

<b>UNITED STATES BANKRUPTCY COURT</b>	<b>Northern District of Texas</b>	<b>PROOF OF CLAIM</b>
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Name of Debtor: <b>Opus West Construction Corporation (5917)</b>	Case Number: <b>09-34356</b>
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*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.*

Name of Creditor (the person or other entity to whom the debtor owes money or property): <b>Clean Scapes, LP</b>  Name and address where notices should be sent: <b>Clean Scapes, LP</b> <b>PO Box 203070</b> <b>Austin, Texas 78720</b>  Telephone number: <b>(512) 448-1094</b>	<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.  Court Claim Number: _____ (If known)  Filed on: _____
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Name and address where payment should be sent (if different from above): _____  Telephone number: _____	<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.
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1. Amount of Claim as of Date Case Filed:      \$ <u>38,449.84</u>  If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.  If all or part of your claim is entitled to priority, complete item 5.  <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Itemized statement of interest or charges.	5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.  Specify the priority of the claim.  <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4).
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2. Basis for Claim: <u>services performed</u> (See instruction #2 on reverse side.)	RECEIVED NOV 10 2009 BMC GROUP
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3. Last four digits of any number by which creditor identifies debtor: _____  3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)	<input type="checkbox"/> Check this box if you are the debtor or trustee in this case.  <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)(____).
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4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.  Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe:  Value of Property: \$ _____ Annual Interest Rate _____ %  Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____  Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____	Amount entitled to priority: \$ _____  *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.
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6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.  7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)  DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.  If the documents are not available, please explain:	FOR COURT USE ONLY          OPUS WEST  00569
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Date: <b>11/02/2009</b>  Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.  <p style="text-align: center;"><b>Ivan Giraldo, President</b></p>	
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*Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both.*



## SUBCONTRACT AGREEMENT (Labor and Materials)

This Subcontract Agreement ("Subcontract") is made as of this 30th day of January, 2009, by and between Opus West Construction Corporation ("Contractor"), with its office located at 15455 N. Dallas Parkway, Addison, TX 75001, and Clean Scapes, Inc. ("Subcontractor") with its office located at 12130 Pecan St, Austin, TX 78727.

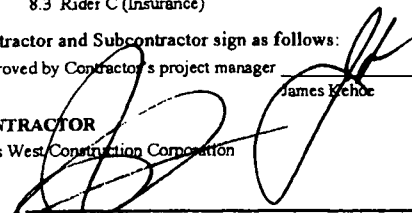
Contractor and Subcontractor agree as follows:

1. Subcontract Documents. The term "Subcontract Documents" is defined in Paragraph 1 of the attached Rider "A."
2. Project. Contractor is providing construction-related materials and services, as applicable, to Owner (defined below) in connection with the project generally described as HCG Pad 3 ("Project"), located at 4005 FM 620 S, Bee Cave, TX 78738 ("Project Site"), and consisting of the total work provided by Contractor under contract documents between Owner and Contractor.
3. Owner. The Owner of the Project is Hill Country Galleria, LP ("Owner").
4. Architect/Engineer. The Architect(s)/Engineer(s) of record for the Project are:  
Civil Engineer: Garrett-Ihnen Civil Engineers Inc  
Architect of Record: Opus Architects & Engineers, Inc.
5. Scope of Work. Subcontractor's scope of work for the Project is described in the attached Rider "A" and is defined therein as the Work.
6. Schedule. Time is of the essence. Accordingly, all time limits and requirements for completion set forth in the Subcontract Documents, including any intermediate milestones (collectively referred to in the Contract Documents as the "Schedule"), are of the essence of this Subcontract. Subcontractor shall begin its Work as soon as the Project is ready for the Work or within three (3) calendar days after being notified orally or in writing to proceed by Contractor. The Substantial Completion of the Work (defined in the General Conditions of Subcontract) shall be achieved as required by job progress, so as to allow the entire Project to be substantially completed on or before 10/24/2007. Subcontractor shall conform to all progress and schedule requirements of the Subcontract Documents and as directed by Contractor's project manager or superintendent, and must achieve the milestones (if any) as described in the attached Rider "A".
7. Subcontract Sum. Contractor shall pay Subcontractor the sum of \$ 12,697.00 ("Subcontract Sum"). The Subcontract Sum includes freight and delivery charges and all applicable state and local taxes including sales and use tax, and if required by law, these taxes must be separately stated on any payment applications, invoices or similar documents delivered by Subcontractor to Contractor for completion of the Work in accordance with the terms and conditions of the Subcontract Documents. A breakdown of the components of the Subcontract Sum is set forth in the attached Rider "A."
8. Riders. The following Riders are attached to and made a part of this Subcontract:
  - 8.1 Rider A (Scope of Work)
  - 8.2 Rider B (Indemnification)
  - 8.3 Rider C (Insurance)

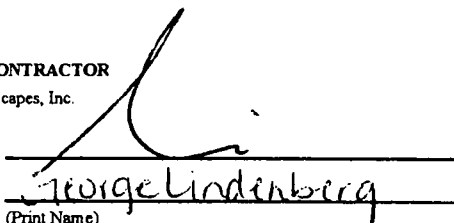
Contractor and Subcontractor sign as follows:

Approved by Contractor's project manager  
James Kechoc

**CONTRACTOR**  
Opus West Construction Corporation

By:   
Paul Lembke  
(Print Name)  
Vice President of Construction, Texas  
(Title)  
2/12/09  
(Date)

**SUBCONTRACTOR**  
Clean Scapes, Inc.

By:   
George Lindenberg  
(Print Name)  
Principal  
(Title)  
2/11/09  
(Date)



Hill Country Galleria / 97337.00  
 02901, 02902, 03120, 02815 / Landscape, Irrigation, Re-Irrigation, Hardscape and Water Features  
 Clean Scapes, Inc. / George Lindenberg  
 Contact Phone # 512-206-6171  
 Contact Fax # 512-448-9590  
 Payment Terms: Standard

**SUBCONTRACT AGREEMENT (Labor and Materials)**

This Subcontract Agreement ("Subcontract") is made as of this 15th day of November, 2006, by and between Opus West Construction Corporation ("Contractor"), with its office located at 15455 N. Dallas Parkway - Suite 450, Addison, TX 75001, and Clean Scapes, Inc. ("Subcontractor") with its office located at 12130 Pecan St., Austin, TX 78727.

