Form 5500

Department of the Treasury
Internal Revenue Service

Department of Labor
Employee Benefits Security Administration

Pension Benefit Guaranty Corporation

Annual Return/Report of Employee Benefit Plan

This form is required to be filed for employee benefit plans under sections 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA) and sections 6047(e), and 6058(a) of the Internal Revenue Code (the Code).

▶ **Complete all entries in accordance with the instructions to the Form 5500.**

OMB Nos. 1210-0110
1210-0089

2009

This Form is Open to Public Inspection

Part I Annual Report Identification Information

For calendar plan year 2009 or fiscal plan year beginning 01/01/2009 and ending 12/31/2009

A This return/report is for:
- [ ] a multiemployer plan;
- [ ] a multiple-employer plan; or
- [X] a single-employer plan;
- [ ] a DFE (specify) ____

B This return/report is:
- [ ] the first return/report;
- [ ] the final return/report;
- [X] an amended return/report;
- [ ] a short plan year return/report (less than 12 months).

C If the plan is a collectively-bargained plan, check here. . . . . ▶ [ ]

D Check box if filing under:
- [X] Form 5558;
- [ ] automatic extension;
- [ ] the DFVC program;
- [ ] special extension (enter description)

Part II Basic Plan Information—enter all requested information

1a Name of plan
GR BIRDWELL CONSTRUCTION, LP 401(K) PROFIT SHARING PLAN AND TRUST

1b Three-digit plan number (PN) ▶ 002

1c Effective date of plan 04/01/1999

2a Plan sponsor's name and address (employer, if for a single-employer plan)
(Address should include room or suite no.)
G. R. BIRDWELL CONSTRUCTION, LP

P.O. BOX 690748
HOUSTON, TX 77269

9721 DERRINGTON
HOUSTON, TX 77064

2b Employer Identification Number (EIN)
74-1971206

2c Sponsor's telephone number
281-890-4981

2d Business code (see instructions)
237990

Caution: A penalty for the late or incomplete filing of this return/report will be assessed unless reasonable cause is established.

Under penalties of perjury and other penalties set forth in the instructions, I declare that I have examined this return/report, including accompanying schedules, statements and attachments, as well as the electronic version of this return/report, and to the best of my knowledge and belief, it is true, correct, and complete.

SIGN HERE	Filed with authorized/valid electronic signature.	05/17/2011	JOHN LYNCH
	Signature of plan administrator	Date	Enter name of individual signing as plan administrator
SIGN HERE	Filed with authorized/valid electronic signature.	05/17/2011	JOHN LYNCH
	Signature of employer/plan sponsor	Date	Enter name of individual signing as employer or plan sponsor
SIGN HERE			
	Signature of DFE	Date	Enter name of individual signing as DFE

3a Plan administrator's name and address (if same as plan sponsor, enter "Same")
G. R. BIRDWELL CONSTRUCTION, LP

P.O. BOX 690748
HOUSTON, TX 77269

3b Administrator's EIN
74-1971206

3c Administrator's telephone number
281-890-4981

4 If the name and/or EIN of the plan sponsor has changed since the last return/report filed for this plan, enter the name, EIN and the plan number from the last return/report:

a Sponsor's name

4b EIN

4c PN

5	Total number of participants at the beginning of the plan year	**5**	186
6	Number of participants as of the end of the plan year (welfare plans complete only lines **6a, 6b, 6c,** and **6d**).		
a	Active participants	**6a**	123
b	Retired or separated participants receiving benefits	**6b**	0
c	Other retired or separated participants entitled to future benefits	**6c**	28
d	Subtotal. Add lines **6a**, **6b**, and **6c**	**6d**	151
e	Deceased participants whose beneficiaries are receiving or are entitled to receive benefits	**6e**	0
f	Total. Add lines **6d** and **6e**	**6f**	151
g	Number of participants with account balances as of the end of the plan year (only defined contribution plans complete this item)	**6g**	96
h	Number of participants that terminated employment during the plan year with accrued benefits that were less than 100% vested	**6h**	7
7	Enter the total number of employers obligated to contribute to the plan (only multiemployer plans complete this item)	**7**	

8a If the plan provides pension benefits, enter the applicable pension feature codes from the List of Plan Characteristic Codes in the instructions:
2E 2J 2K 3D

b If the plan provides welfare benefits, enter the applicable welfare feature codes from the List of Plan Characteristic Codes in the instructions:

9a Plan funding arrangement (check all that apply)

(1)		Insurance
(2)		Code section 412(e)(3) insurance contracts
(3)	X	Trust
(4)		General assets of the sponsor

9b Plan benefit arrangement (check all that apply)

(1)		Insurance
(2)		Code section 412(e)(3) insurance contracts
(3)	X	Trust
(4)		General assets of the sponsor

10 Check all applicable boxes in 10a and 10b to indicate which schedules are attached, and, where indicated, enter the number attached. (See instructions)

a Pension Schedules

(1)	X	**R** (Retirement Plan Information)
(2)		**MB** (Multiemployer Defined Benefit Plan and Certain Money Purchase Plan Actuarial Information) - signed by the plan actuary
(3)		**SB** (Single-Employer Defined Benefit Plan Actuarial Information) - signed by the plan actuary

b General Schedules

(1)	X	**H** (Financial Information)
(2)		**I** (Financial Information – Small Plan)
(3)		___ **A** (Insurance Information)
(4)	X	**C** (Service Provider Information)
(5)		**D** (DFE/Participating Plan Information)
(6)		**G** (Financial Transaction Schedules)

SCHEDULE C (Form 5500)	Service Provider Information	OMB No. 1210-0110
Department of the Treasury Internal Revenue Service Department of Labor Employee Benefits Security Administration Pension Benefit Guaranty Corporation	This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA). ▶ **File as an attachment to Form 5500.**	**2009** **This Form is Open to Public Inspection.**

For calendar plan year 2009 or fiscal plan year beginning 01/01/2009 and ending 12/31/2009

A Name of plan
GR BIRDWELL CONSTRUCTION, LP 401(K) PROFIT SHARING PLAN AND TRUST

B Three-digit plan number (PN) ▶ 002

C Plan sponsor's name as shown on line 2a of Form 5500
G. R. BIRDWELL CONSTRUCTION, LP

D Employer Identification Number (EIN)
74-1971206

Part I Service Provider Information (see instructions)

You must complete this Part, in accordance with the instructions, to report the information required for **each person** who received, directly or indirectly, $5,000 or more in total compensation (i.e., money or anything else of monetary value) in connection with services rendered to the plan or the person's position with the plan during the plan year. If a person received **only** eligible indirect compensation for which the plan received the required disclosures, you are required to answer line 1 but are not required to include that person when completing the remainder of this Part.

1 Information on Persons Receiving Only Eligible Indirect Compensation

a Check "Yes" or "No" to indicate whether you are excluding a person from the remainder of this Part because they received only eligible indirect compensation for which the plan received the required disclosures (see instructions for definitions and conditions).. . . . . [X] Yes [ ] No

b If you answered line 1a "Yes," enter the name and EIN or address of each person providing the required disclosures for the service providers who received only eligible indirect compensation. Complete as many entries as needed (see instructions).

(b) Enter name and EIN or address of person who provided you disclosures on eligible indirect compensation

FIRST TEXAS ALLIANCE CORP.

74-1910566

(b) Enter name and EIN or address of person who provided you disclosure on eligible indirect compensation

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2. Information on Other Service Providers Receiving Direct or Indirect Compensation. Except for those persons for whom you answered "yes" to line 1a above, complete as many entries as needed to list each person receiving, directly or indirectly, $5,000 or more in total compensation (i.e., money or anything else of value) in connection with services rendered to the plan or their position with the plan during the plan year. (See instructions).

