


UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF TEXAS		AMENDED PROOF OF CLAIM
Name of Debtor: (Check Only One): <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.		Case Number:  09-34360-11
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.		
Name of Creditor (the person or other entity to whom the debtor owes money or property):  SCS FLOORING SYSTEMS c/o MYER LAW 1220 1/2 State Street Santa Barbara, California 93101		<input checked="" type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.  Court Claim Number: (If known)  Filed on: October 30, 2009
Name and address where notices should be sent: SCS FLOORING SYSTEMS, c/o MYER LAW, 1220 1/2 State Street, Santa Barbara, California 93101 Telephone number: 805/962-0083 Email Address: rmyer@myerlawpc.com		<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.
Name and address where payment should be sent (if different from above):  Telephone number:		
1. Amount of Claim as of Date Case Filed: \$ 246,940.70 <b>BMC GROUP</b> 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 checked="" type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.  Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,425 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other - Specify applicable paragraph of 11 U.S.C. §507 (a)( ).  Amount entitled to priority: \$
2. Basis for Claim: <u>Flooring labor, services, materials &amp; equipment</u> (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: _____ 3a. Debtor may have scheduled account as: _____ (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Equipment <input type="checkbox"/> Other Value of Property: <u>unknown</u> 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 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 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 _____		
Date: 01/20/2010	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.	
		FOR COURT USE ONLY OPUS WEST  00669

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.  
 Modified B10 (GCG) (12/08)

**OPUS WEST CONSTRUCTION CORPORATION Bankruptcy**

**Case No. 09-34360-11**

**Itemized Statement of Interest and Costs**

**SCS Flooring System's Proof of Claim**

1st Mechanic's Lien:

**Doc #: 2009-0299597**

**Date of Recordation: June 03, 2009**

**Property Address:**

**10301-10343 Meanley Dr.**

**San Diego, CA 92122**

**Principal Amount: \$28,400.00**

**Interest: .83 % per month  
(10% annual rate)**

Interest accrued from March 20, 2009 to July 7, 2009, a total of 109 days at the rate of \$7.78 per day. A total sum of \$848.11.

**Interest \$848.11**

2nd Mechanic's Lien:

**Doc #: 2009-0299588**

**Date of Recordation: June 03, 2009**

**Property Address:**

**10301-10343 Meanley Dr.**

**San Diego, CA 92131**

**Principal Amount of: \$148,356.91**

**Interest: .83 % per month  
(10% annual rate)**

Interest accrued from April 1, 2009 to July 7, 2009, a total of 97 days at the rate of \$40.65 per day. A total sum of \$3,942.64.

**Interest \$3,942.64**

3rd Mechanic's Lien:

**Doc #: 2009-0314325**

**Date of Recordation: June 10, 2009**

**Property Address:**

3205 Lionshead Ave.,  
San Diego, CA 92008

**Principal Amount:** **\$62,283.22**

Interest: .83 % per month  
(10% annual rate)

Interest accrued from March 20, 2009 to July 7, 2009, a total of 109 days at the rate of \$17.06 per day. A total sum of \$1859.96

**Interest** **\$1859.96**

---

**Total Interest:**

**(848.11 + 3,942.64 + 1859.96)** **\$6650.71**

Date of Bankruptcy Filing: July 7, 2009

Allowable Costs per C.C.P. §1033.5:

**1st and 2nd Mechanic's Liens:**

Filing Complaint fee \$355,

Serving Complaint on LaSalle Bank N.A. \$190,

Serving Complaint on Lockheed Martin Corporation \$70,

Recording of Notice of Pending Action fee \$18.00

Recording of Mechanics Lien fee (\$16 + \$16 = \$32),

Mailing of Preliminary Notice (\$16.62 + \$16.62 = \$33.24)

**Costs = \$698.24**

**3rd Mechanic's Lien:**

Filing Complaint Fee \$355,

Serving Complaint on Bank of the West \$70,

Serving Complaint on Aethercomm Inc. \$70.