Contractor and Subcontractor agree as follows:

1. **Subcontract Documents.** The term "Subcontract Documents" is defined in Paragraph 1 of the attached Rider "A".
2. **Project.** Contractor is providing design and construction-related services to Owner (defined below) in connection with the project generally described as Hill Country Galleria ("Project"), located at 4005 FM 620 S, Bee Cave, TX 78738 ("Project Site"), and consisting of the total work provided by Contractor under contract documents between Owner and Contractor.
3. **Owner.** The Owner of the Project is Hill Country Galleria, LP ("Owner").
4. **Architect/Engineer.** The architect and engineers ("Architect/Engineer") of record for the Project are:  
 Architect of Record: Opus Architects & Engineers, Inc.  
 Civil Engineer: Garrett-Ihnen
5. **Scope of Work.** Subcontractor's scope of work for the Project is described in Paragraph 1 of the attached Rider "A" and is defined therein as the Work.
6. **Schedule.** Time is of the essence. Accordingly, all time limits and requirements for completion set forth in the Subcontract Documents, including any intermediate milestones (collectively referred to in the Subcontract Documents as the "Schedule"), are of the essence of this Subcontract. Subcontractor shall begin its Work as soon as the Project is ready for the Work or within three (3) calendar days after being notified orally or in writing to proceed by Contractor. The Substantial Completion of the Work (defined in the General Conditions of Subcontract) shall be achieved as required by job progress, so as to allow the entire Project to be substantially completed on or before 09/12/2007. Subcontractor shall conform to all progress and schedule requirements of the Subcontract Documents and as directed by Contractor's project manager, and must achieve the milestones (if any) as described in the attached Rider "A".
7. **Subcontract Sum.** Contractor shall pay Subcontractor the sum of \$ 6,447,507.00 ("Subcontract Sum"). The Subcontract Sum includes freight and delivery charges and all applicable state and local taxes including sales and use tax, and if required by law, these taxes must be separately stated on any payment applications, invoices or similar documents delivered by Subcontractor to Contractor for completion of the Work in accordance with the terms and conditions of the Subcontract Documents. A breakdown of the components of the Subcontract Sum is set forth in the attached Rider "A".
8. **Riders.** The following Riders are attached to and made a part of this Subcontract:  
 8.1 Rider A (Scope of Work)  
 8.2 Rider B (Indemnification)  
 8.3 Rider C (Insurance)

Contractor and Subcontractor sign as follows:

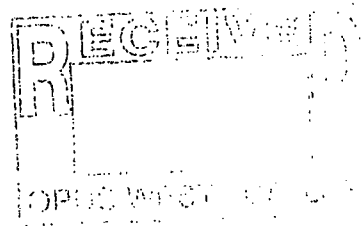
Approved by Contractor's project manager Paul Lembke

**CONTRACTOR**  
 OPUS West Construction Corporation

By: [Signature]  
 Jim Fritcher  
 (Print Name)  
 Senior Vice President Construction  
 (Title)  
 12/11/06  
 (Date)

**SUBCONTRACTOR**  
 Clean Scapes, Inc.

By: [Signature]  
 George Lindenberg  
 (Print Name)  
 Dir. of Business Development  
 (Title)  
 11/28/06  
 (Date)





**SUBCONTRACTOR APPLICATION FOR PAYMENT**

Project Name: Hill Country Galleria  
 Subcontractor: Clean Scapes, Inc.  
 Supplier #: 1022530  
 Address: 12130 Pecan St.  
 Austin, TX 78727  
 Phone: 512-206-6171  
 Remittance Address: Opus West Construction Corporation  
 Attn: Accounts Payable  
 15455 N. Dallas Parkway  
 Addison, TX 75001

Project Number: 97337  
 Date of Application: 2/24/09  
 Application Number: 1  
 Period From: 2/1/09 Period To: 2/28/09

**CONTRACT INFORMATION**

ITEM	SALES TAX \$(if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT	#304.85	\$12,697.00
OPUS APPROVED CHANGE ORDER # 1 thru #		
CONTRACT AMOUNT TO DATE TOTAL	#304.85	\$12,697.00

**APPLICATION INFORMATION**

A Total Completed & Stored to Date \$12,697.00  
 B Less Retainage 10 % \$1,269.70  
 C Total Earned less Retainage (A - B) \$11,427.30  
 D Less Previous Billings (previous req's line C) \$ 0.00  
 E Current Payment Due (C - D) \$11,427.30  
 F Balance to Finish, Plus Retainage (H - A + B) \$1,269.70  
 G Current Gross Amount Completed This Period \$12,697.00

SUBCONTRACTOR: Clean Scapes, Inc. Supplier #: 1022530  
 BY: [Signature]  
 DATE: 2/24/09

**APPLICATION BREAKDOWN**

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

Account Code	Description	Current Contract Amount	Work Completed		Total Work Complete	Percent Complete	Retainage This Application	Net Payment
			From Previous Application	This Period				
97337.44-B40-02901.00-S	Landscaping - Subcontract	\$12,697.00	0.00	12,697.00	12,697.00	100%	1,269.70	11,427.30
	<b>Total</b>	\$12,697.00	0.00	12,697.00	12,697.00	100%	1,269.70	11,427.30
		H	I	G	A	J	K	E

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

**SHADED AREA FOR OPUS ACCOUNTING USE ONLY**

Vendor ID	Vendor Inv. #	Date	G/L Exp

TO (OWNER): Opus West Construction Corp.  
ATTN: Accounts Payable  
15455 N. Dallas Parkway  
Addison, TX 75001

PROJECT: Shiro's - HCG Opus  
4005 FM 620 S  
Bee Cave, TX 78738

FROM (CONTRACTOR): Clean Scapes LP  
PO Box 203070  
Austin, TX 78720-3070

VIA (ARCHITECT):

APPLICATION NO: 1  
PERIOD TO: 2/28/2009  
DISTRIBUTION TO:  
OWNER  
ARCHITECT  
CONTRACTOR

CONTRACT FOR: 20240 - I-rc

CONTRACT DATE: 1/30/2009

**CONTRACTOR'S APPLICATION FOR PAYMENT**

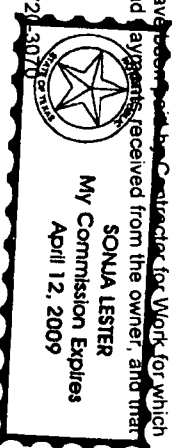
Application is made for Payment, as shown below, in connection with the Contract.  
Continuation Sheet, AIA Type Document is attached.