(a) Enter name and EIN or address (see instructions)

GENWORTH FINANCIAL WEALTH MGMT, INC

86-0770473

(b) Service Code(s)	(c) Relationship to employer, employee organization, or person known to be a party-in-interest	(d) Enter direct compensation paid by the plan. If none, enter -0-.	(e) Did service provider receive indirect compensation? (sources other than plan or plan sponsor)	(f) Did indirect compensation include eligible indirect compensation, for which the plan received the required disclosures?	(g) Enter total indirect compensation received by service provider excluding eligible indirect compensation for which you answered "Yes" to element (f). If none, enter -0-.	(h) Did the service provider give you a formula instead of an amount or estimated amount?
19 27 28	CUSTODIAN	50075	Yes [ ] No [X]	Yes [ ] No [ ]		Yes [ ] No [ ]

(a) Enter name and EIN or address (see instructions)

CALIFORNIA PENSION ADMINISTRATORS

95-2792979

(b) Service Code(s)	(c) Relationship to employer, employee organization, or person known to be a party-in-interest	(d) Enter direct compensation paid by the plan. If none, enter -0-.	(e) Did service provider receive indirect compensation? (sources other than plan or plan sponsor)	(f) Did indirect compensation include eligible indirect compensation, for which the plan received the required disclosures?	(g) Enter total indirect compensation received by service provider excluding eligible indirect compensation for which you answered "Yes" to element (f). If none, enter -0-.	(h) Did the service provider give you a formula instead of an amount or estimated amount?
15	TPA	10980	Yes [ ] No [X]	Yes [ ] No [ ]		Yes [ ] No [ ]

(a) Enter name and EIN or address (see instructions)

(b) Service Code(s)	(c) Relationship to employer, employee organization, or person known to be a party-in-interest	(d) Enter direct compensation paid by the plan. If none, enter -0-.	(e) Did service provider receive indirect compensation? (sources other than plan or plan sponsor)	(f) Did indirect compensation include eligible indirect compensation, for which the plan received the required disclosures?	(g) Enter total indirect compensation received by service provider excluding eligible indirect compensation for which you answered "Yes" to element (f). If none, enter -0-.	(h) Did the service provider give you a formula instead of an amount or estimated amount?
			Yes [ ] No [ ]	Yes [ ] No [ ]		Yes [ ] No [ ]

(a) Enter name and EIN or address (see instructions)

(b) Service Code(s)	**(c)** Relationship to employer, employee organization, or person known to be a party-in-interest	**(d)** Enter direct compensation paid by the plan. If none, enter -0-.	**(e)** Did service provider receive indirect compensation? (sources other than plan or plan sponsor)	**(f)** Did indirect compensation include eligible indirect compensation, for which the plan received the required disclosures?	**(g)** Enter total indirect compensation received by service provider excluding eligible indirect compensation for which you answered "Yes" to element (f). If none, enter -0-.	**(h)** Did the service provider give you a formula instead of an amount or estimated amount?
			Yes ☐ No ☐	Yes ☐ No ☐		Yes ☐ No ☐

(a) Enter name and EIN or address (see instructions)

(b) Service Code(s)	**(c)** Relationship to employer, employee organization, or person known to be a party-in-interest	**(d)** Enter direct compensation paid by the plan. If none, enter -0-.	**(e)** Did service provider receive indirect compensation? (sources other than plan or plan sponsor)	**(f)** Did indirect compensation include eligible indirect compensation, for which the plan received the required disclosures?	**(g)** Enter total indirect compensation received by service provider excluding eligible indirect compensation for which you answered "Yes" to element (f). If none, enter -0-.	**(h)** Did the service provider give you a formula instead of an amount or estimated amount?
			Yes ☐ No ☐	Yes ☐ No ☐		Yes ☐ No ☐

(a) Enter name and EIN or address (see instructions)

(b) Service Code(s)	**(c)** Relationship to employer, employee organization, or person known to be a party-in-interest	**(d)** Enter direct compensation paid by the plan. If none, enter -0-.	**(e)** Did service provider receive indirect compensation? (sources other than plan or plan sponsor)	**(f)** Did indirect compensation include eligible indirect compensation, for which the plan received the required disclosures?	**(g)** Enter total indirect compensation received by service provider excluding eligible indirect compensation for which you answered "Yes" to element (f). If none, enter -0-.	**(h)** Did the service provider give you a formula instead of an amount or estimated amount?
			Yes ☐ No ☐	Yes ☐ No ☐		Yes ☐ No ☐

Part I Service Provider Information (continued)

3 If you reported on line 2 receipt of indirect compensation, other than eligible indirect compensation, by a service provider, and the service provider is a fiduciary or provides contract administrator, consulting, custodial, investment advisory, investment management, broker, or recordkeeping services, answer the following questions for (a) each source from whom the service provider received $1,000 or more in indirect compensation and (b) each source for whom the service provider gave you a formula used to determine the indirect compensation instead of an amount or estimated amount of the indirect compensation. Complete as many entries as needed to report the required information for each source.

(a) Enter service provider name as it appears on line 2	**(b)** Service Codes (see instructions)	**(c)** Enter amount of indirect compensation
(d) Enter name and EIN (address) of source of indirect compensation	**(e)** Describe the indirect compensation, including any formula used to determine the service provider's eligibility for or the amount of the indirect compensation.	

(a) Enter service provider name as it appears on line 2	**(b)** Service Codes (see instructions)	**(c)** Enter amount of indirect compensation
(d) Enter name and EIN (address) of source of indirect compensation	**(e)** Describe the indirect compensation, including any formula used to determine the service provider's eligibility for or the amount of the indirect compensation.	

(a) Enter service provider name as it appears on line 2	**(b)** Service Codes (see instructions)	**(c)** Enter amount of indirect compensation
(d) Enter name and EIN (address) of source of indirect compensation	**(e)** Describe the indirect compensation, including any formula used to determine the service provider's eligibility for or the amount of the indirect compensation.	

Part II Service Providers Who Fail or Refuse to Provide Information

4 Provide, to the extent possible, the following information for each service provider who failed or refused to provide the information necessary to complete this Schedule.

(a) Enter name and EIN or address of service provider (see instructions)	**(b)** Nature of Service Code(s)	**(c)** Describe the information that the service provider failed or refused to provide

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Part III Termination Information on Accountants and Enrolled Actuaries (see instructions)

(complete as many entries as needed)

a Name:	**b** EIN:
c Position:	
d Address:	**e** Telephone:

Explanation:

a Name:	**b** EIN:
c Position:	
d Address:	**e** Telephone:

Explanation:

a Name:	**b** EIN:
c Position:	
d Address:	**e** Telephone:

Explanation:

a Name:	**b** EIN;
c Position:	
d Address:	**e** Telephone:

Explanation:

a Name:	**b** EIN;
c Position:	
d Address:	**e** Telephone:

Explanation:

SCHEDULE H (Form 5500)

Department of the Treasury
Internal Revenue Service

Department of Labor
Employee Benefits Security Administration

Pension Benefit Guaranty Corporation

Financial Information

This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA), and section 6058(a) of the Internal Revenue Code (the Code).

▶ **File as an attachment to Form 5500.**

OMB No. 1210-0110

2009

This Form is Open to Public Inspection

For calendar plan year 2009 or fiscal plan year beginning 01/01/2009 and ending 12/31/2009

A Name of plan
GR BIRDWELL CONSTRUCTION, LP 401(K) PROFIT SHARING PLAN AND TRUST

B Three-digit plan number (PN) ▶ 002

C Plan sponsor's name as shown on line 2a of Form 5500
G. R. BIRDWELL CONSTRUCTION, LP

D Employer Identification Number (EIN)
74-1971206

Part I Asset and Liability Statement

1 Current value of plan assets and liabilities at the beginning and end of the plan year. Combine the value of plan assets held in more than one trust. Report the value of the plan's interest in a commingled fund containing the assets of more than one plan on a line-by-line basis unless the value is reportable on lines 1c(9) through 1c(14). Do not enter the value of that portion of an insurance contract which guarantees, during this plan year, to pay a specific dollar benefit at a future date. **Round off amounts to the nearest dollar.** MTIAs, CCTs, PSAs, and 103-12 IEs do not complete lines 1b(1), 1b(2), 1c(8), 1g, 1h, and 1i. CCTs, PSAs, and 103-12 IEs also do not complete lines 1d and 1e. See instructions.

