner on the westerly right-of-way line of Dallas Parkway as established by said instrument to Gaylord Properties, L.P., described as Tract 5 and recorded in Volume 97211, Page 01264 of the Deed Records of Dallas County, Texas, said point being the beginning of a non-tangent curve to the right having a radius of 626.62 feet;

THENCE, southwesterly along the west right-of-way line of Dallas Parkway and easterly line of said Gaylord Properties Tract 5 through a central angle of 05 degrees 29 minutes 07 seconds, an arc distance of 59.99 feet and being subtended by a chord bearing South 04 degrees 17 minutes 35 seconds East a distance of 59.97 feet to a cut "X" found on curb inlet at the end of said curve;

THENCE, South 01 degree 33 minutes 02 seconds East along the west right-of-way line of Dallas Parkway and easterly line of said Gaylord Properties Tract 5 a distance of 82.43 feet to a cut "X" found in pavement for the beginning of a curve to the left having a radius of 1,997.84 feet;

THENCE, southeasterly along the west right-of-way line of Dallas Parkway and easterly line of said Gaylord Properties Tract 5 and along said curve to the left through a central angle of 02 degrees 46 minutes 45 seconds, an arc distance of 96.91 feet and being subtended by a chord bearing South 02 degrees 56 minutes 29 seconds East a distance of 96.90 feet to the POINT OF BEGINNING and CONTAINING 3.371 acres of land, more or less.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

CONFORMED COPY

OFFICIAL PUBLIC RECORDS



John F. Warren County Clerk
Dallas County TEXAS

May 20, 2009 01:09:53 PM

FEE: \$28.00

200900144057

RETURN ORIGINAL
RECORDED COPY TO:
Thomas, Feldman & Wilshusen
9400 N. Central Expwy. Ste. 900

Opus West LP, et al.
Page 3

bc: Via Fax No. (281) 230-7664
Ms. Shannon Girndt, Accounts Receivable
T.A.S. Commercial Concrete Construction, L.L.C.
19319 Oil Center Boulevard
Houston, Texas 77073

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

OFFICIAL USE

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

Postage \$

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Postmark Here

To

Opus West LP

10350 Bren Road West

Minnetonka, MN 55343

PS Form 3800, August 2008 See Reverse for Instructions

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)

Postmark Here

To

Opus West Construction Corporation

15455 N. Dallas Parkway

Suite 450

Addison, TX 75001

PS Form 3800, August 2008 See Reverse for Instructions

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.

Opus West LP
 10350 Bren Road West
 Minnetonka, MN 55343

1. Article Addressed to:

2. Article Number (Transfer from service label) 7008 1300 0001 7023 4002

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

Jim Ferrelle 5-25

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

MAY 26 2009

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

- 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.

Opus West Construction Corporation
 15455 N. Dallas Parkway
 Suite 450
 Addison, TX 75001

1. Article Addressed to:

2. Article Number (Transfer from service label) 7008 1300 0001 7023 3999

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

Jim Ferrelle 5-21-05

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.

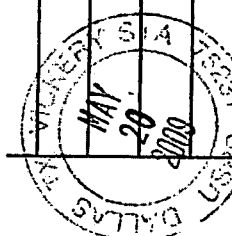
4. Restricted Delivery? (Extra Fee) ☐ Yes

**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)	\$	
Total Postage & Fees	\$	



Post Office
 2555 East Camelback Road
 Suite 800
 Phoenix, AZ 85016

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

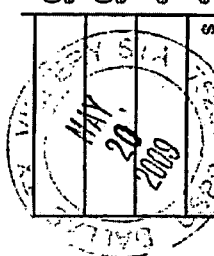
TAS - gen two Addison

**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)	\$	



Post Office
 15455 N. Dallas Parkway
 Suite 450
 Addison, TX 75001

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

TAS - gen two Addison

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.

Opus West, LP
 2555 East Camelback Road
 Suite 800
 Phoenix AZ 85016

2. Article Number
 (Transfer from service label) 7008 1300 0001 7023 3982
 PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature 	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) E. Maier	C. Date of Delivery 5.21.09
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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

- 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.

Opus West LP
 15455 N. Dallas Parkway
 Suite 450
 Addison, TX 75001

2. Article Number
 (Transfer from service label) 7008 1300 0001 7023 3975
 PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature 	<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) E. Maier	C. Date of Delivery 5.21.09
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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

T.A.S. Commercial Concrete Construction, L.L.C.
19319 Oil Center Boulevard
Houston, Texas 77073

Telephone: (281) 230-7500

Facsimile: (281) 230-7664

May 20, 2009

FACSIMILE TRANSMISSION COVERSHEET

SENT FROM: Jimmy Popelka

TOTAL NO. OF PAGES: 10
(Including Coversheet)

CASE CODE: TAS-GEN

TIME:

INITIALS: :END

PLEASE FORWARD TO THE FOLLOWING:

ADDRESSEE:	FACSIMILE NUMBER:
OPUS WEST LP	972.392.8838
OPUS WEST LP	866.592.6139
OPUS WEST CONSTRUCTION CORP.	972.392.8838
OPUS WEST CONSTRUCTION CORP.	952.656.4529

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:

X Original To Follow By Mail

 Original Not To Follow By Mail

** Transmit Conf. Report **

P.1

May 20 2009 14:41

Telephone Number	Mode	Start	Time	Page	Result	Note
9723928838	NORMAL	20,14:25	3'25"	10	* O K	BRDCAST

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Telephone Number	Mode	Start	Time	Page	Result	Note
9723928838	NORMAL	20,14:31	3'26"	10	* O K	BRDCAST

Telephone Number	Mode	Start	Time	Page	Result	Note
19526564529	NORMAL	20,14:35	5'42"	10	O K	BRDCAST

T.A.S. Commercial Concrete Construction, L.L.C.
19319 Oil Center Boulevard
Houston, Texas 77073

Telephone: (281) 230-7500

Facsimile: (281) 230-7664

May 20, 2009

FACSIMILE TRANSMISSION COVERSHEET

SENT FROM: Jimmy Popelka

TOTAL NO. OF PAGES: 10
(Including Coversheet)

CASE CODE: TAS-GEN

TIME:

INITIALS: :END

PLEASE FORWARD TO THE FOLLOWING:

ADDRESSEE:

OPUS WEST LP

FACSIMILE NUMBER:

972.392.8838

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

P.1

May 20 2009 14:54

Telephone Number	Mode	Start	Time	Page	Result	Note
12812307664	NORMAL	20,14:49	5'10"	16	* O K	



THOMAS, FELDMAN & WILSHUSEN, LLP
ATTORNEYS & COUNSELORS

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JASON R. KENNEDY
CHRISTOPHER D. MONTEZ
TODD R. NECTOUX
REGAN GAYLE OSTEEN
T. RAGON RICHEY
RICHARD GARY THOMAS
IRINA VISAN
FRED D. WILSHUSEN

9400 NCX TOWER
9400 N. CENTRAL EXPRESSWAY
SUITE 900
DALLAS, TEXAS 75231
T: 214.369.3008
F: 214.369.8393
www.tlandw.com

E-MAIL:
eduenas@tlandw.com

May 20, 2009

FACSIMILE TRANSMISSION COVERSHEET

SENT FROM: Elizabeth N. Duenas

TOTAL NO. OF PAGES: :
(Including Coversheet)

CASE CODE: TAS-GEN

TIME:

INITIALS: :END

PLEASE FORWARD TO THE FOLLOWING:

ADDRESSEE:	FACSIMILE NUMBER:
SHANNON GIRNDT	281.230.7664

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ML AFF

200900144057

4 PGS ✓

LIEN AFFIDAVIT AND CLAIM

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, personally appeared Jimmy Popelka, who upon his oath, deposed and stated the following:

1. My name is Jimmy Popelka and I am a resident of Dallas County, Texas. I am Vice President of T.A.S. Commercial Concrete Construction, L.L.C. f/k/a T.A.S. Commercial Concrete Construction, L.P., 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 and physical address is 19319 Oil Center Boulevard, Houston, Texas 77073.

3. Claimant furnished labor and materials for improvements to the property described herein under a contract by and between Claimant and Opus West Construction Corporation, the original contractor on the project, whose last known addresses are 15455 N. Dallas Parkway, Suite 450, Addison, Texas 75001 and 10350 Bren Road West, Minnetonka, Minnesota 55343.

4. The name of the owner or reputed owner of the real estate hereinafter described is Opus West LP, whose last known addresses are 15455 N. Dallas Parkway, Suite 450, Addison, Texas 75001 and 2555 East Camelback Road, Suite 800, Phoenix, Arizona 85016.

5. The labor, materials, and work furnished by Claimant are generally described as follows: Concrete work.

6. The real property sought to be charged with a lien by Claimant is described as the Two Addison Circle Spec Office project located 15725 North Dallas Parkway, Addison, Dallas County, Texas and also described in Exhibit "A" attached hereto and incorporated herein by reference.

7. After allowing all just credits, offsets, and payments, the amount of \$419,010.00 remains unpaid and is due and owing to Claimant under its contract with Opus West Construction Corporation and Claimant claims a lien on said property and improvements under the provisions of Texas Property Code § 53.001 et seq. to secure payment of said amount.

8. The month or months that the work was done and materials were furnished for which payment is requested are March through December 2008 and January through April 2009.