- 1. ORIGINAL CONTRACT SUM ..... \$ 12,697.00
  - 2. Net Change by Change Orders ..... \$ 0.00
  - 3. CONTRACT SUM TO DATE (Line 1 + 2) ..... \$ 12,697.00
  - 4. TOTAL COMPLETED AND STORED TO DATE ..... \$ 12,697.00
  - 5. RETAINAGE:
    - a. 10.00 % of Completed Work ..... \$ 1,269.70
    - b. 0.00 % of Stored Material ..... \$ 0.00
- Total retainage (Line 5a + 5b) ..... \$ 1,269.70
- 6. TOTAL EARNED LESS RETAINAGE ..... \$ 11,427.30  
(Line 4 less Line 5 Total)
  - 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT ..... \$ 0.00  
(Line 6 from prior Certificate)
  - 8. CURRENT PAYMENT DUE ..... \$ 11,427.30
  - 9. BALANCE TO FINISH, INCLUDING RETAINAGE ..... \$ 1,269.70  
(Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	0.00	0.00
Total approved this Month	0.00	0.00
<b>TOTALS</b>	<b>0.00</b>	<b>0.00</b>
<b>NET CHANGES by Change Order</b>	<b>0.00</b>	<b>0.00</b>

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 to the Contractor for work for which previous Certificates for Payment were issued and payments received from the owner, and that current payment shown herein is now due.

CONTRACTOR: Clean Scapes LP  
PO Box 203070 Austin, TX 78720-3070



By: George Andrew Prinsipal Date: 2/24/09  
State of TX  
County of: Travis

Subscribed and Sworn to before me this 24th Day of February 2009  
Notary Public: [Signature]  
My Commission Expires: 4-12-09

**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In Accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the 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: \_\_\_\_\_ 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.

AIA Type Document  
Application and Certification for Payment

**TO (OWNER):** Opus West Construction Corp.  
ATTN: Accounts Payable  
15455 N. Dallas Parkway  
Addison, TX 75001

**PROJECT:** Shiro's - HCG Opus  
4005 FM 620 S  
Bee Cave, TX 78738

**APPLICATION NO:** 1  
**PERIOD TO:** 2/28/2009

**DISTRIBUTION TO:**  
- OWNER  
- ARCHITECT  
- CONTRACTOR

**FROM (CONTRACTOR):** Clean Scapes LP  
PO Box 203070  
Austin, TX 78720-3070

**VIA (ARCHITECT):**

**ARCHITECT'S PROJECT NO:**

**CONTRACT FOR:** 20240 - lmc

**CONTRACT DATE:** 1/30/2009

ITEM	DESCRIPTION	SCHEDULE VALUE	PREVIOUS APPLICATIONS	COMPLETED THIS PERIOD	STORED MATERIAL	COMPLETED STORED	%	BALANCE	RETAINAGE
1	Design	4,000.00	0.00	4,000.00	0.00	4,000.00	100.00	0.00	400.00
2	Irrigation	8,697.00	0.00	8,697.00	0.00	8,697.00	100.00	0.00	869.70
<b>REPORT TOTALS</b>		<b>\$12,697.00</b>	<b>\$0.00</b>	<b>\$12,697.00</b>	<b>\$0.00</b>	<b>\$12,697.00</b>	<b>100.00</b>	<b>\$0.00</b>	<b>\$1,269.70</b>



**SUBCONTRACTOR APPLICATION FOR PAYMENT**

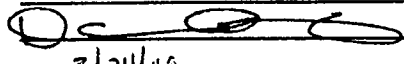
**Project Name:** Hill Country Galleria **Project Number:** 97337  
**Subcontractor:** Clean Scapes, Inc. **Date of Application:** 3/24/09  
**Supplier #:** 1022530  
**Address:** 12130 Pecan St. **Application Number:** 2  
 Austin, TX 78727 **Period From:** 3/1/09 **Period To:** 3/31/09  
**Phone:** 512-206-6171  
**Remittance Address:** Opus West Construction Corporation  
 Attn: Accounts Payable  
 15455 N. Dallas Parkway  
 Addison, TX 75001

**CONTRACT INFORMATION**

ITEM	SALES TAX \$(if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$12,697.00
OPUS APPROVED CHANGE ORDER thru # 1		\$8,003.00
<b>CONTRACT AMOUNT TO DATE TOTAL</b>		<b>\$20,700.00</b>

**APPLICATION INFORMATION**

**A Total Completed & Stored to Date** \$ 20,700.00  
**B Less Retainage** 10 % \$ (2,070.00)  
**C Total Earned less Retainage (A - B)** \$ 18,630.00  
**D Less Previous Billings (previous req's line C)** \$ 11,427.30  
**E Current Payment Due (C - D)** \$ 7,202.70  
**F Balance to Finish, Plus Retainage (H - A + B)** \$ 2,070.00  
**G Current Gross Amount Completed This Period** \$ 8,003.00