Assets		(a) Beginning of Year	(b) End of Year
a Total noninterest-bearing cash	1a	0	0
b Receivables (less allowance for doubtful accounts):			
(1) Employer contributions	1b(1)	178518	213896
(2) Participant contributions	1b(2)	0	15035
(3) Other	1b(3)	0	0
c General investments:			
(1) Interest-bearing cash (include money market accounts & certificates of deposit)	1c(1)	189949	314963
(2) U.S. Government securities	1c(2)	0	0
(3) Corporate debt instruments (other than employer securities):			
(A) Preferred	1c(3)(A)	0	0
(B) All other	1c(3)(B)	0	0
(4) Corporate stocks (other than employer securities):			
(A) Preferred	1c(4)(A)	0	0
(B) Common	1c(4)(B)	1104145	1238494
(5) Partnership/joint venture interests	1c(5)	0	0
(6) Real estate (other than employer real property)	1c(6)	0	0
(7) Loans (other than to participants)	1c(7)	0	0
(8) Participant loans	1c(8)	146815	197572
(9) Value of interest in common/collective trusts	1c(9)	0	0
(10) Value of interest in pooled separate accounts	1c(10)		
(11) Value of interest in master trust investment accounts	1c(11)	0	0
(12) Value of interest in 103-12 investment entities	1c(12)	0	0
(13) Value of interest in registered investment companies (e.g., mutual funds)	1c(13)	1203067	1222955
(14) Value of funds held in insurance company general account (unallocated contracts)	1c(14)		
(15) Other	1c(15)	0	0

		(a) Beginning of Year	(b) End of Year
1d Employer-related investments:			
(1) Employer securities	1d(1)	0	0
(2) Employer real property	1d(2)	0	0
e Buildings and other property used in plan operation	1e	0	0
f Total assets (add all amounts in lines 1a through 1e)	1f	2822494	3202915
Liabilities			
g Benefit claims payable	1g	99	0
h Operating payables	1h	0	0
i Acquisition indebtedness	1i	0	0
j Other liabilities	1j	0	0
k Total liabilities (add all amounts in lines 1g through1j)	1k	99	0
Net Assets			
l Net assets (subtract line 1k from line 1f)	1l	2822395	3202915

Part II Income and Expense Statement

2 Plan income, expenses, and changes in net assets for the year. Include all income and expenses of the plan, including any trust(s) or separately maintained fund(s) and any payments/receipts to/from insurance carriers. Round off amounts to the nearest dollar. MTIAs, CCTs, PSAs, and 103-12 IEs do not complete lines 2a, 2b(1)(E), 2e, 2f, and 2g.

Income		(a) Amount	(b) Total
a Contributions:			
(1) Received or receivable in cash from: **(A)** Employers	2a(1)(A)	250937	
(B) Participants	2a(1)(B)	231984	
(C) Others (including rollovers)	2a(1)(C)	0	
(2) Noncash contributions	2a(2)	0	
(3) Total contributions. Add lines **2a(1)(A), (B), (C),** and line **2a(2)**	2a(3)		482921
b Earnings on investments:			
(1) Interest:			
(A) Interest-bearing cash (including money market accounts and certificates of deposit)	2b(1)(A)	472	
(B) U.S. Government securities	2b(1)(B)	0	
(C) Corporate debt instruments	2b(1)(C)	0	
(D) Loans (other than to participants)	2b(1)(D)	0	
(E) Participant loans	2b(1)(E)	10528	
(F) Other	2b(1)(F)	0	
(G) Total interest. Add lines **2b(1)(A)** through **(F)**	2b(1)(G)		11000
(2) Dividends: **(A)** Preferred stock	2b(2)(A)	0	
(B) Common stock	2b(2)(B)	29496	
(C) Registered investment company shares (e.g. mutual funds)	2b(2)(C)	48880	
(D) Total dividends. Add lines **2b(2)(A)**, **(B)**, and **(C)**	2b(2)(D)		78376
(3) Rents	2b(3)		0
(4) Net gain (loss) on sale of assets: **(A)** Aggregate proceeds	2b(4)(A)	0	
(B) Aggregate carrying amount (see instructions)	2b(4)(B)	0	
(C) Subtract line **2b(4)(B)** from line **2b(4)(A)** and enter result	2b(4)(C)		0

		(a) Amount	(b) Total
2b (5) Unrealized appreciation (depreciation) of assets: (A) Real estate	2b(5)(A)	0	
(B) Other	2b(5)(B)	322849	
(C) Total unrealized appreciation of assets. Add lines 2b(5)(A) and (B)	2b(5)(C)		322849
(6) Net investment gain (loss) from common/collective trusts	2b(6)		0
(7) Net investment gain (loss) from pooled separate accounts	2b(7)		0
(8) Net investment gain (loss) from master trust investment accounts	2b(8)		0
(9) Net investment gain (loss) from 103-12 investment entities	2b(9)		0
(10) Net investment gain (loss) from registered investment companies (e.g., mutual funds)	2b(10)		0
c Other income	2c		0
d Total income. Add all **income** amounts in column (b) and enter total	2d		895146
Expenses			
e Benefit payment and payments to provide benefits:			
(1) Directly to participants or beneficiaries, including direct rollovers	2e(1)	74555	
(2) To insurance carriers for the provision of benefits	2e(2)	0	
(3) Other	2e(3)	0	
(4) Total benefit payments. Add lines 2e(1) through (3)	2e(4)		74555
f Corrective distributions (see instructions)	2f		17158
g Certain deemed distributions of participant loans (see instructions)	2g		0
h Interest expense	2h		0
i Administrative expenses: (1) Professional fees	2i(1)	0	
(2) Contract administrator fees	2i(2)	13925	
(3) Investment advisory and management fees	2i(3)	50075	
(4) Other	2i(4)	0	
(5) Total administrative expenses. Add lines 2i(1) through (4)	2i(5)		64000
j Total expenses. Add all **expense** amounts in column (b) and enter total	2j		155713
Net Income and Reconciliation			
k Net income (loss). Subtract line 2j from line 2d	2k		739433
l Transfers of assets:			
(1) To this plan	2l(1)		164711
(2) From this plan	2l(2)		523624

Part III Accountant's Opinion

3 Complete lines 3a through 3c if the opinion of an independent qualified public accountant is attached to this Form 5500. Complete line 3d if an opinion is not attached.

a The attached opinion of an independent qualified public accountant for this plan is (see instructions):

(1) [ ] Unqualified (2) [ ] Qualified (3) [X] Disclaimer (4) [ ] Adverse

b Did the accountant perform a limited scope audit pursuant to 29 CFR 2520.103-8 and/or 103-12(d)? [X] Yes [ ] No

c Enter the name and EIN of the accountant (or accounting firm) below:

(1) Name: GAINER DONNELLY & DESROCHES, LLP (2) EIN: 76-0355510

d The opinion of an independent qualified public accountant is **not attached** because:

(1) [ ] This form is filed for a CCT, PSA, or MTIA. (2) [ ] It will be attached to the next Form 5500 pursuant to 29 CFR 2520.104-50.

Part IV Compliance Questions

4 CCTs and PSAs do not complete Part IV. MTIAs, 103-12 IEs, and GIAs do not complete 4a, 4e, 4f, 4g, 4h, 4k, 4m, 4n, or 5. 103-12 IEs also do not complete 4j and 4l. MTIAs also do not complete 4l.