Recording of Notice of Pending Action fee \$22,

Recording of Mechanics Lien fee \$18,

Mailing of Preliminary Notice \$16.62

**Costs = \$551.62**

---

**Total Costs = (\$698.24 + \$551.62) = \$1249.86**

**Total amount of SCS Flooring System's claim: \$246,940.70**

**(\$28,400.00 + \$148,356.91 + \$62,283.22 + \$6650.71 + 1249.86)**

RECEIVED

RECEIVED APR 03 2008



MAR 27 2008

OPUS WEST IRVINE

Horizon Tech Center / 10262.00

/Flooring

SCS Flooring Systems / Kevin Nasserl

Contact Phone # 760.931.1600

Contact Fax # 760.931.6100

Payment Terms: Standard

**SUBCONTRACT AGREEMENT (Labor and Materials)**

This Subcontract Agreement ("Subcontract") is made as of this 18th day of March, 2008, by and between OPUS West Construction Corporation ("Contractor"), with its office located at 2050 Main St., Suite 800, Irvine, CA 92614, and SCS Flooring Systems ("Subcontractor") with its office located at 5875 Owens Ave., Ste. 120, Carlsbad, CA 92008.

**FULLY EXECUTED**

Contractor and Subcontractor agree as follows:

- Subcontract Documents. The term "Subcontract Documents" is defined in Paragraph 1 of the attached Rider "A".
- Project. Contractor is providing design and construction-related services to Owner (defined below) in connection with the project generally described as Horizon Tech Center ("Project"), located at 10301 Meanly Drive, San Diego, CA 92131 ("Project Site"), and consisting of the total work provided by Contractor under contract documents between Owner and Contractor.
- Owner. The Owner of the Project is Opus West Corporation ("Owner").
- Architect/Engineer. The architect and engineers ("Architect/Engineer") of record for the Project are:  

Architect of Record:	Opus Architects & Engineers, Inc.
Civil Engineer:	PBS&J
Structural Engineer of Record:	Opus Architects & Engineers, Inc.
- 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.
- 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 07/09/2008. 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".
- Subcontract Sum. Contractor shall pay Subcontractor the sum of \$ 329,600.00 ("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".
- 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

Andrew Rathallo

CONTRACTOR  
OPUS West Construction Corporation

By:

Jeffery J. Dickerson  
Jeffery J. Dickerson

(Print Name)

Vice President of Construction

(Title)

(Date)

3/21/08

SUBCONTRACTOR  
SCS Flooring Systems

By:

Geoff Gordon  
Geoff Gordon

(Print Name)

President

(Title)

(Date)

03/25/08

ORIGINAL

JUN 22 2009

DOC # 2009-0299597



JUN 03, 2009 3:40 PM

RECORDING REQUESTED BY AND RETURN TO:

File: 469383 APN: 319-170-23-00

SCS Flooring Systems

Ms. Lisa Gonzalez

530 S. Main St. # 110

Orange, CA 92868

Phone: 714-542-2146

Fax: 714-245-4987

10598

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
DAVID L. BUTLER, COUNTY RECORDER  
FEES: 16.00

PAGES: 3



**MECHANIC'S LIEN**  
(California Civil Code § 3084)

The undersigned claimant, SCS Flooring Systems, hereby claims a mechanic's lien as follows:

The claimant's demand, after deducting all just credits and offsets, is the sum of \$28,400.00, including service charges or interest at the rate of 18.00% per annum, thereon from 3/20/2009 until the amount owing is paid in full.

The name of the owner(s) or reputed owner(s), if known, is: SEQUOIA REALTY LP., 10350 BREN RD W, MINNETONKA, MN 55343-9014.

The name of the person to whom claimant furnished the labor, services, equipment or materials to was OPUS WEST CONSTRUCTION CORP. 4350 LA JOLLA VILLAGE DR #110, SAN DIEGO, CA 92122.

The claimant furnished the following kinds of labor, services, equipment or materials: Contract Floor Covering & Consultation.

The site at which the work of improvement was constructed is commonly known as the OPUS HORIZON TECH CNTR / BLDG A.B.C project, located at 10301-10343 MEANLEY DR, SAN DIEGO, CA 92122, in the County of SAN DIEGO. See Exhibit A for legal description attached hereto and made a part hereof.

The specific contract information is for Our Job/Invoice 5708085.

Dated: 6/2/2009

SCS Flooring Systems  
By:   
Laura Pavay Lien Administrator

VERIFICATION

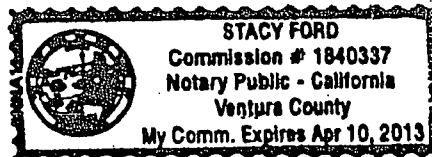
I declare that I, Laura Pavay, am authorized to file this claim on behalf of the claimant. I have read the foregoing document and know the contents thereof; the same is true of my own knowledge declare under penalty of perjury that the foregoing is true and correct. Executed at Simi Valley, CA on 6/2/2009 for SCS Flooring Systems.

