


UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS		PROOF OF CLAIM
<b>Name of Debtor: (Check Only One):</b> <input type="checkbox"/> Opus West Corporation <input checked="" type="checkbox"/> Opus West Construction Corporation <input type="checkbox"/> O.W. Commercial, Inc. <input type="checkbox"/> Opus West LP <input type="checkbox"/> Opus West Partners, Inc.		<b>Case Number:</b>  09-34356
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. All other requests for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
<b>Name of Creditor (the person or other entity to whom the debtor owes money or property):</b>  Southwest Sealers, Inc., d/b/a Southwest Construction Services		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.  <b>Court Claim Number:</b> ((if known))  <b>Filed on:</b>
<b>Name and address where notices should be sent:</b>  Anthony P. Jach Griffith Nixon Davison, P.C. 5420 LBJ Freeway, Suite 900 Dallas, Texas 75240		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.  <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
<b>Telephone number:</b> 972-392-8900 <b>Email Address:</b> <a href="mailto:jach@gnlaw.com">jach@gnlaw.com</a>		
<b>Name and address where payment should be sent (if different from above):</b>  Telephone number:		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.  Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,425 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)( ).  Amount entitled to priority:  5
<b>1. Amount of Claim as of Date Case Filed:</b> \$ 256,378.36 If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		
<b>2. Basis for Claim:</b> labor and/or materials provided in connection with construction (See instruction #2 on reverse side.)		
<b>3. Last four digits of any number by which creditor identifies debtor:</b> _____ 3a. Debtor may have scheduled account as: _____ (See instruction 3a on reverse side.)		
<b>4. Secured Claim (See instruction #4 on reverse side.)</b> 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"/> Equipment <input checked="" type="checkbox"/> Other Value of Property: \$ _____ Annual Interest Rate: _____% Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: 256,978.36 Amount Unsecured: \$ _____		
<b>6. Credits:</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim. <b>7. Documents:</b> Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: _____		
<b>Date:</b> 11/2/09	<b>Signature:</b> 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. <i>Lawrence J. McFarland</i> Attorney-in-fact	
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 132 and 35 Modified B19 (GCG) (12/98)		<b>FOR COURT USE ONLY</b> OPUS WEST  00550

Denton County  
Cynthia Mitchell  
County Clerk  
Denton, Tx 76202

**RECEIVED**  
MAY 28 2009  
BY:



Instrument Number: 2009-58667

As

Recorded On: May 15, 2009

Mechanics Lien Affidavit

Parties: SOUTHWEST CONSTRUCTION SERVICES

Billable Pages: 3

To

Number of Pages: 3

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

Mechanics Lien Affidavit	19.00
<b>Total Recording:</b>	<b>19.00</b>

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

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.

**File Information:**

Document Number: 2009-58667  
Receipt Number: 583971  
Recorded Date/Time: May 15, 2009 01:15:03P

**Record and Return To:**

SOUTHWEST CONSTRUCTION SERVICES  
11430 NEWKIRK ST  
DALLAS TX 75229

User / Station: H Dunn - Cash Station 4



THE STATE OF TEXAS }  
COUNTY OF DENTON }

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

*Cjardell*

County Clerk  
Denton County, Texas

THE STATE OF TEXAS  
COUNTY OF DENTON

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**AFFIDAVIT FOR MECHANIC'S AND  
MATERIALMAN'S LIEN**

Before me, the undersigned authority, personally appeared **Lore Foytik** who upon his/her oath, deposed and stated the following:

1. My name is **Lore Foytik**. I am an authorized representative of Southwest Construction Services, sometimes referred to as "Claimant." Claimant's physical and mailing address is 11430 Newkirk Street, Dallas, Texas 75229. I am duly authorized to make and do make this affidavit on behalf of Claimant.