9. 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.	April 15, 2008	Certified Mail, Return Receipt Requested
b.	May <u>20</u> , 2009	Certified Mail, Return Receipt Requested

10. The name of the entity with which Claimant contracted on this project is Opus West Construction Corporation. Upon information and belief, Opus West LP can effectively control Opus West Construction Corporation through ownership of voting stock, interlocking directorships or otherwise. Further, upon information and belief, Opus West Construction Corporation can effectively control Opus West LP through ownership of voting stock, interlocking directorships or otherwise. Further, upon information and belief, Opus West LP contracted with Opus West Construction Corporation for the construction or repair of a house, building, or improvements and the contract was made without good faith intention of the parties that Opus West Construction Corporation was to perform the contract. Pursuant to Section 53.026 of the Texas Property Code, Claimant herein should be considered to be in direct contractual relationship with the owner and have a lien as an original contractor.

11. Since Claimant contracted directly with the owner, Claimant also claims its constitutional lien on the above-described real property pursuant to Article 16, §37 of the Constitution of the State of Texas.

12. One (1) copy of this Affidavit is being sent by Certified Mail, Return Receipt Requested to the owner described above, addressed to the owner's last known address as described above and one (1) copy of this Affidavit is being sent by Certified Mail, Return Receipt Requested to the original contractor described above, addressed to the original contractor's last known addresses as described above.

T.A.S. Commercial Concrete Construction, L.L.C.
f/k/a T.A.S. Commercial Concrete Construction, L.P.

By:



Jimmy Popelka Vice President

SUBSCRIBED AND SWORN TO AND ACKNOWLEDGED before me by the said Jimmy Popelka, Vice President of T.A.S. Commercial Concrete Construction, L.L.C. f/k/a T.A.S. Commercial Concrete Construction, L.P. this 19th day of May 2009, to certify which witness my hand and seal of office.


Notary Public
In and For the State of Texas



Exhibit A

BEING a tract of land situated in the G.W. FISHER SURVEY, Abstract No. 482, in the Town of Addison, Dallas County, Texas, and being a portion of two tracts of land described as Tract 4 (15.307 acres) and Tract 5 (0.293 of an acre) in instrument to Gaylord Properties, L.P. as recorded in Volume 97211, Page 01264. of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a "X" cut found in pavement at the intersection of the west right-of-way of Dallas Parkway (variable width) as evidenced by instrument to Gaylord Properties, L.P. (described as Tract 5) as recorded in Volume 97211, Page 01264. of the Deed Records of Dallas County, Texas with the northwesterly right-of-way line of Addison Circle (109 foot wide right-of-way at this point) as evidenced by plat of Addison Circle Phase II, an addition to the Town of Addison, Texas as recorded in Volume 97217, Page 3056 of the Deed Records of Dallas County, Texas;

THENCE, South 72 degrees 58 minutes 59 seconds West along the northerly right-of-way line of Addison Circle a distance of 247.36 feet to an "X" set in concrete for a corner, said point being the southeast corner of a 1.388 acre tract of land described in instrument to Amicus Partners, Ltd., a Texas limited partnership as recorded in Volume 99195, Page 07791 of the Deed Records of Dallas County, Texas, the same being the southeast corner of Lot 1, Block A of The Ashton, an addition to the Town of Addison, Texas as recorded in Volume 2000036, Page 2913 of the Deed Records of Dallas County, Texas;

THENCE, North 17 degrees 01 minute 01 second West along the easterly line of said 1.388 acre tract and said Lot 1, Block A of The Ashton a distance of 59.32 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE North 58 degrees 20 minutes 25 seconds West along the northeasterly line of said 1.388 acre tract and said Lot 1, Block A of The Ashton a distance of 261.51 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, North 89 degrees 04 minutes 47 seconds West along the northerly line of said 1.388 acre tract and said Lot 1, Block A of The Ashton a distance of 104.49 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner on the east right-of-way line of Spectrum Drive (69 feet wide at this point as established by plat recorded in Volume 2000036, Page 2913), said point being the northwest corner of said 1.388 acre tract and said Lot 1, Block A of The Ashton;

THENCE, North 00 degrees 55 minutes 13 seconds East along the east right-of-way line of said Spectrum Drive passing a 5/8 inch iron rod found for the northeast corner of said right-of-way at a distance of 9.78 feet and continuing in all a distance of 193.84 feet to a five-eighths inch iron rod set with "Huitt-Zollars" cap for a corner from which a 5/8 inch iron rod found with "Huitt-Zollars" cap bears North 00 degrees 55 minutes 13 seconds East at a

Exhibit A (Continued)

distance of 183.77 feet;

THENCE, South 89 degrees 04 minutes 47 seconds East a distance of 326.53 feet to a five-eighths inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, South 00 degrees 00 minutes 00 seconds East a distance of 72.87 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner;

THENCE, North 90 degrees 00 minutes 00 seconds East a distance 239.67 feet to a 5/8 inch iron rod set with "Huitt-Zollars" cap for a corner on the westerly right-of-way line of Dallas Parkway as established by said instrument to Gaylord Properties, L.P., described as Tract 5 and recorded in Volume 97211, Page 01264 of the Deed Records of Dallas County, Texas, said point being the beginning of a non-tangent curve to the right having a radius of 626.62 feet;