During the plan year:

		Yes	No	Amount
a	Was there a failure to transmit to the plan any participant contributions within the time period described in 29 CFR 2510.3-102? Continue to answer "Yes" for any prior year failures until fully corrected. (See instructions and DOL's Voluntary Fiduciary Correction Program.)	4a	X		238514
b	Were any loans by the plan or fixed income obligations due the plan in default as of the close of the plan year or classified during the year as uncollectible? Disregard participant loans secured by participant's account balance. (Attach Schedule G (Form 5500) Part I if "Yes" is checked.)	4b		X	
c	Were any leases to which the plan was a party in default or classified during the year as uncollectible? (Attach Schedule G (Form 5500) Part II if "Yes" is checked.)	4c		X	
d	Were there any nonexempt transactions with any party-in-interest? (Do not include transactions reported on line 4a. Attach Schedule G (Form 5500) Part III if "Yes" is checked.)	4d		X	
e	Was this plan covered by a fidelity bond?	4e	X		500000
f	Did the plan have a loss, whether or not reimbursed by the plan's fidelity bond, that was caused by fraud or dishonesty?	4f		X	
g	Did the plan hold any assets whose current value was neither readily determinable on an established market nor set by an independent third party appraiser?	4g		X	
h	Did the plan receive any noncash contributions whose value was neither readily determinable on an established market nor set by an independent third party appraiser?	4h		X	
i	Did the plan have assets held for investment? (Attach schedule(s) of assets if "Yes" is checked, and see instructions for format requirements.)	4i	X		
j	Were any plan transactions or series of transactions in excess of 5% of the current value of plan assets? (Attach schedule of transactions if "Yes" is checked, and see instructions for format requirements.)	4j	X		
k	Were all the plan assets either distributed to participants or beneficiaries, transferred to another plan, or brought under the control of the PBGC?	4k		X	
l	Has the plan failed to provide any benefit when due under the plan?	4l		X	
m	If this is an individual account plan, was there a blackout period? (See instructions and 29 CFR 2520.101-3.)	4m	X		
n	If 4m was answered "Yes," check the "Yes" box if you either provided the required notice or one of the exceptions to providing the notice applied under 29 CFR 2520.101-3.	4n	X		

5a Has a resolution to terminate the plan been adopted during the plan year or any prior plan year? If yes, enter the amount of any plan assets that reverted to the employer this year ☐ **Yes** ☒ **No** **Amount:**

5b If, during this plan year, any assets or liabilities were transferred from this plan to another plan(s), identify the plan(s) to which assets or liabilities were transferred. (See instructions.)

5b(1) Name of plan(s)	**5b(2)** EIN(s)	**5b(3)** PN(s)
REMEDIAL CONSTRUCTION SERVICES, LP	76-0287594	001

SCHEDULE R (Form 5500)

Department of the Treasury
Internal Revenue Service

Department of Labor
Employee Benefits Security Administration

Pension Benefit Guaranty Corporation

Retirement Plan Information

This schedule is required to be filed under section 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA) and section 6058(a) of the Internal Revenue Code (the Code).

▶ **File as an attachment to Form 5500.**

OMB No. 1210-0110

2009

This Form is Open to Public Inspection.

For calendar plan year 2009 or fiscal plan year beginning 01/01/2009 and ending 12/31/2009

A Name of plan
GR BIRDWELL CONSTRUCTION, LP 401(K) PROFIT SHARING PLAN AND TRUST

B Three-digit plan number (PN) ▶ 002

C Plan sponsor's name as shown on line 2a of Form 5500
G. R. BIRDWELL CONSTRUCTION, LP

D Employer Identification Number (EIN)
74-1971206

Part I Distributions

All references to distributions relate only to payments of benefits during the plan year.

1 Total value of distributions paid in property other than in cash or the forms of property specified in the instructions **1** 0

2 Enter the EIN(s) of payor(s) who paid benefits on behalf of the plan to participants or beneficiaries during the year (if more than two, enter EINs of the two payors who paid the greatest dollar amounts of benefits):

EIN(s): 57-1198022 58-1428634

Profit-sharing plans, ESOPs, and stock bonus plans, skip line 3.

3 Number of participants (living or deceased) whose benefits were distributed in a single sum, during the plan year. **3**

Part II Funding Information (If the plan is not subject to the minimum funding requirements of section of 412 of the Internal Revenue Code or ERISA section 302, skip this Part)

4 Is the plan administrator making an election under Code section 412(d)(2) or ERISA section 302(d)(2)? ..... ☐ **Yes** ☐ **No** ☐ **N/A**

If the plan is a defined benefit plan, go to line 8.

5 If a waiver of the minimum funding standard for a prior year is being amortized in this plan year, see instructions and enter the date of the ruling letter granting the waiver. **Date:** Month _____ Day _____ Year _____

If you completed line 5, complete lines 3, 9, and 10 of Schedule MB and do not complete the remainder of this schedule.

6 **a** Enter the minimum required contribution for this plan year **6a**

b Enter the amount contributed by the employer to the plan for this plan year **6b**

c Subtract the amount in line 6b from the amount in line 6a. Enter the result (enter a minus sign to the left of a negative amount) **6c**

If you completed line 6c, skip lines 8 and 9.

7 Will the minimum funding amount reported on line 6c be met by the funding deadline? ..... ☐ **Yes** ☐ **No** ☐ **N/A**

8 If a change in actuarial cost method was made for this plan year pursuant to a revenue procedure providing automatic approval for the change or a class ruling letter, does the plan sponsor or plan administrator agree with the change? ..... ☐ **Yes** ☐ **No** ☐ **N/A**

Part III Amendments

9 If this is a defined benefit pension plan, were any amendments adopted during this plan year that increased or decreased the value of benefits? If yes, check the appropriate box(es). If no, check the "No" box. ..... ☐ **Increase** ☐ **Decrease** ☐ **Both** ☐ **No**

Part IV ESOPs (see instructions). If this is not a plan described under Section 409(a) or 4975(e)(7) of the Internal Revenue Code, skip this Part.

10 Were unallocated employer securities or proceeds from the sale of unallocated securities used to repay any exempt loan? ..... ☐ **Yes** ☐ **No**

11 **a** Does the ESOP hold any preferred stock? ..... ☐ **Yes** ☐ **No**

b If the ESOP has an outstanding exempt loan with the employer as lender, is such loan part of a "back-to-back" loan? (See instructions for definition of "back-to-back" loan.) ..... ☐ **Yes** ☐ **No**

12 Does the ESOP hold any stock that is not readily tradable on an established securities market? ..... ☐ **Yes** ☐ **No**

Part V Additional Information for Multiemployer Defined Benefit Pension Plans

13 Enter the following information for each employer that contributed more than 5% of total contributions to the plan during the plan year (measured in dollars). See instructions. *Complete as many entries as needed to report all applicable employers.*

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

---

a Name of contributing employer

b EIN **c** Dollar amount contributed by employer

d Date collective bargaining agreement expires *(If employer contributes under more than one collective bargaining agreement, check box ☐ and see instructions regarding required attachment. Otherwise, enter the applicable date.)* Month _____ Day _____ Year _____

e Contribution rate information *(If more than one rate applies, check this box ☐ and see instructions regarding required attachment. Otherwise, complete items 13e(1) and 13e(2).)*
(1) Contribution rate (in dollars and cents) _____
(2) Base unit measure: ☐ Hourly ☐ Weekly ☐ Unit of production ☐ Other (specify):

14 Enter the number of participants on whose behalf no contributions were made by an employer as an employer of the participant for:

a The current year	**14a**	
b The plan year immediately preceding the current plan year	**14b**	
c The second preceding plan year	**14c**	

15 Enter the ratio of the number of participants under the plan on whose behalf no employer had an obligation to make an employer contribution during the current plan year to:

a The corresponding number for the plan year immediately preceding the current plan year	**15a**	
b The corresponding number for the second preceding plan year	**15b**	

16 Information with respect to any employers who withdrew from the plan during the preceding plan year:

a Enter the number of employers who withdrew during the preceding plan year	**16a**	
b If item 16a is greater than 0, enter the aggregate amount of withdrawal liability assessed or estimated to be assessed against such withdrawn employers	**16b**	

17 If assets and liabilities from another plan have been transferred to or merged with this plan during the plan year, check box and see instructions regarding supplemental information to be included as an attachment. ☐

Part VI Additional Information for Single-Employer and Multiemployer Defined Benefit Pension Plans

18 If any liabilities to participants or their beneficiaries under the plan as of the end of the plan year consist (in whole or in part) of liabilities to such participants and beneficiaries under two or more pension plans as of immediately before such plan year, check box and see instructions regarding supplemental information to be included as an attachment ☐

19 If the total number of participants is 1,000 or more, complete items (a) through (c)

a Enter the percentage of plan assets held as:
Stock: _____% Investment-Grade Debt: _____% High-Yield Debt: _____% Real Estate: _____% Other: _____%

b Provide the average duration of the combined investment-grade and high-yield debt:
☐ 0-3 years ☐ 3-6 years ☐ 6-9 years ☐ 9-12 years ☐ 12-15 years ☐ 15-18 years ☐ 18-21 years ☐ 21 years or more

c What duration measure was used to calculate item 19(b)?
☐ Effective duration ☐ Macaulay duration ☐ Modified duration ☐ Other (specify):