2. The amount of this claim is \$141,021.00, said amount includes retainage and is just and reasonable and is due and unpaid. Said claim constitutes the reasonable value of the materials furnished and/or labor performed after all credits, offsets, and payments have been allowed.

3. The name of the owner or reputed owner of the real estate described below is Opus West Corporation, whose last known address is: 15455 Dallas Parkway, Suite 450, Addison, Texas 75001.

4. The real property sought to be charged with a lien by Claimant is described as follows: 2525 E. State Highway 121, Lewisville, Denton County, Texas and more particularly described as all or part of Lot 1r-1, 4r and 3, Crossroads Centre North, an Addition to the City of Lewisville, Texas.

5. Claimant furnished labor and/or materials for the improvement of said real property, consisting generally of all labor and materials for the installation of caulking and waterproofing material.

6. Claimant furnished materials and/or labor pursuant to a contract with Opus West Construction Corporation whose last known address is 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001.

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

8. Notice of this claim was sent to the owner or reputed owner and general contractor, on the following dates and by the following methods:

<b>Method Sent</b>	<b>Date Sent</b>
Via CMRRR to	May 14, 2009
Opus West Corporation	
15455 North Dallas Pkwy., Suite 450	
Addison, Texas 75001	

Via CMRRR to	May 14, 2009
Opus West Construction Corporation	
15455 North Dallas Pkwy., Suite 450	
Addison, Texas 75001	

9. Claimant claims a lien on said property and improvements under the provisions of Section 53.001, et seq., of the TEXAS PROPERTY CODE to secure payment of said amount.

10. By virtue of Section 53.026 of the Texas Property Code, Claimant is the original contractor for the improvements for which a lien is claimed.

11. Claimant also claims a constitutional lien on such property pursuant to the provisions of Article 16, Section 37 of the Texas Constitution.

12. A copy of this affidavit is being sent by certified mail, return receipt requested to each owner or reputed owner described above, addressed to such owner's last known address as described above, and a copy of this affidavit is being sent by certified mail, return receipt requested to the general contractor described above, addressed to the general contractor's last known address as described above.

Southwest Construction Services

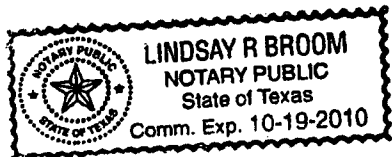
By: *Lore Foytik*  
Printed Name: Lore Foytik

THE STATE OF TEXAS       §  
  §  
COUNTY OF DALLAS       §

Subscribed and sworn to before me by *Lore Foytik*, authorized representative of Southwest Construction Services this 14<sup>th</sup> day of May, 2009, to certify which witness my hand and seal of office.

*[Signature]*  
Notary Public in and for the State of Texas

My Commission Expires:



Denton County  
Cynthia Mitchell  
County Clerk  
Denton, Tx 76202



70 2009 00072340

Instrument Number: 2009-72340

As

Recorded On: June 15, 2009

Mechanics Lien Affidavit

Parties: SOUTHWEST CONSTRUCTION SERVICES

Billable Pages: 3

To

Number of Pages: 3

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

Mechanics Lien Affidavit	19.00
Total Recording:	19.00

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

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.

**File Information:**

Document Number: 2009-72340

Receipt Number: 594042

Recorded Date/Time: June 15, 2009 02:52:16P

User / Station: D Fahrney - Cash Station 3

**Record and Return To:**

SCS

11430 NEWKIRK ST  
DALLAS TX 75229



THE STATE OF TEXAS }  
COUNTY OF DENTON }

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

*Cynthia Mitchell*

County Clerk  
Denton County, Texas

THE STATE OF TEXAS  
COUNTY OF DENTON

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**SUPPLIMENTAL AFFIDAVIT FOR MECHANIC'S AND MATERIALMAN'S LIEN**

Before me, the undersigned authority, personally appeared **Rob Corbello** who upon his/her oath, deposed and stated the following:

1. My name is **Rob Corbello**. I am an authorized representative of Southwest Construction Services, sometimes referred to as "Claimant." Claimant's physical and mailing address is 11430 Newkirk Street, Dallas, Texas 75229. I am duly authorized to make and do make this affidavit on behalf of Claimant.