**SUBCONTRACTOR:** Clean Scapes, Inc. **Supplier #:** 1022530  
**BY:**   
**DATE:** 3/24/09

**APPLICATION BREAKDOWN**

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

Account Code	Description	Current Contract Amount	Work Completed		Total Work Complete	Percent Complete	Retainage This Application	Net Payment	
			From Previous Application	This Period					
97337.44-B40-02901.00-S	Landscaping - Subcontract	\$20,700.00	12,697.00	8,003.00	20,700.00	100%	800.30	7,202.70	
	<b>Total</b>	\$20,700.00	12,697.00	8,003.00	20,700.00	100%	800.30	7,202.70	
			H	I	G	A	J	K	E

**Entered By:** \_\_\_\_\_ **Accounting** **Date:** \_\_\_\_\_ **Approved By:** \_\_\_\_\_ **Project Manager** **Date:** \_\_\_\_\_

**SHADED AREA FOR OPUS ACCOUNTING USE ONLY**

Vendor ID	Vendor Inv. #	Date	G/L Exp
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TO (OWNER): Opus West Construction Corp.  
ATTN: Accounts Payable  
15455 N. Dallas Parkway  
Addison, TX 75001

PROJECT: Shiro's - HCG Opus  
4005 FM 620 S  
Bee Cave, TX 78738

FROM (CONTRACTOR): Clean Scapes LP  
PO Box 203070  
Austin, TX 78720-3070

VIA (ARCHITECT):

APPLICATION NO: 2  
PERIOD TO: 3/31/2009  
DISTRIBUTION TO:  
OWNER  
ARCHITECT  
CONTRACTOR

CONTRACT FOR: 20240 - JRC

CONTRACT DATE: 1/30/2009

### CONTRACTOR'S APPLICATION FOR PAYMENT

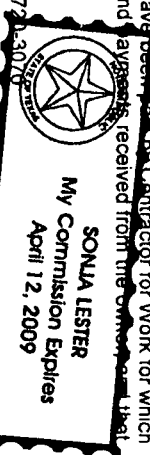
Application is made for Payment, as shown below, in connection with the Contract.  
Continuation Sheet, AIA Type Document is attached.

1. ORIGINAL CONTRACT SUM ..... \$ 20,700.00
  2. Net Change by Change Orders ..... \$ 0.00
  3. CONTRACT SUM TO DATE (Line 1 + 2) ..... \$ 20,700.00
  4. TOTAL COMPLETED AND STORED TO DATE ..... \$ 20,700.00
  5. RETAINAGE:
    - a. 10.00 % of Completed Work ..... \$ 2,070.00
    - b. 0.00 % of Stored Material ..... \$ 0.00
- Total retainage (Line 5a + 5b) ..... \$ 2,070.00
6. TOTAL EARNED LESS RETAINAGE ..... \$ 18,630.00  
(Line 4 less Line 5 Total)
  7. LESS PREVIOUS CERTIFICATES FOR PAYMENT ..... \$ 11,427.30  
(Line 6 from prior Certificate)
  8. CURRENT PAYMENT DUE ..... \$ 7,202.70
  9. BALANCE TO FINISH, INCLUDING RETAINAGE ..... \$ 2,070.00  
(Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	0.00	0.00
Total approved this Month	0.00	0.00
<b>TOTALS</b>	<b>0.00</b>	<b>0.00</b>
NET CHANGES by Change Order	0.00	0.00

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 Contractor for Work for which previous Certificates for Payment were issued and all payments received from the Owner that current payment shown herein is now due.

CONTRACTOR: Clean Scapes LP  
PO Box 203070 Austin, TX 78720-3070



By: [Signature] Date: 3/24/09

State of: TX  
County of: Travis

Subscribed and Sworn to before me this 24th Day of March 2009

Notary Public: Spring Lake  
My Commission Expires: 4-12-09

### ARCHITECT'S CERTIFICATE FOR PAYMENT

In Accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the 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: \_\_\_\_\_ 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.

AIA Type Document  
Application and Certification for Payment

**TO (OWNER):** Opus West Construction Corp.  
ATTN: Accounts Payable  
15455 N. Dallas Parkway  
Addison, TX 75001

**PROJECT:** Shiro's - HCG Opus  
4005 FM 620 S  
Bee Cave, TX 78738

**APPLICATION NO:** 2  
**PERIOD TO:** 3/31/2009

**DISTRIBUTION TO:**  
\_ OWNER  
\_ ARCHITECT  
\_ CONTRACTOR

**FROM (CONTRACTOR):** Clean Scapes LP  
PO Box 203070  
Austin, TX 78720-3070

**VIA (ARCHITECT):**

**ARCHITECT'S PROJECT NO:**

**CONTRACT FOR:** 20240 - Irc

**CONTRACT DATE:** 1/30/2009

ITEM	DESCRIPTION	SCHEDULE VALUE	PREVIOUS APPLICATIONS	COMPLETED THIS PERIOD	STORED MATERIAL	COMPLETED STORED	%	BALANCE	RETAINAGE
1	Design	4,000.00	4,000.00	0.00	0.00	4,000.00	100.00	0.00	400.00
2	Irrigation	8,697.00	8,697.00	0.00	0.00	8,697.00	100.00	0.00	869.70
<b>Change Orders</b>									
3	CO#1 Softscape	8,003.00	0.00	8,003.00	0.00	8,003.00	100.00	0.00	800.30
<b>REPORT TOTALS</b>		<b>\$20,700.00</b>	<b>\$12,697.00</b>	<b>\$8,003.00</b>	<b>\$0.00</b>	<b>\$20,700.00</b>	<b>100.00</b>	<b>\$0.00</b>	<b>\$2,070.00</b>



**SUBCONTRACTOR APPLICATION FOR PAYMENT**

**Project Name:** Hill Country Galleria **Project Number:** 97337  
**Subcontractor:** Clean Scapes, Inc. **Date of Application:** 4/22/09  
**Supplier #:** 1022530 **Application Number:** 3  
**Address:** 12130 Pecan St. **Period From:** 4/1/09 **Period To:** 4/30/09  
 Austin, TX 78727  
**Phone:** 512-206-6171  
**Remittance Address:** Opus West Construction Corporation  
 Attn: Accounts Payable  
 15455 N. Dallas Parkway  
 Addison, TX 75001