THENCE, southwesterly along the west right-of-way line of Dallas Parkway and easterly line of said Gaylord Properties Tract 5 through a central angle of 05 degrees 29 minutes 07 seconds, an arc distance of 59.99 feet and being subtended by a chord bearing South 04 degrees 17 minutes 35 seconds East a distance of 59.97 feet to a cut "X" found on curb inlet at the end of said curve;

THENCE, South 01 degree 33 minutes 02 seconds East along the west right-of-way line of Dallas Parkway and easterly line of said Gaylord Properties Tract 5 a distance of 82.43 feet to a cut "X" found in pavement for the beginning of a curve to the left having a radius of 1,997.84 feet;

THENCE, southeasterly along the west right-of-way line of Dallas Parkway and easterly line of said Gaylord Properties Tract 5 and along said curve to the left through a central angle of 02 degrees 46 minutes 45 seconds, an arc distance of 96.91 feet and being subtended by a chord bearing South 02 degrees 56 minutes 29 seconds East a distance of 96.90 feet to the POINT OF BEGINNING and CONTAINING 3.371 acres of land, more or less.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



John F. Warren, County Clerk
Dallas County TEXAS

May 20, 2009 01:09:53 PM

FEE: \$28.00

200900144057

RETURN ORIGINAL
RECORDED COPY TO:
Thomas, Feldman & Wilshusen
9400 N. Central Expwy. Ste. 900
Dallas, Texas 75231



THOMAS, FELDMAN & WILSHUSEN, LLP
ATTORNEYS & COUNSELORS

ROBERT L. FELDMAN
JASON R. KENNEDY
CHRISTOPHER D. MONTEZ
TODD R. NECTOUX
REGAN GAYLE O'STEEN
T. RAGON RICHEY
RICHARD GARY THOMAS
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FRED D. WILSHUSEN

9400 NCX TOWER
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SUITE 900
DALLAS, TEXAS 75231
T: 214.369.3008
F: 214.369.8393
www.tfandw.com

E-MAIL:
cpage@tfandw.com

June 10, 2009

Certified 7008 1300 0001 7023 2763

Return Receipt Requested and
Federal Express

Texas Desert Limited Partnership
c/o Adler Management Corporation
10350 Bren Road West
Minnetonka, MN 55343

Certified 7008 1300 0001 7023 2626

Return Receipt Requested

Texas Desert Limited Partnership
P.O. Box 263
Minneapolis, MN 55440

Certified 7008 1300 0001 7022 9848

Return Receipt Requested and
Federal Express

Texas Desert Limited Partnership
c/o Tax Department
401 East 8th Street
Sioux Falls, SD 57103

Certified 7008 1300 0001 7023 2633

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 7022 9831

Return Receipt Requested and
Facsimile (952) 656-4529

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

Certified 7008 1300 0001 7022 9855

Return Receipt Requested and
Facsimile (866) 592-6139

Opus West, LP
c/o Opus West Corporation
2555 E. Camelback Road, Suite 800
Phoenix, AZ 85016

Certified 7008 1300 0001 7022 9503

Return Receipt Requested

Opus West, LP
c/o Opus West Corporation
15455 N. Dallas Parkway, Suite 450
Addison, TX 75001

RE: Lien Affidavit and Claim of T.A.S. Commercial Concrete Construction,
L.L.C. f/k/a T.A.S. Commercial Concrete Construction, LP

Amount: \$81,694.70

Project: Regent Center II
4790 Regent Boulevard and/or 4800 Regent Boulevard
and/or 4801 Regent Boulevard
Irving, Texas

Ladies and Gentlemen:

Pursuant to the laws of the State of Texas, enclosed please find one (1) copy of a
Lien Affidavit and Claim filed of record.

Sincerely,

Cynthia M. Page ^{by KH}

Cynthia M. Page, Paralegal to
Christopher D. Montez

/cp

Enc.

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) R. Mayer C. Date of Delivery 6/11/09

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

2. Art (7m) 7008 1300 0001 7022 9503

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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 Corporation
15455 N. Dallas Parkway,
Suite 450
Addison, TX 75001

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) R. Mayer C. Date of Delivery 6/11/09

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

2. Art (7m) 7008 1300 0001 7023 2633

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Opus West Construction
Corporation
15455 North Dallas Parkway,
Suite 450
Addison, TX 75001

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

To: Opus West, LP
c/o Opus West Corporation
15455 N. Dallas Parkway,
Suite 450
Addison, TX 75001
City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

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Restricted Delivery Fee (Endorsement Required)	

To: Opus West Construction
Corporation
15455 North Dallas Parkway,
Suite 450
Addison, TX 75001
City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

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- 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:

Lawrence E. Kruss, Claims Counsel
Colonial American Casualty and Surety Company
Fidelity & Deposit Company of Maryland
Zurich
Surety & Financial Enterprises Claims
3910 Keswick Road (21211)
Baltimore, MD 21297-1069