G.R. BIRDWELL CONSTRUCTION, L.P. 401(k) PROFIT SHARING PLAN AND TRUST

FINANCIAL STATEMENTS AND SUPPLEMENTAL SCHEDULES
DECEMBER 31, 2009 AND 2008

GAINERDONNELLY&DESROCHES

G.R. BIRDWELL CONSTRUCTION, L.P. 401(k) PROFIT SHARING PLAN AND TRUST

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INDEPENDENT AUDITOR'S REPORT

To the Participants and Administrator of the
G.R. Birdwell Construction, L.P. 401(k) Profit Sharing Plan and Trust
Houston, Texas

We were engaged to audit the statements of net assets available for benefit - modified cash basis of the G.R. Birdwell Construction, L.P. 401(k) Profit Sharing Plan and Trust (the "Plan") as of December 31, 2009 and 2008, and the related statement of changes in net assets available for benefits - modified cash basis for the year ended December 31, 2009, and the supplemental schedules of (1) Schedule H, line 4(a) - Schedule of Delinquent Participant Contributions, (2) Schedule H, line 4(i) - Schedule of Assets (Held At End of Year) and (3) Schedule H, Line 4(j) – Schedule of Reportable Transactions as of or for the year ended December 31, 2009. These financial statements and supplemental schedules are the responsibility of the Plan's management.

As permitted by 29 CFR 2520.103-8 of the Department of Labor's Rules and Regulations for Reporting and Disclosure under the Employee Retirement Income Security Act of 1974, the Plan Administrator instructed us not to perform, and we did not perform, any auditing procedures with respect to the information summarized in Note 8, which was certified by Genworth Financial Trust Company ("Genworth"), the Custodian of the Plan, except for comparing the information with the related information included in the financial statements and supplemental schedules. We have been informed by the Plan Administrator that Genworth holds the Plan's investment assets and executes investment transactions. The Plan Administrator has obtained a certification from Genworth as of December 31, 2009 and 2008 and for the year ended December 31, 2009, that the information provided to the Plan Administrator by Genworth is complete and accurate.

As described in Note 2 and as permitted under the Department of Labor Rules and Regulations, these financial statements and supplemental schedules were prepared on the modified cash basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

Because of the significance of the information that we did not audit, we are unable to, and do not, express an opinion on the accompanying financial statements and supplemental schedules taken as a whole. The form and content of the information included in the financial statements and supplemental schedules, other than that derived from the information certified by Genworth, have been audited by us in accordance with auditing standards generally accepted in the United States of America and, in our opinion, are presented in compliance with the Department of Labor's Rules and Regulations for Reporting and Disclosure under the Employee Retirement Income Security Act of 1974.

Gainer, Donnelly & Desroches, LLP

May 13, 2011

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN AND TRUST
STATEMENTS OF NET ASSETS AVAILABLE FOR BENEFITS - MODIFIED CASH BASIS
DECEMBER 31, 2009 AND 2008

	2009	2008
INVESTMENTS AT FAIR MARKET VALUE:		
Money Market Funds	$ 314,963	$ 189,949
Corporate Stocks	1,238,494	1,104,145
Mutual Funds	1,222,955	1,203,068
Participant Loans	197,572	146,814
NET ASSETS AVAILABLE FOR BENEFITS	$ 2,973,984	$ 2,643,976

The accompanying notes are an integral part of these financial statements.

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN AND TRUST
STATEMENT OF CHANGES IN NET ASSETS AVAILABLE FOR BENEFITS - MODIFIED CASH BASIS
FOR THE YEAR ENDED DECEMBER 31, 2009

CHANGES TO NET ASSETS AVAILABLE FOR BENEFITS ATTRIBUTED TO:		
CONTRIBUTIONS:		
Employee Contributions	$	228,912
Employer Contributions		215,559
Total Contributions		444,471
INVESTMENT ACTIVITIES:		
Net Appreciation in Fair Value of Investments		310,886
Interest Income		11,000
Dividends		78,376
Increase from Investment Activities		400,262
Net Assets Transferred to Remedial Contruction Services, L.P. 401(k) Profit Sharing Plan and Trust		(358,913)
Distributions to Participants		(91,812)
Administrative Fees		(64,000)
CHANGE IN NET ASSETS AVAILABLE FOR BENEFITS		330,008
NET ASSETS AVAILABLE FOR BENEFITS, BEGINNING OF YEAR		2,643,976
NET ASSETS AVAILABLE FOR BENEFITS, END OF YEAR	$	2,973,984

The accompanying notes are an integral part of these financial statements.

G.R. BIRDWELL CONSTRUCTION, L.P. 401(k) PROFIT SHARING PLAN AND TRUST
NOTES TO THE FINANCIAL STATEMENTS

NOTE 1 - PLAN DESCRIPTION

The following description provides only general information. Participants should refer to the Summary Plan Description or the Plan Document for a complete explanation of the Plan's provisions. The Plan Document is controlling at all times.

General

The G.R. Birdwell Construction, L.P. 401(k) Profit Sharing Plan and Trust (the "Plan") was established for the benefit of the employees of GR Birdwell Construction, L.P. (the "Company") and Remedial Construction Services, L.P. ("Remedial"). Remedial is an affiliate of the Company and consented to participation in the Plan. The Plan is a defined contribution plan subject to the provisions of the Employee Retirement Income Act of 1974 ("ERISA").

Effective May 2008, Remedial established the Remedial Construction Services, L.P. 401(k) Plan (the "Remedial Plan") for the benefit of its employees in conjunction with a change in ownership. As a result, Remedial terminated its participation in the Plan and net assets totaling $2,793,765 were transferred out to the Remedial Plan. In 2009, an additional $358,913 in net assets was transferred to the Remedial Plan.

Non-participant Directed

Upon enrollment in the Plan, participant contributions are automatically invested into one of five portfolios as determined by the participant's age. Each portfolio contains the same type of assets, but allocation of the underlying assets differs based on market risk. The portfolios are comprised of various investments including common stocks, mutual funds, and money market funds. Although participants can request to change portfolios, participants are not allowed to direct their investments.

Eligibility

All employees eighteen or older who have completed one year of service, as defined in the Plan Document, are eligible to participate in the Plan.

Participant Accounts

Separate accounts are maintained for each participant. Participant accounts are credited with salary contributions, rollover contributions, an allocation of Company contributions and investment earnings and losses, adjusted for withdrawals and transfers among investment options.

Contributions

Participants may elect to defer up to fifteen percent of compensation up to a maximum of $16,500 in 2009. Additionally, participants who are at least 50 years of age by December 31, 2009 are permitted to make catch-up contributions up to $5,500 for 2009. The Company, at its discretion, may make matching contributions equal to a percentage of the participant's elective deferrals. The Company may also make a discretionary profit sharing contribution. Participants can rollover contributions representing distributions to participants from other qualified defined benefit or contribution plans.

NOTE 1 - PLAN DESCRIPTION - CONTINUED

Participant Loans

Participants may borrow from their accounts a minimum of $1,000 up to a maximum of $50,000, or 50% of their vested account balance, whichever is less. Loan transactions are treated as a transfer between investment funds and the loan fund. Loan terms range from 1 – 5 years or up to 30 years for the purchase of a primary residence. The loans are secured by the balance in the participant's account and bear interest at a rate commensurate with local prevailing rates as determined by the Plan Administrator.

Vesting

Contributions from participant compensation deferrals are fully vested at all times. Company discretionary contributions become 20% vested for each year of service beginning with the second year until 100% vested after six years of service. Participants are automatically vested in Company contributions upon death, disability or retirement.

Payment of Benefits

Upon termination of employment, retirement, disability or death, participants or their beneficiaries may elect to receive lump-sum distributions of their account balances.

Participants are able to make withdrawals from their vested balances for financial hardship and qualifying emergencies, within guidelines established by the Internal Revenue Service. A participant may make unrestricted withdrawals of his employee contributions and vested Company contributions on or after age 59½. Withdrawals of rollover contributions are permitted only when the participant is otherwise entitled to a distribution under the Plan.

Forfeitures

Forfeitures arise when participants terminate employment before being fully vested in Company contributions. Forfeitures are used to reduce Company contributions to the Plan. During the years ended December 31, 2009, forfeitures of $1,500 were used to pay for administrative expenses. Forfeited accounts totaled $83,248 at December 31, 2009.