**CONTRACT INFORMATION**

ITEM	SALES TAX \$(if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$12,697.00
OPUS APPROVED CHANGE ORDER thru # 2		\$24,777.00
<b>CONTRACT AMOUNT TO DATE TOTAL</b>		<b>\$37,474.00</b>

**APPLICATION INFORMATION**

**A Total Completed & Stored to Date** \$ 37,474.00  
**B Less Retainage** 10 % \$ 3,747.40  
**C Total Earned less Retainage (A - B)** \$ 33,726.60  
**D Less Previous Billings (previous req's line C)** \$ 18,630.00  
**E Current Payment Due (C - D)** \$ 15,096.60  
**F Balance to Finish, Plus Retainage (H - A + B)** \$ 3,747.40  
**G Current Gross Amount Completed This Period** \$ 16,774.00

**SUBCONTRACTOR:** Clean Scapes, Inc. **Supplier #:** 1022530  
**BY:** [Signature]  
**DATE:** 4/22/09

**APPLICATION BREAKDOWN**

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

Account Code	Description	Current Contract Amount	Work Completed		Total Work Complete	Percent Complete	Retainage This Application	Net Payment
			From Previous Application	This Period				
			I+G	A/H			G-K	
97337.40-B40-02901.00-S	Landscaping - Subcontract	\$16,774.00	0.00	16,774.	16,774	100%	1,677.40	15,096.60
97337.44-B40-02901.00-S	Landscaping - Subcontract	\$20,700.00	20,700	0.00	20,700	100%	0.00	0.00
<b>Total</b>		<b>\$37,474.00</b>	<b>20,700</b>	<b>16,774</b>	<b>37,474</b>	<b>100%</b>	<b>1,677.40</b>	<b>15,096.60</b>
			H	I	G	A	J	K

**Entered By:** \_\_\_\_\_ **Accounting** **Date:** \_\_\_\_\_ **Approved By:** \_\_\_\_\_ **Project Manager** **Date:** \_\_\_\_\_

**SHADED AREA FOR OPUS ACCOUNTING USE ONLY**

Vendor ID	Vendor Inv. #	Date	G/L Exp
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TO (OWNER): Opus West Construction Corp.  
ATTN: Accounts Payable  
15455 N. Dallas Parkway  
Addison, TX 75001

PROJECT: Shiro's - HCG Opus  
4005 FM 620 S  
Bee Cave, TX 78738

FROM (CONTRACTOR): Clean Scapes LP  
PO Box 203070  
Austin, TX 78720-3070

VIA (ARCHITECT):

APPLICATION NO: 3  
PERIOD TO: 4/30/2009  
ARCHITECT'S PROJECT NO:  
DISTRIBUTION TO:  
- OWNER  
- ARCHITECT  
- CONTRACTOR

CONTRACT FOR: 20240 - IIRC

CONTRACT DATE: 1/30/2009

### CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Contract.  
Continuation Sheet, AIA Type Document is attached.

- 1. ORIGINAL CONTRACT SUM ..... \$ 12,697.00
- 2. Net Change by Change Orders ..... \$ 24,777.00
- 3. CONTRACT SUM TO DATE (Line 1 + 2) ..... \$ 37,474.00
- 4. TOTAL COMPLETED AND STORED TO DATE ..... \$ 37,474.00
- 5. RETAINAGE:
  - a. 10.00 % of Completed Work ..... \$ 3,747.40
  - b. 0.00 % of Stored Material ..... \$ 0.00
  - Total retainage (Line 5a + 5b) ..... \$ 3,747.40
- 6. TOTAL EARNED LESS RETAINAGE ..... \$ 33,726.60  
(Line 4 less Line 5 Total)
- 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT ..... \$ 18,630.00  
(Line 6 from prior Certificate)
- 8. CURRENT PAYMENT DUE ..... \$ 15,096.60
- 9. BALANCE TO FINISH, INCLUDING RETAINAGE ..... \$ 3,747.40  
(Line 3 less Line 6)

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	8,003.00	0.00
Total approved this Month	16,774.00	0.00
TOTALS	24,777.00	0.00
NET CHANGES by Change Order	24,777.00	

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 Contractor for Work for which previous Certificates for Payment were issued and payments received from the owner, and that current payment shown herein is now due.

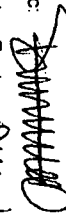
CONTRACTOR: Clean Scapes LP  
PO Box 203070 Austin, TX 78720-3070

By:  Date: 4/22/09

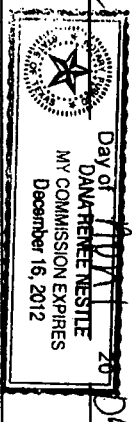
State of: TX  
County of: Travis

Subscribed and Sworn to before me this 22

Day of April 2009

Notary Public: 

My Commission Expires: January



### ARCHITECT'S CERTIFICATE FOR PAYMENT

In Accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the 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: \_\_\_\_\_ 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.

**AIA Type Document**  
Application and Certification for Payment

**TO (OWNER):** Opus West Construction Corp.  
ATTN: Accounts Payable  
15455 N. Dallas Parkway  
Addison, TX 75001

**PROJECT:** Shiro's - HCG Opus  
4005 FM 620 S  
Bee Cave, TX 78738

**APPLICATION NO:** 3  
**PERIOD TO:** 4/30/2009

**DISTRIBUTION TO:**  
\_ OWNER  
\_ ARCHITECT  
\_ CONTRACTOR

**FROM (CONTRACTOR):** Clean Scapes LP  
PO Box 203070  
Austin, TX 78720-3070

**VIA (ARCHITECT):**

**ARCHITECT'S PROJECT NO:**

**CONTRACT FOR:** 20240 - Irc

**CONTRACT DATE:** 1/30/2009

ITEM	DESCRIPTION	SCHEDULE VALUE	PREVIOUS APPLICATIONS	COMPLETED THIS PERIOD	STORED MATERIAL	COMPLETED STORED	%	BALANCE	RETAINAGE	
1	Design	4,000.00	4,000.00	0.00	0.00	4,000.00	100.00	0.00	400.00	
2	Irrigation	8,697.00	8,697.00	0.00	0.00	8,697.00	100.00	0.00	869.70	
<b>Change Orders</b>										
3	CO#1 Softscape	8,003.00	8,003.00	0.00	0.00	8,003.00	100.00	0.00	800.30	
4	CO#2 Softscape	10,499.00	0.00	10,499.00	0.00	10,499.00	100.00	0.00	1,049.90	
5	CO#2 Irrigation	6,275.00	0.00	6,275.00	0.00	6,275.00	100.00	0.00	627.50	
<b>REPORT TOTALS</b>		<b>\$37,474.00</b>	<b>\$20,700.00</b>	<b>\$16,774.00</b>	<b>\$0.00</b>	<b>\$37,474.00</b>	<b>100.00</b>	<b>\$0.00</b>	<b>\$3,747.40</b>	