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

☐ Agent
☐ Addressee

B. Received by (Printed Name)

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Addressed to: 7008 1300 0001 7022 8582

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Domestic Return Receipt

102595-02-M-1540

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1. Article Addressed to:

Texas Desert Limited Partnership
c/o Adler Management Corporation
10350 Bren Road West
Minnetonka, MN 55343

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

☐ Agent
☐ Addressee

B. Received by (Printed Name)

Jim Tauris

C. Date of Delivery

8-15

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes
☐ No

JUN 15 2009

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Addressed to: 7008 1300 0001 7023 2763

PS Form 3811, February 2004

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Return Receipt Fee (Endorsement Required)

Postmaster: Lawrence E. Kruss, Claims Counsel

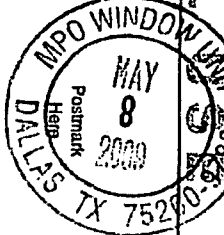
Colonial American Casualty and Surety Company
Fidelity & Deposit Company of Maryland
Zurich

Sent To: Surety & Financial Enterprises Claims
3910 Keswick Road (21211)
or P.O. Baltimore, MD 21297-1069

City, State, ZIP+4

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Certified Fee
Return Receipt Fee (Endorsement Required)

Postmaster: Texas Desert Limited Partnership

Sent To: c/o Adler Management Corporation
10350 Bren Road West
Minnetonka, MN 55343

City, State

PS Form 3800, August 2005

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1. Article Addressed to: **Yes** ☐ **No** ☐

2. Article Number: **7008 1300 0001 7022 9848**

3. PS Form 3811, February 2004

4. Domestic Return Receipt

5. Restricted Delivery? (Extra Fee) ☐ **Yes** ☐

6. Insured Mail ☐

7. Restricted Delivery for Merchandise ☐

8. Received by (Printed Name) **Chris Salinas**

9. Date of Delivery **JUN 15 2009**

10. Signature **[Signature]**

11. Agent ☒ **X**

12. Addressee ☐

COMPLETE THIS SECTION ON DELIVERY

1. Article Addressed to: **Yes** ☐ **No** ☐

2. Article Number: **7008 1300 0001 7022 9848**

3. PS Form 3811, February 2004

4. Domestic Return Receipt

5. Restricted Delivery? (Extra Fee) ☐

6. Insured Mail ☐

7. Restricted Delivery for Merchandise ☐

8. Received by (Printed Name) **Chris Salinas**

9. Date of Delivery **JUN 15 2009**

10. Signature **[Signature]**

11. Agent ☒ **X**

12. Addressee ☐

COMPLETE THIS SECTION ON DELIVERY

1. Article Addressed to: **Yes** ☐ **No** ☐

2. Article Number: **7008 1300 0001 7022 9848**

3. PS Form 3811, February 2004

4. Domestic Return Receipt

5. Restricted Delivery? (Extra Fee) ☐

6. Insured Mail ☐

7. Restricted Delivery for Merchandise ☐

8. Received by (Printed Name) **Chris Salinas**

9. Date of Delivery **JUN 15 2009**

10. Signature **[Signature]**

11. Agent ☒ **X**

12. Addressee ☐

COMPLETE THIS SECTION ON DELIVERY

1. Article Addressed to: **Yes** ☐ **No** ☐

2. Article Number: **7008 1300 0001 7022 9848**

3. PS Form 3811, February 2004

4. Domestic Return Receipt

5. Restricted Delivery? (Extra Fee) ☐

6. Insured Mail ☐

7. Restricted Delivery for Merchandise ☐

8. Received by (Printed Name) **Chris Salinas**

9. Date of Delivery **JUN 15 2009**

10. Signature **[Signature]**

11. Agent ☒ **X**

12. Addressee ☐

COMPLETE THIS SECTION ON DELIVERY

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2. Article Number: **7008 1300 0001 7022 9848**

3. PS Form 3811, February 2004

4. Domestic Return Receipt

5. Restricted Delivery? (Extra Fee) ☐

6. Insured Mail ☐

7. Restricted Delivery for Merchandise ☐

8. Received by (Printed Name) **Chris Salinas**

9. Date of Delivery **JUN 15 2009**

10. Signature **[Signature]**

11. Agent ☒ **X**

12. Addressee ☐

COMPLETE THIS SECTION ON DELIVERY

1. Article Addressed to: **Yes** ☐ **No** ☐

2. Article Number: **7008 1300 0001 7022 9848**

3. PS Form 3811, February 2004

4. Domestic Return Receipt

5. Restricted Delivery? (Extra Fee) ☐

6. Insured Mail ☐

7. Restricted Delivery for Merchandise ☐

8. Received by (Printed Name) **Chris Salinas**

9. Date of Delivery **JUN 15 2009**

10. Signature **[Signature]**

11. Agent ☒ **X**

12. Addressee ☐

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Certified Fee \$ **0.00**

Return Receipt Fee (Endorsement Required) \$ **0.00**

Texas Desert Limited Partnership
P.O. Box 263
Minneapolis, MN 55440

PS Form 3800, August 2006

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Certified Fee \$ **0.00**

Return Receipt Fee (Endorsement Required) \$ **0.00**

Texas Desert Limited Partnership
c/o Tax Department
401 East 8th Street
Sioux Falls, SD 57103