By:   
Laura Pavay

STATE OF CALIFORNIA )  
COUNTY OF VENTURA )

Subscribed and sworn to (or affirmed) before me on this 2 day of June, 2009, by Laura Pavay, who proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature \_\_\_\_\_ (seal)



10599

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:**

**PARCEL I:**

Lot 4 of Scripps Ranch Business Park Phase III, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12130 filed in the Office of the County Recorder of San Diego County, July 27, 1988; and as further defined in that certain Certificate of Correction recorded August 23, 1989 as Instrument No. 89-452514, of Official Records.

**PARCEL II:**

An easement for ingress, egress, construction, operation and maintenance of a monument sign as contained in that certain "Grant of Easement" recorded November 5, 1999, as Instrument No. 1999-0740198, of Official Records.

APN: 319-170-23-00

10600

EXHIBIT B - OTHER LEGAL PARTIES

OPUS HORIZON TECH CNTR / BLDG A,B,C  
10301-10343 MEANLEY DR ,  
SAN DIEGO, CA 92122

ADDITIONAL OWNER(S)

OPUS WEST CORP  
2555 E CAMELBACK RD STE 800  
PHOENIX AZ 85016

OPUS WEST CONSTRUCTION CORP  
2050 MAIN STREET SUITE 800  
IRVINE CA 92614



JUN 22 2009



JUN 03, 2009 3:34 PM

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
DAVID L. BUTLER, COUNTY RECORDER  
FEES: 16.00

PAGES: 3

RECORDING REQUESTED BY AND RETURN TO:

File: 498325 APN: 319-170-23-00

SCS Flooring Systems

Ms. Lisa Gonzalez

530 S. Main St. # 110

Orange, CA 92868

Phone: 714-542-2146

Fax: 714-245-4987

10534



MECHANIC'S LIEN  
(California Civil Code § 3084)

The undersigned claimant, SCS Flooring Systems, hereby claims a mechanic's lien as follows:

The claimant's demand, after deducting all just credits and offsets, is the sum of \$148,356.91, including service charges or interest at the rate of 18.00% per annum, thereon from 4/1/2009 until the amount owing is paid in full.

The name of the owner(s) or reputed owner(s), if known, is: SEQUOIA REALTY LP., 10350 BREN RD W, MINNETONKA, MN 55343-9014.

The name of the person to whom claimant furnished the labor, services, equipment or materials to was OPUS WEST CONSTRUCTION CORP, 4350 LA JOLLA VILLAGE DR #110, SAN DIEGO, CA 92122.

The claimant furnished the following kinds of labor, services, equipment or materials: Contract Floor Covering & Consultation.

The site at which the work of improvement was constructed is commonly known as the LOCKHEED MARTIN TI / BLDG A,B,C project, located at 10301-10343 MEANLEY DR, SAN DIEGO, CA 92131, in the County of SAN DIEGO. See Exhibit A for legal description attached hereto and made a part hereof.

The specific contract information is for Our Job/Invoice 5708187.

Dated: 6/2/2009

SCS Flooring Systems  
By:   
Laura Pavey Lien Administrator

VERIFICATION

I declare that I, Laura Pavey, am authorized to file this claim on behalf of the claimant. I have read the foregoing document and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct. Executed at Santa Valley, CA on 6/2/2009 for SCS Flooring Systems.

By:   
Laura Pavey

STATE OF CALIFORNIA )  
COUNTY OF VENTURA )

Subscribed and sworn to (or affirmed) before me on this 2 day of June, 2009, by Laura Pavey, who proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature \_\_\_\_\_ (seal)



10535

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

**PARCEL I:**

Lot 4 of Scripps Ranch Business Park Phase III, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 12130 filed in the Office of the County Recorder of San Diego County, July 27, 1988; and as further defined in that certain Certificate of Correction recorded August 23, 1989 as Instrument No. 89-452514, of Official Records.

**PARCEL II:**

An easement for ingress, egress, construction, operation and maintenance of a monument sign as contained in that certain "Grant of Easement" recorded November 5, 1999, as Instrument No. 1999-0740198, of Official Records.