# OPUS

## SUBCONTRACTOR APPLICATION FOR PAYMENT

**Project Name:** Hill Country Galleria  
**Subcontractor:** Clean Scapes, LP  
**Supplier #:** 1022530  
**Address:** 12130 Pecan St.  
 Austin, TX 78727  
**Phone:** 512-206-6171  
**Remittance Address:** Opus West Construction Corporation  
 Attn: Accounts Payable  
 15455 N. Dallas Parkway  
 Addison, TX 75001


**Project Number:** 97337  
**Date of Application:** 4/22/09  
**Application Number:** 4 - Final  
**Period From:** 4/1/09 **Period To:** 4/30/09

### CONTRACT INFORMATION

ITEM	SALES TAX \$(if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$12,697.00
OPUS APPROVED CHANGE ORDER thru # 2		\$24,777.00
<b>CONTRACT AMOUNT TO DATE TOTAL</b>		<b>\$37,474.00</b>

### APPLICATION INFORMATION

**A Total Completed & Stored to Date** \$ 37,474.00  
**B Less Retainage** 10 % \$ 0.00  
**C Total Earned less Retainage (A - B)** \$ 37,474.00  
**D Less Previous Billings (previous req's line C)** \$ 33,726.60  
**E Current Payment Due (C - D)** \$ 3,747.40  
**F Balance to Finish, Plus Retainage (H - A + B)** \$ 0.00  
**G Current Gross Amount Completed This Period** \$ \_\_\_\_\_

**SUBCONTRACTOR:** Clean Scapes, LP **Supplier #:** 1022530  
**BY:**   
**DATE:** 4/22/09

### APPLICATION BREAKDOWN

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

Account Code	Description	Current Contract Amount	Work Completed		Total Work Complete	Percent Complete	Retainage This Application	Net Payment
			From Previous Application	This Period				
			I + G	A / H	G - K			
97337.40-B40-02901.00-S	Landscaping - Subcontract	\$16,774.00	16,774	0.00	16,774	100%	0.00	
97337.44-B40-02901.00-S	Landscaping - Subcontract	\$20,700.00	20,700	0.00	20,700	100%	0.00	
<b>Total</b>		<b>\$37,474.00</b>	<b>37,474</b>	<b>0.00</b>	<b>37,474</b>	<b>100%</b>	<b>0.00</b>	
			<b>H</b>	<b>G</b>	<b>A</b>	<b>I</b>	<b>K</b>	<b>E</b>

**Entered By:** \_\_\_\_\_ **Accounting** **Date:** \_\_\_\_\_ **Approved By:** \_\_\_\_\_ **Project Manager** **Date:** \_\_\_\_\_

### SHADED AREA FOR OPUS ACCOUNTING USE ONLY

Vendor ID	Vendor Inv. #	Date	G/L Exp
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TO (OWNER): Opus West Construction Corp.  
ATTN: Accounts Payable  
15455 N. Dallas Parkway  
Addison, TX 75001

PROJECT: Shiro's - HCG Opus  
4005 FM 620 S  
Bee Cave, TX 78738

FROM (CONTRACTOR): Clean Scapes LP  
PO Box 203070  
Austin, TX 78720-3070

VIA (ARCHITECT):

APPLICATION NO: 4  
PERIOD TO: 4/30/2009

DISTRIBUTION  
TO:  
- OWNER  
- ARCHITECT  
- CONTRACTOR

ARCHITECTS  
PROJECT NO:

CONTRACT FOR: 20240 - IIRC

CONTRACT DATE: 1/30/2009

### CONTRACTOR'S APPLICATION FOR PAYMENT


Application is made for Payment, as shown below, in connection with the Contract.  
Continuation Sheet, AIA Type Document is attached.

1. ORIGINAL CONTRACT SUM ..... \$ 12,697.00
2. Net Change by Change Orders ..... \$ 24,777.00
3. CONTRACT SUM TO DATE (Line 1 + 2) ..... \$ 37,474.00
4. TOTAL COMPLETED AND STORED TO DATE ..... \$ 37,474.00
5. RETAINAGE:
  - a. 0.00 % of Completed Work ..... \$ 0.00
  - b. 0.00 % of Stored Material ..... \$ 0.00
 Total retainage (Line 5a + 5b) ..... \$ 0.00
6. TOTAL EARNED LESS RETAINAGE ..... \$ 37,474.00  
(Line 4 less Line 5 Total)
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT  
(Line 6 from prior Certificate) ..... \$ 33,726.60
8. CURRENT PAYMENT DUE ..... \$ 3,747.40
9. BALANCE TO FINISH, INCLUDING RETAINAGE  
(Line 3 less Line 6) ..... \$ 0.00

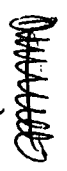
CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	8,003.00	0.00
Total approved this Month	16,774.00	0.00
<b>TOTALS</b>	<b>24,777.00</b>	<b>0.00</b>
<b>NET CHANGES by Change Order</b>	<b>24,777.00</b>	

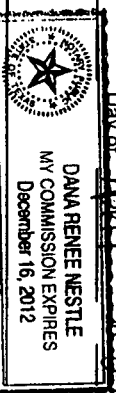
The Undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the work covered by this application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by Contractor for Work for which previous Certificates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