PS Form 3800, August 2006

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

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

Total
 Sent To
 Street, or PO Box
 City, State, ZIP+4[®]

Postmark Here JUN 10 2009 USPS

PS Form 3800, August 2006 See Reverse for Instructions

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Opus West, LP
 c/o Opus West Corporation
 2555 E. Camelback Road,
 Suite 800
 Phoenix, AZ 85016

Total F
 Sent To
 Street, or PO Box
 City, State, ZIP+4[®]

Postmark Here JUN 10 2009 USPS

PS Form 3800, August 2006 See Reverse for Instructions

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 Corporation
 c/o Tax Department
 10350 Bren Road West
 Minnetonka, MN 55343

2. Article 7008 1300 0001 7022 9855
 (Transfer from service label)
 PS Form 3811, February 2004 Domestic Return Receipt

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

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☐ Addressee
 B. Received by (Printed Name) C. Date of Delivery
 D. Is delivery address different from item 1? ☒ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail
☐ Registered
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2. Article 7008 1300 0001 7022 9855
 (Transfer from service label)
 PS Form 3811, February 2004 Domestic Return Receipt



THOMAS, FELDMAN & WILSHUSEN, LLP
ATTORNEYS & COUNSELORS

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TODD R. NECTOUX
REGAN GAYLE O'STEEN
T. RAGON RICHEY
RICHARD GARY THOMAS
IRINA VISAN
FRED D. WILSHUSEN

9400 NCX TOWER
9400 N. CENTRAL EXPRESSWAY
SUITE 900
DALLAS, TEXAS 75231
T: 214.369.3008
F: 214.369.8393
www.tfandw.com

E-MAIL:
cmontez@tfandw.com

June 14, 2009

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SENT FROM: Christopher D. Montez

TOTAL NO. OF PAGES: 6
(Including Coversheet)

CASE CODE: TAS-GEN

TIME:

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PLEASE FORWARD TO THE FOLLOWING:

ADDRESSEE:	FACSIMILE NUMBER:
Opus West Construction Corporation	972-392-8838
Opus West Construction Corporation c/o Tax Department	952-656-4529
Opus West, LP c/o Opus West Corporation	866-592-6139

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TEL :
SER. # : K6X204648

PAGE(S)

06

DATE	TIME	FAX NO. /NAME	DURATION	PAGE(S)	RESULT	COMMENT
06/10	13:03	9723928838	01:31	06	OK	ECM
06/10	13:05	19526564529	05:30	06	OK	
06/10	13:11	18665926139	01:25	06	OK	ECM

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4 of 4

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

FedEx
Express

J5016381382023

Ship Date: 10JUN09
ActWgt: 1.0 LB
CAD: 2232360/NET9011
Account#: S *****

Delivery Address Bar Code

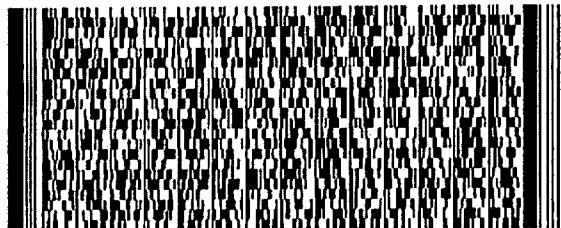


Ref # TAS-GEN
Invoice #
PO #
Dept #

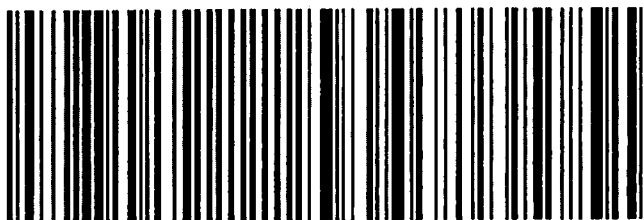
SHIP TO: (000) 000-0000 BILL SENDER
c/o Adler Management Corporation
Texas Desert Limited Partnership
10350 BREN RD W
WEST
MINNETONKA, MN 55343

TRK# 7966 8170 3861
0201

THU - 11JUN A1
PRIORITY OVERNIGHT

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9400 N. CENTRAL EXPWY
SUITE 900
DALLAS, TX 75231



J50110961302023

SHIP TO: (000) 000-0000 BILL SENDER
c/o Tax Department
Texas Desert Limited Partnership
401 E 8TH ST

SIOUX FALLS, SD 57103

Ship Date: 10JUN09
ActWgt: 1.0 LB
CAD: 2232360/NET9011
Account#: S *****

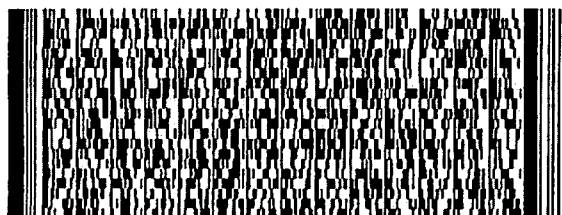
Delivery Address Bar Code



Ref # TAS-GEN
Invoice #
PO #
Dept #

TRK# 7976 6904 3611
0201

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PRIORITY OVERNIGHT



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Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.