APN: 319-170-23-00

10536

EXHIBIT B - OTHER LEGAL PARTIES

LOCKHEED MARTIN TI / BLDG A,B,C 498325  
10301-10343 MEANLEY DR,  
SAN DIEGO, CA 92131

ADDITIONAL OWNER(S)

OPUS WEST CONSTRUCTION CORP  
2050 MAIN STREET SUITE 800  
IRVINE CA 92614

ADDITIONAL OWNER(S)

OPUS WEST CORP  
2555 E CAMELBACK RD STE 800  
PHOENIX AZ 85016



RECEIVED SEP 09 2008

Aethercomm TI / 11077.10  
See Price Breakdown / Flooring  
SCS Flooring Systems / Kevin Nassef  
Contact Phone # 760.931.1600  
Contact Fax # 760.931.6100  
Payment Terms: Standard

**SUBCONTRACT AGREEMENT (Labor and Materials)**

This Subcontract Agreement ("Subcontract") is made as of this 22nd day of July, 2008, by and between OPUS West Construction Corporation ("Contractor"), with its office located at 4350 La Jolla Village Dr., Ste. 110, San Diego, CA 92122, and SCS Flooring Systems ("Subcontractor") with its office located at 5876 Owens Ave., Ste. 120, Carlsbad, CA 92088.

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 Aethercomm TI ("Project"), located at 3205 Lionshead Avenue, Carlsbad, CA 92010 ("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 Opus West Corporation ("Owner").
4. Architect/Engineer. The architect and engineers ("Architect/Engineer") of record for the Project are:  
Architect: Smith Consulting Architects
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 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 01/15/2009. 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 \$ 102,293.00 ("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

Ralph Miller  
Ralph Miller

**CONTRACTOR**

OPUS West Construction Corporation

By:

Jeffery Dickerson  
Jeffery Dickerson

(Print Name)

Vice President of Construction  
Vice President of Construction

(Title)

(Date)

9/2/08

**SUBCONTRACTOR**

SCS Flooring Systems

By:

Geoff Eordon  
Geoff Eordon

(Print Name)

President  
President

(Title)

(Date)

08/04/08

ORIGINAL



JUN 10, 2009 10:18 AM

RECORDING REQUESTED BY AND RETURN TO:  
File: 491658 APN: 221-881-1400  
SCS Flooring Systems  
Ms. Lisa Gonzalez  
530 S. Main St. # 110  
Orange, CA 92868  
Phone: 714-542-2146  
Fax: 714-245-4987

34  
11-11  
4356

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
DAVID L. BUTLER, COUNTY RECORDER  
FEES: 18.00

PAGES: 3



**MECHANIC'S LIEN**  
(California Civil Code § 3084)

The undersigned claimant, SCS Flooring Systems, hereby claims a mechanic's lien as follows:

The claimant's demand, after deducting all just credits and offsets, is the sum of \$62,283.22, including service charges or interest at the rate of 18.00% per annum, thereon from 3/20/2009 until the amount owing is paid in full.

The name of the owner(s) or reputed owner(s), if known, is: OPUS WEST CORPORATION, , 2050 MAIN ST STE 800, IRVINE, CA 92614. See also Exhibit B attached hereto.

The name of the person to whom claimant furnished the labor, services, equipment or materials to was OPUS WEST CONSTRUCTION CORP, 4350 LA JOLLA VILLAGE DR #110, SAN DIEGO, CA 92122.

The claimant furnished the following kinds of labor, services, equipment or materials: Contract Floor Covering & Consultation.

The site at which the work of improvement was constructed is commonly known as the AETHERCOMM TI project, located at 3205 LIONSHEAD AVE, CARLSBAD, CA 92008, in the County of SAN DIEGO. See Exhibit A for legal description of property attached hereto and made a part hereof.

The specific contract information is for Our Job/Invoice 5708158.

Dated: 6/8/2009

SCS Flooring Systems  
By:   
Laura Pavey Lien Administrator

**VERIFICATION**

I declare that I, Laura Pavey, am authorized to file this claim on behalf of the claimant. I have read the foregoing document and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct. Executed at Simi Valley, CA on 6/8/2009 for SCS Flooring Systems.