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Basis of Presentation

The accompanying financial statements of the Plan have been prepared on the modified cash basis of accounting; consequently, certain revenues and the related assets are recognized when received rather than when earned and certain expenses and related liabilities are recognized when paid rather than when incurred.

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES - CONTINUED

Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires Plan management to make estimates and assumptions that affect the reported amount of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates. Estimates that have the most impact on financial position and results of performance primarily relate to the collectibility of participant loans and the fair value of investments. Plan management believes these estimates and assumptions provide a reasonable basis for the fair presentation of the financial statements.

Investment Valuation and Income Recognition

Investments at year end are stated at fair value. Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. The net change in the fair value of investments is reported in the statement of changes in net assets available for benefits in the period of the change. Interest is recognized when received.

Participant loans are valued at their outstanding balance.

Payment of Benefits

Benefit payments to participants are recorded when paid.

NOTE 3 - FAIR VALUE MEASUREMENTS

The Plan adopted the new accounting standard for fair value measurements, as of January 1, 2009, which among other things, requires enhanced disclosures about assets and liabilities that are measured and reported at fair value. The standard establishes a hierarchal disclosure framework which prioritizes the inputs to valuation techniques used to measure fair value. The hierarchy gives the highest priority to unadjusted quoted prices in active markets for identical assets or liabilities (Level 1 measurements) and the lowest priority to unobservable inputs (Level 3 measurements).

The three levels of the fair value hierarchy are described as follows:

Level 1 – Inputs to the valuation methodology are unadjusted, quoted prices for identical assets or liabilities in active markets that the Plan has the ability to access.

Level 2 – Inputs, excluding those included in Level 1, are either observable prices for identical assets or liabilities in inactive markets, observable prices for similar assets and liabilities, or other inputs derived principally from, or corroborated by, observable market data at the measurement date.

Level 3 – Inputs to the valuation methodology are unobservable and significant to the fair value measurement.

NOTE 3 - FAIR VALUE MEASUREMENTS - CONTINUED

The asset or liability's fair value measurement level within the fair value hierarchy is based on the lowest level of input that is significant to the fair value measurement. Valuation techniques used need to maximize the use of observable inputs and minimize the use of unobservable inputs.

Money market funds are valued at cost which approximates fair value. Mutual funds are valued at the net asset value (NAV) of shares held by the Plan at year end. Corporate stocks are valued based on publically traded quotes. Participant loans are valued at their outstanding balance which approximates fair value.

The preceding methods described may produce a fair value calculation that may not be indicative of net realizable value or reflective of future fair values. Furthermore, although the plan believes its valuation methods are appropriate and consistent with other market participants, the use of different methodologies or assumptions to determine fair value of certain financial instruments could result in a different fair value measurement at the reporting date.

The following table sets forth by level, within the fair value hierarchy, the Plan's assets at fair value:

	Quoted Market Prices in Active Markets (Level 1)	Other Observable Inputs (Level 2)	Unobservable Inputs (Level 3)
December 31, 2009			
Mutual Funds	$ 1,222,955	$ -	$ -
Corporate Stocks	1,238,494		
Money Market Funds	-	314,963	-
Participant Loans	-	-	197,572
Total Assets at Fair Value	$ 2,461,449	$ 314,963	$ 197,572
December 31, 2008			
Mutual Funds	$ 1,203,068	$ -	$ -
Corporate Stocks	1,104,145		
Money Market Funds	-	189,949	
Participant Loans	-	-	146,814
Total Assets at Fair Value	$ 2,307,213	$ 189,949	$ 146,814

The following table sets forth a summary of changes in the fair value of the Plan's level 3 assets for the year ended December 31, 2009:

Balance, Beginning of Year	$ 146,814
Purchases, Sales, Issuances, and Settlements (Net)	50,758
Balance, End of Year	$ 197,572

NOTE 4 - ADMINISTRATION OF PLAN ASSETS

The Plan's assets are held and certain administrative functions are performed by Genworth Financial Trust Company (the "Custodian"). Administrative functions were performed by California Pension Administrators and Consultants, Inc. (the third-party administrator) through May 31, 2009. Effective June 1, 2009, Compensation Strategies Group, Ltd. became the Plan's third-party administrator. The Company provides certain administrative functions and absorbs substantially all the Plan's administrative costs on behalf of the Plan.

NOTE 5 - DELINQUENT PARTICIPANT CONTRIBUTIONS

Pursuant to the Department of Labor Reg. 2580.412-11, an employer is required to segregate participant contributions from its general assets as soon as practicable, but in no event later than the 15th business day following the end of the month in which amounts are contributed by participants or withheld from their wages. During the years ended December 31, 2009 and 2008, the Company failed to segregate employee contributions totaling $184,204 and $54,310, respectively, in a timely manner. The Company calculated the amount of lost earnings on these late remittances pursuant to the guidelines established by the Department of Labor. The amount of lost earnings for 2009 and 2008 approximate $99 and 172, respectively, will be remitted to the Plan in 2011.

NOTE 6 - PARTIES-IN-INTEREST

The Plan investments include loans to participants. As a result, these investments and all transactions relating to these investments were with parties-in-interest. These transactions are exempt from being prohibited transactions by ERISA.

Additionally, the Plan invests in various funds offered by Genworth Financial Trust Company (the "Custodian"), as approved by the Plan's trustees. These investments are considered party-in-interest transactions. These transactions are exempt from being prohibited transactions by ERISA.

Fees paid by the Plan for administrative services amounted to $64,000 for the year ended December 31, 2009.

NOTE 7 - FEDERAL INCOME TAX STATUS

On June 1, 2009, the Company adopted the Sungard Corbel, LLC Volume Submitter Profit Sharing Plan document. The plan document obtained its latest determination letter on January 31, 2006, in which the Internal Revenue Service stated that the Plan, as then designed, was in compliance with the applicable requirements of the Internal Revenue Code. The Plan has been amended since receiving the determination letter. However, the Plan administrator and the Plan's management believe that the Plan is currently designed and being operated in compliance with the applicable requirements of the Internal Revenue Code. Therefore, no provision for income taxes has been included in the Plan's financial statements.

NOTE 8 - INFORMATION CERTIFIED BY CUSTODIAN (UNAUDITED)

At December 31, 2009 and 2008, the Plan's investments were held by the Custodian. The following information included in the accompanying financial statements and supplemental schedule was obtained from data that was certified by the Custodian as complete and accurate in accordance with Section 2520.103-8 of the Department of Labor's Rules and Regulations for Reporting and Disclosure under the Employee Retirement Income Security Act of 1974.

The fair values of investments representing 5% or more of the Plan's net assets at December 31, 2009 and 2008, as reported by the Custodian, are summarized as follows:

	2009	2008
Epoch Global Equity Shareholder Yield I	$ *	$ 244,906
Genworth Financial Contra Fund	*	138,812
Credit Suisse Instl FD Inc Asia	*	148,223
Lotsoff Capital Mgmt Active Income Fund	*	207,031
BlackRock Liquidity TempFund	262,068	*
Driehaus Active Income Fund	186,079	*
MainStay Epoch Global Equity Yield	214,532	*
MainStay Epoch Int'l Small Cap	161,672	*
Participant Loans	197,572	146,814
Other Investments below 5% Threshold	1,952,061	1,758,190
Total Investments Certified by the Custodian	$ 2,973,984	$ 2,643,976

(*) amounts are included in investments that are less than 5% of Plan's net assets in the year noted.

During 2009, the Plan's investments (including gains and losses on investments bought and sold as well as held during the year) appreciated in value by $310,886 as follows:

Mutual Funds	$ 150,142
Common Stocks	160,744
Total	$ 310,886

NOTE 9 - RISKS AND UNCERTAINTIES

The Plan invests in various investment securities. Investment securities are exposed to various risks such as interest rate, market, and credit risks. Due to the level of risk associated with certain investment securities, it is at least reasonably possible that changes in the values of the investment securities will occur in the near term and that such changes could materially affect participants' account balances and the amounts reported in the statements of net assets available for benefits.