CONTRACTOR: Clean Scapes LP  
PO Box 203070 Austin, TX 78720-3070

By:  Date: 4/22/09

State of: TX  
County of: Travis

Subscribed and Sworn to before me this 22 Day of April 2009  
Notary Public:   
My Commission Expires: November 16, 2012



### ARCHITECT'S CERTIFICATE FOR PAYMENT

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

**AIA Type Document  
Application and Certification for Payment**

**TO (OWNER):** Opus West Construction Corp.  
ATTN: Accounts Payable  
15455 N. Dallas Parkway  
Addison, TX 75001

**PROJECT:** Shiro's - HCG Opus  
4005 FM 620 S  
Bee Cave, TX 78738

**APPLICATION NO:** 4  
**PERIOD TO:** 4/30/2009

**DISTRIBUTION**  
TO:  
\_ OWNER  
\_ ARCHITECT  
\_ CONTRACTOR

**FROM (CONTRACTOR):** Clean Scapes LP  
PO Box 203070  
Austin, TX 78720-3070

**VIA (ARCHITECT):**

**ARCHITECT'S  
PROJECT NO:**

**CONTRACT FOR:** 20240 - IIRC

**CONTRACT DATE:** 1/30/2009

ITEM	DESCRIPTION	SCHEDULE VALUE	PREVIOUS APPLICATIONS	COMPLETED THIS PERIOD	STORED MATERIAL	COMPLETED STORED	%	BALANCE	RETAINAGE	
1	Design	4,000.00	4,000.00	0.00	0.00	4,000.00	100.00	0.00	0.00	
2	Irrigation	8,697.00	8,697.00	0.00	0.00	8,697.00	100.00	0.00	0.00	
<b>Change Orders</b>										
3	CO#1 Softscape	8,003.00	8,003.00	0.00	0.00	8,003.00	100.00	0.00	0.00	
4	CO#2 Softscape	10,499.00	10,499.00	0.00	0.00	10,499.00	100.00	0.00	0.00	
5	CO#2 Irrigation	6,275.00	6,275.00	0.00	0.00	6,275.00	100.00	0.00	0.00	
<b>REPORT TOTALS</b>		<b>\$37,474.00</b>	<b>\$37,474.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$37,474.00</b>	<b>100.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	



**SUBCONTRACT APPLICATION FOR PAYMENT**

Project Name : Hill Country Galleria Project Number : 97337  
 Subcontractor : Clean Scapes, Inc. Date of Application 4/13/2009  
 Supplier # : 1022530 Application Number : 24 - change order  
 Address : 12130 Pecan St. Period From : 4/30/2009  
 Austin, TX 78727  
 Phone : 512-448-1094  
 Remittance Address : Opus West Construction Corporation  
 Attn : Accounts Payable  
 15455 N. Dallas Parkway #450  
 Addison, TX 75001

**CONTRACT INFORMATION**

ITEM	SALES TAX(\$)(if applicable)	TOTAL(\$)
ORIGINAL CONTRACT AMOUNT		\$6,447,507.00
OPUS APPROVED CHANGE ORDER THRU #10 18		\$1,740,207.33
CONTRACT AMOUNT TO DATE TOTAL		\$8,187,714.33

**APPLICATION INFORMATION**

A Total Completed & Stored to Date	\$ 8,187,714.33	
B Less Retainage	\$ .00	
C Total Earned Less Retainage (A - B)		\$ 8,187,714.33
D Less Previous Billings (previous req's line C)	\$ 8,186,738.49	
E Current Payment Due (C - D)		\$ .00
F Balance to Finish, Plus Retainage (H - A + B)	\$ .00	
G Current Gross Amount Completed This Period	\$ 975.84	

SUBCONTRACTOR : Clean Scapes LP Supplier #: 1022530  
 BY : *li*  
 DATE : 4/13/2009

**APPLICATION BREAKDOWN**

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

Account Code	Description	Current Contract Amount	From Previous Application	This Period	Total Work Complete	Percent Complete	Retainage This Application	Net Payment
					I + G	A/H		G - K
97337.03-B40-02901.00-S	Landscaping - Subcontract	\$2,894,418.63	\$2,894,417.79	\$0.84	\$2,894,418.63	100.00%	\$0.00	\$0.84
97337.03-B40-03132.00-S	7" Concrete Paving - Subcontract	\$166,538.00	\$166,538.00	\$0.00	\$166,538.00	100.00%	\$0.00	\$0.00
97337.03-B40-02815.00-S	Water Features - Subcontract	\$790,481.00	\$790,481.00	\$0.00	\$790,481.00	100.00%	\$0.00	\$0.00
97337.03-B40-03198.00-S	Site Finish: Misc - Subcontract	\$245,016.00	\$245,016.00	\$0.00	\$245,016.00	100.00%	\$0.00	\$0.00
97337.03-B40-02902.00-S	Irrigation - Subcontract	\$1,515,504.00	\$1,515,504.00	\$0.00	\$1,515,504.00	100.00%	\$0.00	\$0.00
97337.03-B40-03100.00-S	Sidewalk - Subcontract	\$236,856.00	\$236,856.00	\$0.00	\$236,856.00	100.00%	\$0.00	\$0.00
97337.03-B40-03120.00-S	Concrete Hardscape - Subcontract	\$1,644,716.36	\$1,644,716.36	\$0.00	\$1,644,716.36	100.00%	\$0.00	\$0.00
97337.03-B40-02520.00-S	Cobble/Other Pavers - Subcontract	\$257,547.00	\$257,547.00	\$0.00	\$257,547.00	100.00%	\$0.00	\$0.00
97337.03-B40-02515.00-S	Brick/CMU Pavers - Subcontract	\$235,095.00	\$235,095.00	\$0.00	\$235,095.00	100.00%	\$0.00	\$0.00
97337.03-B20-02300.00-S	Earthwork - Subcontract	\$6,000.00	\$6,000.00	\$0.00	\$6,000.00	100.00%	\$0.00	\$0.00
97337.56-B40-02901.00-S	Landscaping - Subcontract Dick's Sporting Goods	\$53,271.00	\$53,271.00	\$0.00	\$53,271.00	100.00%	\$0.00	\$0.00
97337.56-B40-02902.00-S	Irrigation - Subcontract Dick's Sporting Goods	\$34,998.00	\$34,998.00	\$0.00	\$34,998.00	100.00%	\$0.00	\$0.00
97337.99-B40-02901.00-S	Landscaping - Subcontract	\$81,170.00	\$81,170.00	\$0.00	\$81,170.00	100.00%	\$0.00	\$0.00
97337.99-B40-03100.00-S	Landscaping - Subcontract	\$26,103.34	\$25,128.34	\$975.00	\$26,103.34	100.00%	\$0.00	\$975.00
	<b>TOTAL</b>	<b>\$8,187,714.33</b>	<b>\$8,186,738.49</b>	<b>\$975.84</b>	<b>\$8,187,714.33</b>	<b>100.00%</b>	<b>\$0.00</b>	<b>\$975.84</b>
		H	I	G	A	J	K	E