2. The amount of this claim is \$3,279.40, said amount includes retainage and is just and reasonable and is due and unpaid. Said claim constitutes the reasonable value of the materials furnished and/or labor performed after all credits, offsets, and payments have been allowed.

3. The name of the owner or reputed owners of the real estate described below are Opus West Corporation, whose last known address is: 15455 Dallas Parkway, Suite 450, Addison, Texas 75001; and Opus West, LP, whose last known address is: 2555 East Camelback Road, Suite 800, Phoenix, Arizona 85016.

4. The real property sought to be charged with a lien by Claimant is described as follows: 2525 and 2535 E, State Highway 121, Lewisville, Denton County, Texas and more particularly described as all or part of Lots 1r-1, 4r and 3, Block A, Crossroads Centre North, an Addition to the City of Lewisville, Denton County, Texas according to the Map or Plat thereof recorded in the Plat Records of Denton County, Texas.

5. Claimant furnished labor and/or materials for the improvement of said real property, consisting generally of all labor and materials for the demolition of concrete and associated work.

6. Claimant furnished materials and/or labor pursuant to a contract with Opus West Construction Corporation whose last known address is 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001.

7. The month or months that the work was done and/or materials were furnished for which payment is requested are January, March and April, 2009 and for retainage for August 2008 through January 2009 and March and April 2009.

8. Notice of this claim was sent to the owner or reputed owner and general contractor, on the following dates and by the following methods:

<b>Method Sent</b>	<b>Date Sent</b>
Via <i>CMRRR</i> to Opus West Corporation 15455 North Dallas Pkwy., Suite 450 Addison, Texas 75001	May 14, 2009
Via <i>CMRRR</i> to Opus West Construction Corporation	May 14, 2009

15455 North Dallas Pkwy., Suite 450  
Addison, Texas 75001

9. Claimant claims a lien on said property and improvements under the provisions of Section 53.001, et seq., of the TEXAS PROPERTY CODE to secure payment of said amount.

10. By virtue of Section 53.026 of the Texas Property Code, Claimant is the original contractor for the improvements for which a lien is claimed.

11. Claimant also claims a constitutional lien on such property pursuant to the provisions of Article 16, Section 37 of the Texas Constitution.

12. A copy of this affidavit is being sent by certified mail, return receipt requested to each owner or reputed owner described above, addressed to such owner's last known address as described above, and a copy of this affidavit is being sent by certified mail, return receipt requested to the general contractor described above, addressed to the general contractor's last known address as described above.

Southwest Construction Services

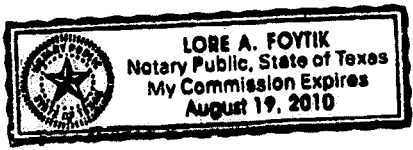
By: [Signature]  
Printed Name: Rob Corbello

THE STATE OF TEXAS     §  
  §  
COUNTY OF DALLAS     §

Subscribed and sworn to before me by Rob Corbello, authorized representative of Southwest Construction Services this 15th day of June, 2009, to certify which witness my hand and seal of office.

[Signature]  
Notary Public in and for the State of Texas

My Commission Expires: 8.19.10



Denton County  
Cynthia Mitchell  
County Clerk  
Denton, Tx 76202



70 2009 00058656

Instrument Number: 2009-58656

As

Recorded On: May 15, 2009

Mechanics Lien Affidavit

Parties: SOUTHWEST CONSTRUCTION SERVICES

Billable Pages: 3

To

Number of Pages: 3

Comment:

( Parties listed above are for Clerks reference only )

**\*\* Examined and Charged as Follows: \*\***

Mechanics Lien Affidavit	19.00
<b>Total Recording:</b>	<b>19.00</b>

\*\*\*\*\* DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

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.