NOTE 10 - PLAN TERMINATION

Although it has not expressed any intent to do so, the Company has the right under the Plan to discontinue its contributions at any time and to terminate the Plan subject to the provisions of ERISA. In the event of Plan termination, participants would become fully vested in their employer contributions.

NOTE 11 - DIFFERENCES BETWEEN FINANCIAL STATEMENTS AND FORM 5500

The following is a reconciliation of net assets available for benefits per the Form 5500 and the financial statements at December 31, 2009:

Net Assets Available for Benefits per Form 5500		$ 3,202,915
Less:	Employee Contribution Receivable	(15,035)
	Employer Contribution Receivable	(213,896)
Net Assets Available for Benefits per Financial Statements		$ 2,973,984

The following is a reconciliation of net increase in net assets available for benefits per the Form 5500 and the financial statements for the year ended December 31, 2009:

Net Increase in Net Assets Available for Benefits per Form 5500		$ 380,520
Less:	2009 Employee Contribution Receivable	(15,035)
	2009 Employer Contribution Receivable	(213,896)
	2008 Benefits Payable	(99)
Add:	2008 Employer Contribution Receivable	178,518
Net Increase in Net Assets Available for Benefits per Financial Statements		$ 330,008

NOTE 12 - SUBSEQUENT EVENT

Plan management has evaluated subsequent events through the date the financial statements were available for issuance on May 13, 2011. No matters were identified affecting the accompanying financial statements.

NOTE 13 - CORRECTIVE DISTRIBUTIONS

The Plan is subject to certain compliance requirements of non-discrimination rules under ERISA and IRS guidelines. During 2009, the Plan refunded $17,158 to participants for 2008 excessive contributions and is included in distributions in the accompanying statement of changes in net assets available for benefit - modified cash basis, which satisfied the compliance requirements.

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN AND TRUST
PLAN EIN - 74-1971206; PLAN NUMBER - 002
SCHEDULE H, LINE 4 (a) - SCHEDULE OF DELINQUENT PARTICIPANT CONTRIBUTIONS
FOR THE YEAR ENDED DECEMBER 31, 2009

The following details nonexempt prohibited transactions for the year ended December 31, 2009, as required by Section 2510.3-102 of the Department of Labor's Rules for Reporting and Disclosure under the Employee Retirement Income Security Act of 1974.

Participant Contributions Transferred Late to Plan	Total that Constitute Nonexempt Prohibited Transactions			Total Fully Corrected Under VFCP and PTE 2002-51
Check here if Late Participant Loan Repayments are Included: ☑	Contributions Not Corrected *	Contributions Corrected Outside VFCP	Contributions Pending Correction in VFCP	
Plan Year 2009	$ 184,204	$ -	$ -	$ -
Plan Year 2008	$ 54,310	$ -	$ -	$ -

* Contributions have been submitted to the custodian, however, lost earnings on the delinquent contributions have not been remitted.

See Independent Auditor's Report.

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN AND TRUST
PLAN EIN - 74-1971206; PLAN NUMBER - 002
SCHEDULE H, LINE 4(i) - SCHEDULE OF ASSETS (HELD AT END OF YEAR)
DECEMBER 31, 2009

(a)	(b)	(c)	(d)	(e)
Party in Interest	Identy of Issue, Borrower, Lessor, or Similar Party	Description of Investment Including Maturity Date, Rate of Interest, Collateral Par or Maturity Value	Cost	Current Value
	MONEY MARKET FUNDS			
	BlackRock	BlackRock Liquidity FDS Tempcash Instl	$ 46,631	$ 46,631
	BlackRock	BlackRock Liquidity TempFund	262,068	262,068
*	Genworth Financial	Cash Pending Settlement	3,491	3,491
	Federated Government Obligations Fund	Federated Government Obligations Fund SS	2,773	2,773
			314,963	314,963
	MUTUAL FUNDS			
	Aberdeen Funds	Aberdeen Asia Bond Institutional	67,620	73,388
	BlackRock	BlackRock Int'l Growth & Income	4,391	5,179
	Credit Suise	Credit Suisse Commodity Return Str	28,341	29,871
	Delawared Pooled Trust Inc	Delaware High-Yield Opportunities A	15,301	16,858
	Delawared Pooled Trust Inc	Delaware Pooled Glbl Real Estate Sec Org	87,920	74,118
	Driehaus Mutual Funds	Driehaus Active Income Fund	178,345	186,079
	Eaton Vance	Eaton Vance Tax Managed	5,884	6,749
	Eaton Vance	Eaton Vance Tax Mgd Gbl Eq Income	10,352	12,034
	Eaton Vance	Eaton Vance TM Global BW Opp Fund	4,195	4,945
*	Genworth Financial	Genworth Financial Contra Fund	51,050	24,245
	Goldman Sachs Trust	GS Local Emerging Markets Debt A	15,629	15,388
	MSCI Barra	iShares iBoxx $ Invest Grade Corp Bd	56,739	60,511
	MSCI Barra	iShares MSCI EAFE Growth Index	2,826	3,087
	MSCI Barra	iShares MSCI EAFE Index	20,389	29,409
	MSCI Barra	iShares MSCI EAFE Value Index	1,527	1,813
	Nuveen Equity Prem. Opportunity Fund	Nuveen Equity Prem. Opportunity Fund	4,340	5,293
	Barclays Global Investment	iShares Russell 1000 Growth Index	192	199
	Barclays Global Investment	iShares Russell 1000 Index	4,621	4,721
	Barclays Global Investment	iShares Russell 1000 Value	1,827	1,837
	MSCI Barra	iShares S&P 500 Index Fund	98,526	133,613
	MSCI Barra	iShares S&P Global Utilities	1,733	1,872
	Lotsoff Capital Management	Lotsoff Capital Mgmt Micro Cap	76,857	76,675
	Mainstay Funds Trust	MainStay Epoch Global Equity Yield	215,678	214,532
	Mainstay Funds Trust	MainStay Epoch Int'l Small Cap	121,372	161,672
	Merger Fund	Merger Fund	31,333	31,597
	PIMCO Funds	PIMCO Emerging Local Bond Adm	15,613	15,428
	Royce Fund	Royce Micro-Cap Svc	15,156	15,525
	T. Rowe Price Associates, Inc.	T. Rowe Price High Yield Adv	15,400	16,317
			1,153,157	1,222,955
	CORPORATE STOCKS			
	3M Company	3M Company	20,598	25,380
	ABB Ltd.	ABB Ltd.	11,042	8,328
	Agrium, Inc.	Agrium, Inc.	6,432	9,840
	Airgas, Inc.	Airgas, Inc.	10,681	13,899
	Allegheny Energy, Inc.	Allegheny Energy, Inc.	5,420	3,123
	American Electric Power Company, Inc.	American Electric Power Company, Inc.	5,288	5,010
	Ansys, Inc.	Ansys, Inc.	14,240	22,773
	AXA (ADR)	AXA ADR	16,248	21,596
	Baxter International, Inc.	Baxter International, Inc.	20,822	21,770
	BHP Billiton Ltd. ADR	BHP Billiton Ltd. ADR	7,740	8,807
	Boeing Co.	Boeing Co.	6,166	8,715
	BP PLC ADR	BP PLC ADR	4,475	6,261
	Bristol Myers Squibb Company	Bristol-Myers Squibb Company	12,147	14,519

(*) - Party-in-Interest

See Independent Auditor's Report.

