

UNITED STATES BANKRUPTCY COURT Northern District of Texas PROOF OF CLAIM

Name of Debtor: Opus West Construction and Opus West, L.P. Case Number: Jointly 09-34356

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): Regency Plumbing Contractors, L.P. Name and address where notices should be sent: Preston C. Goodwin, Goodwin & Harrison, L.L.P., P.O. Box 8278, The Woodlands, Texas 77387, 281-363-3136

Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: (If known) Filed on:

FILED JAN 08 2011 stamp

Name and address where payment should be sent (if different from above): Telephone number:

Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. Check this box if you are the debtor or trustee in this case.

1. Amount of Claim as of Date Case Filed: \$ If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.

5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim.

2. Basis for Claim: Goods sold - Services performed (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:

Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. §507 (a)(4). Contributions to an employee benefit plan - 11 U.S.C. §507 (a)(5).

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: Real Estate Motor Vehicle Other Describe: M + M LIEN 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: \$22,480.00 Amount Unsecured: \$

RECEIVED JAN 10 2011 BMC GROUP stamp

Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. §507 (a)(7). Taxes or penalties owed to governmental units - 11 U.S.C. §507 (a)(8). Other - Specify applicable paragraph of 11 U.S.C. §507 (a)().

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.)

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.

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

Date: 12/29/10 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 OPUWEST 00687 barcode



REGENCY PLUMBING

281-561-7000 281-561-7037 Fax
P.O. Box 16009, Sugar Land, Texas 77496-6009
www.regencyplumbing.com

INVOICE

DATE: 4/20/09

INVOICE #R 12119

REVISED

PROJECT:

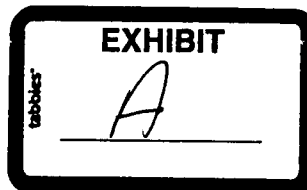
Fort Bend Crossing JR Anchor Shells

Bill To: OPUS WEST CONSTRUCTION CORP.
15455 NORTH DALLAS PARKWAY, SUITE 450
ADDISON, TX 75001
ATTN: ACCOUNTS PAYABLE

JOB #	PO #	TERMS: NET 30 DAYS	
97327.11			
1. ORIGINAL CONTRACT AMOUNT	\$ 44,000.00	DESCRIPTION: Invoice for labor, materials and equipment for plumbing work completed through 4/30/09	
2. CHANGE ORDERS	\$ -		
3. ADJUSTED CONTRACT AMOUNT	\$ 44,000.00	RETAINAGE AMOUNT OF \$980.00 INCLUDED IN THIS INVOICE	
4. VALUE OF WORK COMPLETED	\$ 31,300.00		
5. MATERIALS STORED ON SITE	\$ -		
6. SUBTOTAL (4+5)	\$ 31,300.00		
7. LESS AMOUNT RETAINED	\$ -		
8. TOTAL LESS RETAINAGE	\$ 31,300.00		
9. LESS PREVIOUSLY INVOICED	\$ 8,820.00		
10. NET DUE THIS INVOICE	\$ 22,480.00		TAX ON MATERIALS INCLUDED

This firm operates under the licensure of the Texas State Board of Plumbing Examiners,

P.O. Box 4200, Austin, TX 78765, (512) 458-2145; Mark R. Livesay, Master Plumber License #M-13178





SUBCONTRACTOR APPLICATION FOR PAYMENT

Project Name: Crossing at Fort Bend Parkway
Subcontractor: Regency Plumbing
Supplier #: 1044882
Address: 13003 Murphy, Suite 12
 Stafford, TX 77477
Phone: 281-561-7000
Resilience Address: Opus West Construction Corporation
 Attn: Accounts Payable
 13455 N. Dallas Parkway, Suite 450
 Addison, TX 75001

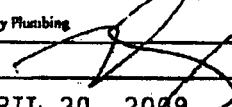
Project Number: 97327
Date of Application: APRIL 20, 2009
Application Number: 2
Period From: 04/01/09 **Period To:** 04/30/09

CONTRACT INFORMATION

ITEM	SALES TAX (5)(if applicable)	TOTAL (\$)
ORIGINAL CONTRACT AMOUNT		\$44,000.00
OPUS APPROVED CHANGE ORDER # 1 thru #		
CONTRACT AMOUNT TO DATE TOTAL		\$44,000.00

APPLICATION INFORMATION

A Total Completed & Stored to Date \$ 31,300.00
B Less Retainage 10 % \$ 0.00
C Total Earned less Retainage (A - B) \$ 31,300.00
D Less Previous Billings (previous req's fine C) \$ 8,820.00
E Current Payment Due (C - D) \$ 22,480.00
F Balance to Finish, Plus Retainage (B - A + D) \$ 12,700.00
G Current Gross Amount Completed This Period \$ 22,480.00