ML AFF

200900165058

3 PGS

LIEN AFFIDAVIT AND CLAIM

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, personally appeared Jimmy Popelka, who upon his oath, deposed and stated the following:

1. My name is Jimmy Popelka and I am a resident of Dallas County, Texas. I am Vice President of T.A.S. Commercial Concrete Construction, L.L.C. f/k/a T.A.S. Commercial Concrete Construction, L.P., 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 and physical address is 19319 Oil Center Boulevard, Houston, Texas 77073.

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, the original contractor on the project, whose last known addresses are 15455 N. Dallas Parkway, Suite 450, Addison, Texas 75001 and c/o Tax Department, 10350 Bren Road West, Minnetonka, Minnesota 55343.

4. The name of the owners or reputed owners of the real estate hereinafter described are Texas Desert Limited Partnership, Opus West Construction Corporation, and/or Opus West LP. Texas Desert Limited Partnership's last known addresses are c/o Adler Management Corporation, 10350 Bren Road West, Minnetonka, Minnesota 55343, P.O. Box 263, Minneapolis, Minnesota 55440 and c/o Tax Department, 401 East 8th Street, Sioux Falls, South Dakota 57103. Opus West Construction Corporation's last known addresses are 15455 N. Dallas Parkway, Suite 450, Dallas, Texas 75001 and c/o Tax Department, 10350 Bren Road West, Minnetonka, Minnesota 55343. Opus West LP's last known addresses are c/o Opus West Corporation, 15455 N. Dallas Parkway, Suite 450, Dallas, Texas 75001 and c/o Opus West Corporation, 2555 E. Camelback Road, Suite 800, Phoenix, Arizona 85016.

5. The labor, materials, and work furnished by Claimant are generally described as follows: site work, including paving, sidewalks, transformer pad, dumpster pad and monument sign; building work, including piers, grade beam, elevator pits, slabs on grade, tilt wall panels and slab on metal deck.

6. The real property sought to be charged with a lien by Claimant on the Regent Center II project is located at 4790 Regent Boulevard and/or 4800 Regent Boulevard and/or 4801 Regent Boulevard, Irving, Dallas County, Texas

and also described as:

Lot 2, in Block S, of DFW FREEPORT, 5TH INSTALLMENT, 3RD REVISION, an Addition to the City of Irving, Texas, according to the Map thereof recorded in Volume 93063, Page 4596, of the Map Records of Dallas County, Texas.

7. The name of the entity with which Claimant contracted on this project is Opus West Construction Corporation. Upon information and belief, Texas Desert Limited Partnership can effectively control Opus West Construction Corporation through ownership of voting stock, interlocking directorships or otherwise. Further, upon information and belief, Opus West Construction Corporation can effectively control Texas Desert Limited Partnership through ownership of voting stock, interlocking directorships or otherwise. Further, upon information and belief, Texas Desert Limited Partnership contracted with Opus West Construction Corporation for the construction or repair of a house, building, or improvements and the contract was made without good faith intention of the parties that Opus West Construction Corporation was to perform the contract. Pursuant to Section 53.026 of the Texas Property Code, Claimant herein should be considered to be in direct contractual relationship with the owner and have a lien as an original contractor.

8. After allowing all just credits, offsets, and payments, the amount of \$81,694.70 remains unpaid and is due and owing to Claimant under its contract with Opus West Construction Corporation and Claimant claims a lien on the above-described real property and improvements under the provisions of Texas Property Code § 53.001 et seq. to secure payment of said amount and/or since Claimant is considered to be in direct contractual relationship with the owner, Claimant also claims a constitutional lien on the above-described real property and improvements pursuant to the provisions of Article 16, Section 37 of the Texas Constitution 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 July, August, September, October, November and December 2008 and January 2009.

10. Notice of the claim was sent to the owner or reputed owner and original contractor on the following dates and by the following method:

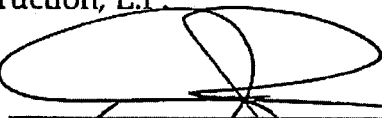
<u>Date Sent</u>	<u>Method Sent</u>
(a) August 15, 2008	Certified Mail, Return Receipt Requested

11. One (1) copy of this Affidavit is being sent by Certified Mail, Return Receipt Requested to the owner(s) or reputed owner(s) described above, addressed to their last known addresses as described above and one (1) copy of this Affidavit is being sent by Certified Mail, Return Receipt Requested to the

original contractor described above, addressed to the original contractor's last known addresses as described above.