File Information:

Document Number: 2009-58656

Receipt Number: 583959

Recorded Date/Time: May 15, 2009 01:02:23P

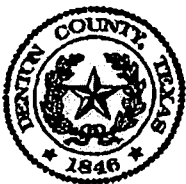
User / Station: H Dunn - Cash Station 4

Record and Return To:

SOUTHWEST CONSTRUCTION SERVICES

11430 NEWKIRK ST

DALLAS TX 75229



THE STATE OF TEXAS }  
COUNTY OF DENTON }

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

*C Mitchell*

County Clerk  
Denton County, Texas



**AFFIDAVIT FOR CONSTITUTIONAL MECHANIC'S AND MATERIALMAN'S LIEN**

STATE OF TEXAS

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COUNTY OF DENTON

BEFORE ME, the undersigned authority, personally appeared Lore Foytik, who upon his/her oath, deposed and stated the following:

1. My name is Lore Foytik. I am an authorized agent of Southwest Construction Services, sometimes referred to as "Claimant." I am over 18 years of age, and am competent and authorized to make this affidavit.
2. Claimant's physical address is 11430 Newkirk Street, Dallas, Texas 75229.
3. Claimant furnished labor and/or materials for improvements to the real property described in this affidavit under a contract by and between Claimant and Opus West Construction Corporation ("Opus") whose last known address is 15455 Dallas Parkway, Suite 450, Addison, Texas 75001. Opus is an affiliate of Opus West Corporation and Opus West LP, the reputed owner of the Property, whose last known address is also 15455 Dallas Parkway, Suite 450, Addison, Texas 75001.
4. The labor, materials, and/or work furnished by Claimant are generally described as follows: Sealants, Waterproofing and associated work.
5. The real property sought to be charged with a lien by Claimant is described as follows: Highland Village Office Suites, 2830 Village Parkway, Highland Village, Denton County Texas 75077 and being a portion of the Marketplace at Highland Village, an Addition to the City of Highland Village (the "Property").
6. By virtue of Section 53.026 of the Texas Property Code, Claimant is the original contractor for the improvements for which a lien is claimed.
7. After allowing all just credits, offsets, and payments, the amount of \$10,116.00 remains unpaid and is due and owing to Claimant under its contract with Opus.
8. Claimant claims a constitutional lien on such property pursuant to the provisions of Article 16, Section 37 of the Texas Constitution.

[Signature on following page.]

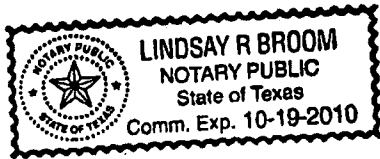
Southwest Construction Services

By: [Signature]  
Printed Name: Lore Foytik  
Title: Contract Administrator

STATE OF TEXAS  
COUNTY OF DALLAS

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SUBSCRIBED AND SWORN TO AND ACKNOWLEDGED BEFORE ME by Lore Foytik, authorized agent of Southwest Construction Services, this 14<sup>th</sup> day of May, 2009, to certify which witness my hand and seal of office.



[Signature]  
Notary Public in and for the State of Texas



ML AFF 200900138806

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THE STATE OF TEXAS  
COUNTY OF DALLAS

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**AFFIDAVIT FOR MECHANIC'S AND  
MATERIALMAN'S LIEN**

Before me, the undersigned authority, personally appeared Lore Foytik who upon his/her oath, deposed and stated the following:

1. My name is Lore Foytik. I am an authorized representative of Southwest Construction Services, sometimes referred to as "Claimant." Claimant's physical and mailing address is 11430 Newkirk Street, Dallas, Texas 75229. I am duly authorized to make and do make this affidavit on behalf of Claimant.