SUBCONTRACTOR: Regency Plumbing **Supplier #:** 1044882
BY:  **MARK R. LIVESAY, PRESIDENT**
DATE: APRIL 20, 2009

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				
97327.11-110-13400.00-S	Plumbing Systems - Subcontract	\$23,500.00	8,820.00	14,680.00	23,500.00	100	XXXXXXXX	14,680.00
97327.10-110-13400.00-S	Plumbing Systems - Subcontract	\$20,500.00		7,800.00	7,800.00	38	XXXXXX	7,800.00
	Total	\$44,000.00	8,820.00	22,480.00	31,300.00	71	XXXXXXXX	22,480.00
			H	I	O	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

CONTINUATION PAGE

PROJECT: 2832 FT BEND CROSSING JR SHELL APPLICATION #: 2
 FR BEND CROSSING JR ANCHOR SHELL DATE OF APPLICATION: 04/20/2009
 PERIOD THRU: 04/30/2009
 PROJECT #: 97327.11

Payment Application containing Contractor's signature is attached.

A ITEM #	B WORK DESCRIPTION	C SCHEDULED AMOUNT	D COMPLETED WORK		F STORED MATERIALS (NOT IN D OR E)	G TOTAL COMPLETED AND STORED (D + E + F)	H BALANCE TO COMPLETION (C-G)	I RETAINAGE (If Variable)
			AMOUNT PREVIOUS PERIODS	AMOUNT THIS PERIOD				
1	JR Anchors Sanitary UG	\$9,800.00	\$9,800.00	\$0.00	\$0.00	\$9,800.00	\$0.00	\$0.00
2	JR Anchors Sanitary TO	\$2,500.00	\$0.00	\$2,500.00	\$0.00	\$2,500.00	\$0.00	\$0.00
3	JR Anchors Sanitary Water	\$9,400.00	\$0.00	\$9,400.00	\$0.00	\$9,400.00	\$0.00	\$0.00
4	JR Anchors Storm	\$1,800.00	\$0.00	\$1,800.00	\$0.00	\$1,800.00	\$0.00	\$0.00
5	Lot 8 A Sanitary UG	\$7,800.00	\$0.00	\$7,800.00	\$0.00	\$7,800.00	\$0.00	\$0.00
6	Lot 8 A Sanitary TO	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00	\$0.00
7	Lot 8 A Water	\$12,200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$12,200.00	\$0.00
TOTALS		\$44,000.00	\$9,800.00	\$21,500.00	\$0.00	\$31,300.00	\$12,700.00	\$0.00

CONTINUATION PAGE

GOODWIN & HARRISON
A Registered Limited Liability Partnership
ATTORNEYS AT LAW
P. O. Box 8278
The Woodlands, Texas 77387-8278
PH. (281) 363-3136
FAX (281) 363-3215

Preston C. Goodwin
Josh M. Harrison

June 12, 2009

Hon. Beverly Kaufman
Harris County Clerk
201 Caroline
Houston, Texas 77002

Via Messenger

Re: Regency Plumbing Contractors, L.P. v. Opus West Construction Corporation and
Opus West, L.P.; Our File No. 2760.04

Dear Sir/Madam:

Please record the enclosed Mechanic's & Materialman's Lien Affidavit in the Real Property
Records. Our check in the amount of \$20.00 is enclosed.

Thank you for your assistance.

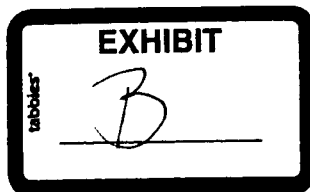
Sincerely,

GOODWIN & HARRISON, L.L.P.


Preston C. Goodwin

cc: Opus West, L.P.
2555 E. Camelback Rd., Suite 800
Phoenix, AZ 85016
CM/RRR # 7008 3230 0000 0252 7339

Opus West Construction Corporation
15455 North Dallas Parkway, Suite 450
Addison, Texas 75001
CM/RRR # 7008 3230 0000 0252 7346



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

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

OFFICIAL USE

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

Postmark
Here

Sender's Name: *Opus West Construction Corp*
 Street, Apt. No., or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2005 See Reverse for Instructions

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

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

OFFICIAL USE

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

Postmark
Here

Sender's Name: *Opus West, L.P.*
 Street, Apt. No., or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2005 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

Article Addressed to:
Opus West, L.P.
2555 E. Camelback Rd., Suite 800
Phoenix, AZ 85016