T.A.S. Commercial Concrete Construction,
L.L.C. f/k/a T.A.S. Commercial Concrete
Construction, L.P.

By:



Jimmy Popelka, Vice President

SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED BEFORE ME by
Jimmy Popekla, Vice President of T.A.S. Commercial Concrete Construction, L.L.C.
f/k/a T.A.S. Commercial Concrete Construction, L.P. on this the 9th day of June,
2009.



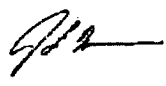
Notary Public in and for the State of Texas



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John F. Warren, County Clerk
Dallas County TEXAS

Lien Affidavit and Claim - Page 3
(TAS-GEN Regent Center II)

June 10, 2009 10:24:53 AM
FEE: \$24.00

200900165058

**LIEN AFFIDAVIT AND CLAIM**

STATE OF TEXAS §
 §
 COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, personally appeared Jimmy Popelka, who upon his oath, deposed and stated the following:

1. My name is Jimmy Popelka and I am a resident of Dallas County, Texas. I am Vice President of T.A.S. Commercial Concrete Construction, L.L.C. f/k/a T.A.S. Commercial Concrete Construction, L.P., 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 and physical address is 19319 Oil Center Boulevard, Houston, Texas 77073.

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, the original contractor on the project, whose last known addresses are 15455 N. Dallas Parkway, Suite 450, Addison, Texas 75001 and c/o Tax Department, 10350 Bren Road West, Minnetonka, Minnesota 55343.

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and also described as:

Lot 2, in Block S, of DFW FREEPORT, 5TH INSTALLMENT, 3RD REVISION, an Addition to the City of Irving, Texas, according to the Map thereof recorded in Volume 93063, Page 4596, of the Map Records of Dallas County, Texas.

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8. After allowing all just credits, offsets, and payments, the amount of \$81,694.70 remains unpaid and is due and owing to Claimant under its contract with Opus West Construction Corporation and Claimant claims a lien on the above-described real property and improvements under the provisions of Texas Property Code § 53.001 et seq. to secure payment of said amount and/or since Claimant is considered to be in direct contractual relationship with the owner, Claimant also claims a constitutional lien on the above-described real property and improvements pursuant to the provisions of Article 16, Section 37 of the Texas Constitution 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 July, August, September, October, November and December 2008 and January 2009.

10. Notice of the claim was sent to the owner or reputed owner and original contractor on the following dates and by the following method:

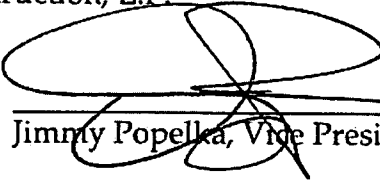
	<u>Date Sent</u>	<u>Method Sent</u>
(a)	August 15, 2008	Certified Mail, Return Receipt Requested

11. One (1) copy of this Affidavit is being sent by Certified Mail, Return Receipt Requested to the owner(s) or reputed owner(s) described above, addressed to their last known addresses as described above and one (1) copy of this Affidavit is being sent by Certified Mail, Return Receipt Requested to the

original contractor described above, addressed to the original contractor's last known addresses as described above.

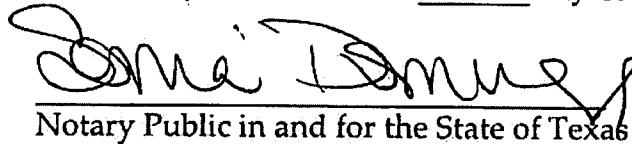
T.A.S. Commercial Concrete Construction,
L.L.C. f/k/a T.A.S. Commercial Concrete
Construction, L.P.

By:



Jimmy Popelka, Vice President

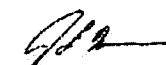
SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED BEFORE ME by
Jimmy Popekla, Vice President of T.A.S. Commercial Concrete Construction, L.L.C.
f/k/a T.A.S. Commercial Concrete Construction, L.P. on this the 9th day of June,
2009.


Notary Public in and for the State of Texas

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS




John F. Warren, County Clerk
Dallas County TEXAS

Lien Affidavit and Claim – Page 3
(TAS-GEN Regent Center II)

June 10, 2009 10:24:53 AM
FEE: \$24.00

200900165058

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> (12454530) Tas Commercial Concrete Construction 2727 LBJ Freeway, Suite 1000 Dallas, TX 75234	Claim No: 53 <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: \$500704.70 Total claimed: \$500704.70		
<i>History:</i> <u>Details</u> <u>53-1</u> 11/09/2009 Claim #53 filed by Tas Commercial Concrete Construction, total amount claimed: \$500704.7 (Kennedy, Jason)		
<i>Description:</i>		
<i>Remarks:</i>		

Claims Register Summary