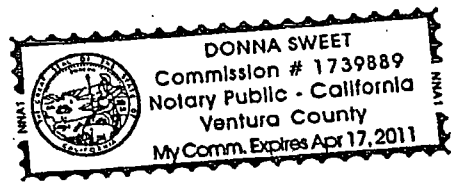
By:   
Laura Pavey

JUN 25 2009

STATE OF CALIFORNIA )  
COUNTY OF VENTURA )

Subscribed and sworn to (or affirmed) before me on this 8 day of June, 20 09, by Laura Pavey, who proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature (seal)



**PARCEL 1:**

**PARCEL A, AS SHOWN ON THE EXHIBIT "A" OF THAT CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 07, 2007 AS INSTRUMENT NO. 2007-760449 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**LOT 9 AND A PORTION OF LOT 10 OF CARLSBAD TRACT NO. 98-10, ACCORDING TO MAP THEREOF NO. 15013, IN THE CITY OF CARLSBAD COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MAY 3, 2005 AS FILE NO. 2005-0371022, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 9; THENCE, ALONG THE NORTH LINE OF SAID LOTS 9 AND 10, NORTH 81° 09' 39" EAST 165.30 FEET TO THE BEGINNING OF A 634-FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 9° 16' 48" A DISTANCE OF 102.69 FEET; THENCE SOUTH 89° 33' 33" EAST 108.84 FEET; THENCE, LEAVING SAID NORTH LINE, SOUTH 00° 26' 27" WEST 340.50 FEET; THENCE SOUTH 89° 33' 33" EAST 8.00 FEET; THENCE SOUTH 00° 26' 27" WEST 111.23 FEET TO THE SOUTH LINE OF SAID LOTS 9 AND 10; THENCE, ALONG SAID SOUTH LINE, SOUTH 89° 33' 45" WEST 374.92 FEET TO THE SOUTHWEST CORNER OF SAID LOT 9; THENCE, LEAVING SAID SOUTH LINE ALONG THE WEST LINE OF SAID LOT 9, NORTH 00° 33' 16" WEST 422.59 FEET TO THE POINT OF BEGINNING.**

**PARCEL 2:**

**A NON-EXCLUSIVE EASEMENT FOR SURFACE AND UNDERGROUND DRAINAGE AND VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS IN, TO, OVER AND ACROSS A PORTION OF LOT 11 OF CARLSBAD TRACT NO. 98-10, ACCORDING TO MAP THEREOF NO. 15013, IN THE CITY OF CARLSBAD COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MAY 3, 2005 AS FILE NO. 2005-0371022 AS CONTAINED IN AND SUBJECT TO THE PROVISIONS OF THE "DECLARATION OF COVENANTS AND GRANT OF EASEMENTS REGARDING ACCESS ROAD" RECORDED MARCH 10, 2008 AS INSTRUMENT NO. 2008-0124408 AND THE "AMENDED AND RESTATED DECLARATION OF COVENANTS AND GRANT OF EASEMENTS REGARDING ACCESS ROAD AND DRAINAGE" RECORDED MAY 08, 2008 AS INSTRUMENT NO. 2008-0248752, BOTH OF OFFICIAL RECORDS.**

EXHIBIT B - OTHER LEGAL PARTIES

4358

AETHERCOMM TI 491658  
3205 LIONSHEAD AVE.  
CARLSBAD, CA 92008

ADDITIONAL OWNER(S)

AETHERCOMM INC  
2910 NORMAN STRASSE #105  
SAN MARCOS CA 92069

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PROOF OF SERVICE BY U.S. MAIL  
[C.C.P. §1013a(1)]

STATE OF CALIFORNIA            )  
  ) SS  
COUNTY OF SANTA BARBARA    )

I am over the age of eighteen years, employed in the County of Santa Barbara and not a party to the within-entitled action. My business address is:

1220-1/2 State Street  
Santa Barbara, California 93101

On January 20, 2010, I served the within **AMENDED PROOF OF CLAIM** on all interested parties in said action by placing a true copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid, in the United States mail at Santa Barbara, California, addressed as:

(See attached Service List.)

I deposited such envelope in the mail at Santa Barbara, California. The envelope was mailed with postage thereon fully prepaid.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Santa Barbara, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 20, 2010, at Santa Barbara, California.

  
Susan G. Loveridge



SERVICE LIST

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By: United States Mail

Opus West Corporation, et al.  
c/o BMC Group  
P.O. Box 3020  
Chanhassen, MN 55317-3020

Clifton R. Jessup, Jr.  
GREENBERG TAURIG, LLP  
2200 Ross Avenue, Suite 5200  
Dallas, TX 75201

Peter Franklin  
Doug Skierski  
FRANKLIN SKIERSKI LOVALL HAYWARD, LLP  
10501 N. Central Expressway, Suite 106  
Dallas, TX 75231

United States Bankruptcy Court  
NORTHERN DISTRICT OF TEXAS  
1100 Commerce Street, Room 1254  
Dallas, TX 75242-1496

Office of the United States Trustee  
1100 Commerce Street, Room 976  
Dallas, TX 75242