2. The amount of this claim is \$70,356.38, said amount includes retainage and is just and reasonable and is due and unpaid. Said claim constitutes the reasonable value of the materials furnished and/or labor performed after all credits, offsets, and payments have been allowed.

3. The name of the owner or reputed owner of the real estate described below is Opus West Corporation, whose last known address is: 15455 Dallas Parkway, Suite 450, Addison, Texas 75001.

4. The real property sought to be charged with a lien by Claimant is described as follows: 15725 Dallas Parkway, Addison, Dallas County, Texas, 75001 as more particularly described on Exhibit "A" which is attached hereto and made a part hereof (the "Property").

5. Claimant furnished labor and/or materials for the improvement of said real property, consisting generally of all labor and materials for the installation of caulking and waterproofing material.

6. Claimant furnished materials and/or labor pursuant to a contract with Opus West Construction Corporation whose last known address is 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001.

7. The month or months that the work was done and/or materials were furnished for which payment is requested are January, February and March, 2009 and retainage for July 2008 through March 2009.

8. Notice of this claim was sent to the owner or reputed owner and general contractor, on the following dates and by the following methods:

Method Sent	Date Sent
Via CMRRR to Opus West Corporation 15455 North Dallas Pkwy., Suite 450 Addison, Texas 75001	May 14, 2009
Via CMRRR to Opus West Construction Corporation 15455 North Dallas Pkwy., Suite 450 Addison, Texas 75001	May 14, 2009

9. Claimant claims a lien on said property and improvements under the provisions of Section 53.001, et seq., of the TEXAS PROPERTY CODE to secure payment of said amount.

10. By virtue of Section 53.026 of the Texas Property Code, Claimant is the original contractor for the improvements for which a lien is claimed.

11. Claimant also claims a constitutional lien on such property pursuant to the provisions of Article 16, Section 37 of the Texas Constitution.

12. A copy of this affidavit is being sent by certified mail, return receipt requested to each owner or reputed owner described above, addressed to such owner's last known address as described above, and a copy of this affidavit is being sent by certified mail, return receipt requested to the general contractor described above, addressed to the general contractor's last known address as described above.

Southwest Construction Services

By: [Signature]  
Printed Name: Lois Foytik

THE STATE OF TEXAS  
COUNTY OF DALLAS

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Subscribed and sworn to before me by Lois Foytik, authorized representative of Southwest Construction Services this 14<sup>th</sup> day of May, 2009, to certify which witness my hand and seal of office.

[Signature]  
Notary Public in and for the State of Texas

My Commission Expires: \_\_\_\_\_

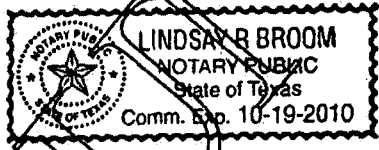


EXHIBIT "A"

## The Property

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 0126 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 Gaylo Properties, L.P. (described as Tract 5) as recorded in Volume 97211, Page 012 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 3956 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 267.36 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 92195, Page 0791 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 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 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 distance of 133.84 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

distance of 183.79 feet;

THENCE, South 83 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 626.42 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 1,897.84 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.

UNOFFICIAL

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



*[Signature]*

John F. Warren, County Clerk  
Dallas County TEXAS

May 15, 2009 08:48:35 AM

FEE: \$28.00

200900138806

20090223747  
05/26/2009 RPI \$20.00

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LAFAT

THE STATE OF TEXAS  
COUNTY OF HARRIS

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**AFFIDAVIT FOR MECHANIC'S AND  
MATERIALMAN'S LIEN**

X

Before me, the undersigned authority, personally appeared **Lore Foytik** who upon his/her oath, deposed and stated the following:

1. My name is **Lore Foytik**, I am an authorized representative of Southwest Construction Services, sometimes referred to as "Claimant." Claimant's physical and mailing address is 11430 Newkirk Street, Dallas, Texas 75229. I am duly authorized to make and do make this affidavit on behalf of Claimant.