SHADED AREA FOR OPUS ACCOUNTING USE ONLY



# CONTRACTOR'S APPLICATION FOR PAYMENT

CAP702L

PAGE 1 OF 2 PAGES

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

PROJECT: HCG

HILL COUNTRY GALLERIA  
 4005 FM 620 S  
 BEE CAVE, TX 78738

VIA ARCHITECT: OPUS ARCHITECTS & ENG

FROM CONTRACTOR: Clean Scapes, LP  
 PO Box 203070  
 Austin, TX 78720

APPLICATION NO: 24  
 PERIOD TO: 4/30/2009  
 CONTRACT DATE: / /  
 PROJECT NOS:

Distribution to:  
 Owner  
 Architect  
 Contractor  
 Construction Mgr

CONTRACT FOR:

## CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment as shown below, in connection with the contract. Continuation Sheet, Document CAP703, is attached.

1. ORIGINAL CONTRACT SUM \$ 8,187,714.33
  2. Net Change by Change Orders \$ 0.00
  3. CONTRACT SUM TO DATE (Line 1+ - 2) \$ 8,187,714.33
  4. TOTAL COMPLETED & STORED TO DATE (Column G on CAP703) \$ 8,187,714.33
  5. RETAINAGE:
    - a. 10.00 % of Completed Work \$ 0.00  
 (Columns D + E on CAP703)
    - b. 10.00 % of Stored Material \$ 0.00  
 (Column F on CAP703)
- Total Retainage (Line 5a + 5b or Total in column I of CAP703) \$ 0.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total) \$ 8,187,714.33
  7. LESS PREVIOUS CERTIFICATES FOR PAYMENT \$ 8,186,738.49  
 (Line 6 from prior Certificate)
  8. CURRENT PAYMENT DUE \$ 975.84
  9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6) \$ 0.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	0.00	0.00
Total approved this Month	0.00	0.00
<b>TOTALS</b>	0.00	0.00
<b>NET CHANGES by Change Order</b>		0.00

Forms & Software by PEM Software 1.800.803.1315

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 herein is now due.  
 CONTRACTOR: Clean Scapes, LP

By: \_\_\_\_\_ Date: 4/13/2009

State of: TX

County of:

Subscribed and sworn to before

me this \_\_\_\_\_ day of \_\_\_\_\_

Notary Public:

My Commission expires:

## 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 is in accordance with the Contract Documents, and the Contractor is entitled to payment of the 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.

**CAP703 DETAIL PAGE(S)**

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

**FROM:**  
Clean Scapes, LP  
PO Box 203070  
Austin, TX 78720

**PROJECT**  
HCG

ARCHITECTS PROJECT#:  
CONTRACT DATE: / /

APPLICATION#:	24
APPLICATION DATE:	4/13/2009
PERIOD TO:	4/30/2009

ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED		MATERIALS PRESENTLY STORED (NOT IN D OR E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G / C)	BALANCE TO FINISH (C - G)	RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
1	Landscaping 2901	2,894,418.63	2,894,417.79	0.84	0.00	2,894,418.63	100	0.00	0.00
2	7" Concrete Paving 3132	166,538.00	166,538.00	0.00	0.00	166,538.00	100	0.00	0.00
3	Water Features 2815	790,481.00	790,481.00	0.00	0.00	790,481.00	100	0.00	0.00
4	Site Finish: Misc 3198	245,016.00	245,016.00	0.00	0.00	245,016.00	100	0.00	0.00
5	Irrigation 2902	1,515,504.00	1,515,504.00	0.00	0.00	1,515,504.00	100	0.00	0.00
6	Sidewalk 3100	236,856.00	236,856.00	0.00	0.00	236,856.00	100	0.00	0.00
7	Concrete Hardscape 3120	1,644,716.36	1,644,716.36	0.00	0.00	1,644,716.36	100	0.00	0.00
8	Cobble/ Other Pavers 2520	257,547.00	257,547.00	0.00	0.00	257,547.00	100	0.00	0.00
9	Brick/CMU Pavers 2515	235,095.00	235,095.00	0.00	0.00	235,095.00	100	0.00	0.00
10	Earthwork Subcontract - 2300	6,000.00	6,000.00	0.00	0.00	6,000.00	100	0.00	0.00
11	Dicks Sporting Goods Soft 2901	53,271.00	53,271.00	0.00	0.00	53,271.00	100	0.00	0.00
12	Dicks Sporting Goods Itr 2902	34,998.00	34,998.00	0.00	0.00	34,998.00	100	0.00	0.00
13	97337.99-B40-02901.00-S	81,170.00	81,170.00	0.00	0.00	81,170.00	100	0.00	0.00
14	97337.99-B40-03100.00 Sidewalk	26,103.34	25,128.34	975.00	0.00	26,103.34	100	0.00	0.00
		8,187,714.33	8,186,738.49	975.84	0.00	8,187,714.33	100	0.00	0.00