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]* Agent Addressee

B. Received by (Printed Name): *[Signature]* C. Date of Delivery: *6/1/09*

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

552 760.04

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

4. Restricted Delivery? (Extra Fee) Yes

Article Number (Transfer from service label): **7008 3230 0000 0252 7339**

SENDER: COMPLETE THIS SECTION

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

Article Addressed to:
Opus West Construction Corporation
15455 North Dallas Parkway, Suite 450
Addison, Texas 75001

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]* Agent Addressee

B. Received by (Printed Name): *[Signature]* C. Date of Delivery: *6/1/09*

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

2760.04

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

4. Restricted Delivery? (Extra Fee) Yes

Article Number (Transfer from service label): **7008 3230 0000 0252 7346**

**NOTICE: THIS IS NOT A LIEN. THIS IS ONLY AN
AFFIDAVIT CLAIMING A LIEN**

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

BEFORE ME, the undersigned Notary Authority, personally appeared the undersigned affiant, who, upon oath, deposed and stated:

I.

The undersigned affiant is referred to also as the "Claimant" herein, REGENCY PLUMBING CONTRACTORS, L.P., whose mailing address is P.O. Box 16009, Sugarland, Texas 77496 and the physical address is 13003 Murphy, Suite 12, Stafford, Texas 77477. The undersigned claimant has personal knowledge of the facts set forth in this affidavit and is competent and authorized to make this affidavit.

(2)
lee

II.

The name of the owner or reputed owner of the real property described herein is OPUS WEST, L.P., whose last known address is 2555 E. Camelback Rd., Suite 800, Phoenix, AZ 85016.

III.

The undersigned claimant states that a general statement of the work done and/or materials furnished which was an improvement to the real property mentioned in this affidavit is described as follows:

Furnishing plumbing labor and related building materials for the improvement and/or construction of a structure located at 14440 Hillcroft Ave.

IV.

After allowing all just credits and offsets, the following amount remains unpaid and is due and owing under the said agreement, and the undersigned claimant claims a lien on the said property to secure the payment of the amount of \$22,480.00.

Each month in which the work was done or materials furnished for which payment is requested: April, 2009.

V.

The name of the person by whom the claimant was employed, or to whom he furnished the materials and/or labor, is OPUS WEST CONSTRUCTION CORPORATION, whose last known address is 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001.

The name of the original contractor is OPUS WEST CONSTRUCTION CORPORATION, whose last known address is 15455 North Dallas Parkway, Suite 450, Addison, Texas 75001.

lee

VI.

Notice of the claim was sent to the owner and the method by which the notice was sent are as follows: May 27, 2009, certified mail, return receipt requested, and herein.

VII.

The real property sought to be charged with such lien is described as follows:

1997-06-15-48-256

RESERVE A, BLOCK 1, CROSSINGS AT FORT BEND PARKWAY,
HARRIS COUNTY, TEXAS.

VIII.

As required by the Property Code of the State of Texas, the owners of this property are hereby notified that if this claim remains unpaid, they may become personally liable and their property subject to a lien unless they withhold funds for the payment of the amount set out above, or unless this claim is otherwise settled.

Demand is hereby made on the owners of the property described above for the aforesaid past due account from funds withheld by them as owners pursuant to notice given to them on this date by the undersigned. Payment is to be made by the owners as required by law, unless this amount is disputed.

IX.

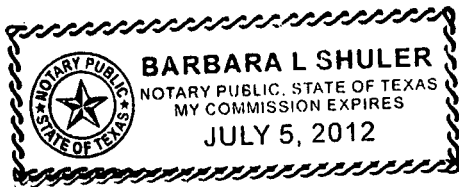
The undersigned claimant certifies that a copy of this Affidavit is being sent to the owners and/or reputed owners at the last known business or residence address, and one copy of this lien is being forwarded to the original contractor by certified mail as required by the Texas Property Code.

SIGNED on this 12th day of June, 2009.

REGENCY PLUMBING CONTRACTORS, L.P.

By: [Signature]
Preston C. Goodwin, Attorney for
Regency Plumbing Contractors, L.P.

SUBSCRIBED AND SWORN TO BEFORE ME by the said affiant on this the 12th day of June, 2009, to certify which witness my hand and seal of office.



[Signature]
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AFTER RECORDING, RETURN TO:

Preston C. Goodwin
Goodwin & Harrison, L.L.P.
2760.04
P.O. Box 8278
The Woodlands, Texas 77387-8278

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

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

JUN 15 2009



[Signature]
COUNTY CLERK
HARRIS COUNTY, TEXAS

Recording in Progress
COUNTY CLERK
HARRIS COUNTY, TEXAS

2009 JUN 15 AM 11:45

FILED

RP 065-48-2562