2. The amount of this claim is \$89,830.51, said amount includes retainage and is just and reasonable and is due and unpaid. Said claim constitutes the reasonable value of the materials furnished and/or labor performed after all credits, offsets, and payments have been allowed.

3. The name of the owner or reputed owner of the real estate described below is Opus West Corporation, whose last known address is: 15455 Dallas Parkway, Suite 450, Addison, Texas 75001.

4. The real property sought to be charged with a lien by Claimant is described as follows: 15201 Katy Freeway, Houston, Harris County, Texas 77094 as more particularly described as Res. A, Blk. 1, Energy Crossing, with Harris County Appraisal District Account No. 1303140010001.

5. Claimant furnished labor and/or materials for the improvement of said real property, consisting generally of all labor and materials for the installation of caulking and sealant.

6. Claimant furnished materials and/or labor pursuant to a contract with Opus West Construction Corporation whose last known address is 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001.

7. The month or months that the work was done and/or materials were furnished for which payment is requested are February and March, 2009 and retainage for September 2008 through March 2009.

8. Notice of this claim was sent to the owner or reputed owner and general contractor, on the following dates and by the following methods:

**Method Sent**  
Via CMRRR to  
Opus West Corporation  
15455 North Dallas Pkwy., Suite 450  
Addison, Texas 75001

**Date Sent**  
May 14, 2009

**FILED FOR RECORD**  
8:00 AM

MAY 26 2009

Via CMRRR to  
Opus West Construction Corporation  
15455 North Dallas Pkwy., Suite 450  
Addison, Texas 75001

May 14, 2009

*Donald B. Highland*  
County Clerk, Harris County, Texas

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9. Claimant claims a lien on said property and improvements under the provisions of Section 53.001, et seq., of the TEXAS PROPERTY CODE to secure payment of said amount.

10. By virtue of Section 53.026 of the Texas Property Code, Claimant is the original contractor for the improvements for which a lien is claimed.

11. Claimant also claims a constitutional lien on such property pursuant to the provisions of Article 16, Section 37 of the Texas Constitution.

12. A copy of this affidavit is being sent by certified mail, return receipt requested to each owner or reputed owner described above, addressed to such owner's last known address as described above, and a copy of this affidavit is being sent by certified mail, return receipt requested to the general contractor described above, addressed to the general contractor's last known address as described above.

Southwest Construction Services

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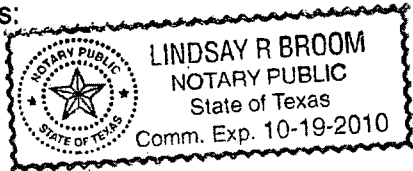
By: *Lore Foytik*  
Printed Name: Lore Foytik

THE STATE OF TEXAS      §  
   §  
COUNTY OF DALLAS      §

Subscribed and sworn to before me by *Lore Foytik*, authorized representative of Southwest Construction Services this 14<sup>th</sup> day of May, 2009, to certify which witness my hand and seal of office.

*[Signature]*  
Notary Public in and for the State of Texas

My Commission Expires:



ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNFORCEABLE UNDER FEDERAL LAW. THE STATE OF TEXAS COUNTY OF HARRIS I hereby certify that this instrument was FILED in the number Sequence on the date and at the place stamped herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County Texas on

MAY 26 2009



*Dorely B. Hayden*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS



20090223748  
05/26/2009 RP1 \$20.00

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THE STATE OF TEXAS  
COUNTY OF HARRIS

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**AFFIDAVIT FOR MECHANIC'S AND  
MATERIALMAN'S LIEN**

Before me, the undersigned authority, personally appeared **Lore Foytik** who upon his/her oath, deposed and stated the following:

X

1. My name is **Lore Foytik**. I am an authorized representative of Southwest Construction Services, sometimes referred to as "Claimant." Claimant's physical and mailing address is 11430 Newkirk Street, Dallas, Texas 75229. I am duly authorized to make and do make this affidavit on behalf of Claimant.

2. The amount of this claim is \$8,712.50, said amount includes retainage and is just and reasonable and is due and unpaid. Said claim constitutes the reasonable value of the materials furnished and/or labor performed after all credits, offsets, and payments have been allowed.

3. The name of the owner or reputed owner of the real estate described below is DeVry Park, LP, whose last known address is: whose last known address is: 10350 Bren Road West, Minnetonka, Minnesota 55343 and c/o Corporation Service Company d/b/a Lawyers Incorporating Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

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4. The real property sought to be charged with a lien by Claimant is described as follows: 10025 Equity Drive, Houston, Harris County, Texas 77041 as more particularly described as Res. A, Blk. 1, Westway Park Sec. 4, with Harris County Appraisal District Account No. 1218880010001.

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5. Claimant furnished labor and/or materials for the improvement of said real property, consisting generally of all labor and materials for the installation of caulking and sealant.

6. Claimant furnished materials and/or labor pursuant to a contract with Opus West Construction Corporation whose last known address is 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001.

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7. The month or months that the work was done and/or materials were furnished for which payment is requested are February, 2009 and for retainage for the months of December 2008 and February 2009.

8. Notice of this claim was sent to the owner or reputed owner and general contractor, on the following dates and by the following methods:

**Method Sent**  
Via CMRRR to  
DeVry Park, LP  
10350 Bren Road West  
Minnetonka, Minnesota 55343

**Date Sent**  
May 14, 2009

**FILED FOR RECORD**  
8:00 AM

**MAY 26 2009**

Via CMRRR to  
Opus West Construction Corporation  
15455 North Dallas Pkwy., Suite 450  
Addison, Texas 75001

May 14, 2009

*Conroy B. Hays*  
County Clerk, Harris County, Texas

051409-19958

9. A copy of this affidavit is being sent by certified mail, return receipt requested to each owner or reputed owner described above, addressed to such owner's last known address as described above, and a copy of this affidavit is being sent by certified mail, return receipt requested to the general contractor described above, addressed to the general contractor's last known address as described above.

Southwest Construction Services

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By: Lore Foytik  
Printed Name: Lore Foytik

THE STATE OF TEXAS

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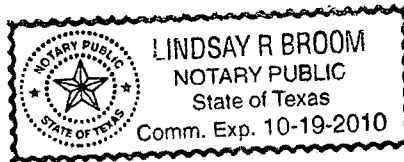
COUNTY OF DALLAS

Subscribed and sworn to before me by Lore Foytik, authorized representative of Southwest Construction Services this 14<sup>th</sup> day of May, 2009, to certify which witness my hand and seal of office.

[Signature]

Notary Public in and for the State of Texas

My Commission Expires:



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 the number Sequence on the date and at the stamped hours by me; and was duly RECORDED, in the Official Public Records of Real Property of Harris County Texas on

MAY 26 2009



[Signature]  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

491-9-1517

# 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> (12454457) Southwest Construction Services 11430 Newkirk Street Dallas, TX 75229	<b>Claim No: 69</b> <i>Original Filed</i> Date: 11/09/2009 <i>Original Entered</i> Date: 11/09/2009	<i>Status:</i> Filed by: AT Entered by: Jach, Anthony Modified:
Secured claimed: \$256378.36 <b>Total claimed: \$256378.36</b>		
<i>History:</i> <u>Details</u> <u>69-1</u> 11/09/2009 Claim #69 filed by Southwest Construction Services, total amount claimed: \$256378.36 (Jach, Anthony )		
<i>Description:</i> (69-1) mechanics' liens for labor and materials provided		
<i>Remarks:</i> (69-1) large portion being addressed under Lakepointe lien procedures		

## Claims Register Summary