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN AND TRUST
PLAN EIN - 74-1971206; PLAN NUMBER - 002
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS (HELD AT END OF YEAR)
DECEMBER 31, 2009

(a)	(b)	(c)	(d)	(e)
Party in Interest	Identy of Issue, Borrower, Lessor, or Similar Party	Description of Investment Including Maturity Date, Rate of Interest, Collateral Par or Maturity Value	Cost	Current Value
	CORPORATE STOCKS - CONTINUED			
	British American Tobacco PLC	British American Tobacco PLC	$ 5,904	$ 5,625
	Cephalon, Inc.	Cephalon, Inc.	12,213	10,799
	CGI Group, Inc.	CGI Group, Inc.	7,873	10,834
	Chattem, Inc.	Chattem, Inc.	10,618	15,861
	Cisco Systems, Inc.	China Mobile Ltd.	4,399	4,550
	Cisco Systems, Inc.	Cisco Systems, Inc.	11,801	13,095
	CMS Energy Corporation	CMS Energy Corporation	4,762	5,638
	Coca Cola Amatil Ltd.	Coca-Cola Amatil Ltd.	8,116	11,572
	Coca-Cola Company	Coca-Cola Company	11,134	14,478
	Cognizant Technology Solutions Corp.	Cognizant Technology Solutions Corp.	10,309	19,311
	Colgate-Palmolive, Inc.	Colgate-Palmolive, Inc.	13,409	16,266
	Comcast Corporation	Comcast Corporation	9,039	8,346
	Core Laboratories	Core Laboratories NV	10,453	15,356
	Covidien Ltd.	Covidien PLC	8,970	9,243
	CR Bard, Inc.	CR Bard, Inc.	8,455	7,556
	Diamond Offshore Drilling, Inc.	Diamond Offshore Drilling, Inc.	13,064	19,290
	Eisai Co., Ltd. ADR	Eisai Co., Ltd. ADR	4,273	4,886
	Emerson Electric Company	Emerson Electric Company	18,004	17,168
	Energias de Portugal ADR	Energias de Portugal ADR	1,306	1,115
	Entergy Corporation	Entergy Corporation	4,864	3,928
	EON AG ADR	EON AG ADR	6,932	5,200
	Exelon Corporation	Exelon Corporation	7,088	4,594
	Exxon Mobil Corporation	Exxon Mobil Corporation	17,377	14,934
	FactSet Research Systems, Inc.	FactSet Research Systems, Inc.	15,188	23,845
	Fastenal Company	Fastenal Company	14,370	18,155
	FPL Group, Inc.	FPL Group, Inc.	990	1,056
	France Telecom	France Telecom	3,632	4,114
	GameStop Corporation	GameStop Corporation	13,356	11,124
	General Dynamics Corp.	General Dynamics Corp.	12,274	10,907
	Gilead Sciences, Inc.	Gilead Sciences, Inc.	11,724	10,991
	Halliburton Co.	Halliburton Co.	14,648	12,638
	Hansen Natural Co.	Hansen Natural Co.	7,687	9,139
	Hennes & Mauritz AB ADR	Hennes & Mauritz AB ADR	5,573	7,859
	Hewlett-Packard Co.	Hewlett-Packard Co.	10,207	16,226
	Hudson City Bancorp, Inc.	Hudson City Bancorp, Inc.	10,391	13,098
	IBM	IBM	11,138	12,043
	IHS Inc. Cl A	IHS, Inc.	26,718	30,146
	Immucor, Inc.	Immucor, Inc.	9,995	8,197
	International Power ADR	International Power ADR	2,271	1,597
	Intuit, Inc.	Intuit, Inc.	9,471	11,800
	J.P. Morgan Chase & Co.	J.P. Morgan Chase & Co.	11,062	13,834
	Kraft Foods, Inc. Cl A	Kraft Foods, Inc. Cl A	7,400	7,964
	LKQ Corporation	LKQ Corporation	11,482	17,220
	LM Ericsson	LM Ericsson	6,437	6,865
	Lowe's Companies, Inc.	Lowe's Companies, Inc.	10,668	11,648
	Mastercard, Inc.	Mastercard, Inc.	11,926	19,454
	McDonalds Corporation	McDonalds Corp.	12,412	13,237
	Microsoft Corporation	Microsoft Corporation	11,653	14,204
	Mitsubishi UFJ Financial Group,	Mitsubishi UFJ Financial Group, Inc	16,153	13,530
	National Grid PLC.	National Grid PLC	12,632	11,202
	Nestle SA	Nestle SA	4,776	6,847

See Independent Auditor's Report.

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN AND TRUST
PLAN EIN - 74-1971206; PLAN NUMBER - 002
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS (HELD AT END OF YEAR)
DECEMBER 31, 2009

(a)	(b)	(c)	(d)	(e)
Party in Interest	Identy of Issue, Borrower, Lessor, or Similar Party	Description of Investment Including Maturity Date, Rate of Interest, Collateral Par or Maturity Value	Cost	Current Value
	CORPORATE STOCKS - CONTINUED			
	Nike, Inc. Cl B	Nike, Inc. Cl B	$ 15,283	$ 18,301
	Nintendo Ltd. ADR	Nintendo Ltd. ADR	3,255	2,900
	Northern Trust Corp.	Northern Trust Corp.	11,410	11,214
	Novartis AG ADR	Novartis AG ADR	9,128	9,308
	Novo-Nordisk AS ADR	Novo-Nordisk AS ADR	4,413	5,555
	NRG Energy, Inc.	NRG Energy, Inc.	3,053	2,149
	NTT DoCoMo Inc. ADR	NTT DoCoMo Inc. ADR	4,353	3,831
	Oceaneering International, Inc.	Oceaneering International, Inc.	7,224	12,172
	Oracle System Corporation	Oracle System Corporation	15,813	18,765
	O'Reilly Automotive, Inc.	O'Reilly Automotive, Inc.	17,797	20,089
	Paccar, Inc.	Paccar, Inc.	9,712	12,658
	Pall Corporation	Pall Corporation	16,635	16,833
	PepsiCo, Inc.	PepsiCo, Inc.	10,598	9,971
	PG&E Corp.	PG&E Corp.	4,599	5,447
	Philip Morris International, Inc.	Philip Morris International, Inc.	14,464	16,385
	PPL Corporation	PPL Corporation	4,771	3,456
	Procter & Gamble Company	Procter & Gamble Company	24,783	24,252
	Public Service Enterprise Group	Public Service Enter. Group, Inc.	2,492	2,195
	Publicis Groupe SA	Publicis Groupe SA	8,169	10,591
	Research In Motion Ltd.	Research In Motion Ltd.	8,972	5,673
	ResMed, Inc.	ResMed, Inc.	10,380	13,433
	Roche Hldgs,Ltd. ADR	Roche Hldgs,Ltd. ADR	5,822	6,080
	Roper Industries, Inc.	Roper Industries, Inc.	9,771	10,317
	RWE AG ADR	RWE AG ADR	5,090	4,484
	Seven & I Holdings Co., Ltd. ADR	Seven & I Holdings Co., Ltd. ADR	4,014	3,685
	Stericycle, Inc	Stericycle, Inc.	13,050	14,896
	Stryker Corporation	Stryker Corporation	8,055	10,175
	Sybase, Inc	Sybase, Inc.	12,292	18,402
	Symantec Corporation	Symantec Corporation	7,850	7,693
	Syngenta AG ADR	Syngenta AG ADR	5,769	6,246
	Target Corporation	Target Corporation	13,097	13,785
	The AES Corporation	The AES Corporation	15,711	16,864
	Total SA	Total SA	12,768	13,769
	Toyota Motor Corporation	Toyota Motor Corporation	8,240	7,827
	Transocean, Inc.	Transocean, Inc.	6,727	8,942
	Tyco Electronics Ltd.	Tyco Electronics, Ltd.	13,416	14,214
	United Technologies Corp.	United Technologies Corp.	14,274	18,741
	United Utilities Group Plc ADR	United Utilities Group PLC ADR	843	421
	Vivendi SA Sponsored ADR	Vivendi SA Sponsored ADR	3,620	4,416
	Vodafone Group Public Ltd, Co. ADR	Vodafone Group Public Ltd, Co. ADR	12,518	13,554
	Vulcan Materials Company	Vulcan Materials Company	7,090	8,849
	Wal Mart Stores, Inc.	Wal Mart Stores, Inc.	7,972	7,643
	Walgreen Company	Walgreen Company	8,792	12,044
	Waters Corp.	Waters Corp.	12,252	19,703
	Williams Co., Inc.	Williams Co., Inc.	2,495	3,520
	Yahoo, Inc.	Yahoo, Inc.	7,390	9,766
	Yum Brands, Inc	Yum Brands, Inc.	7,281	8,674
			1,081,399	1,238,494

See Independent Auditor's Report.

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN AND TRUST
PLAN EIN - 74-1971206; PLAN NUMBER - 002
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS (HELD AT END OF YEAR)
DECEMBER 31, 2009

(a)	(b)	(c)	(d)	(e)
Party in Interest	Identy of Issue, Borrower, Lessor, or Similar Party	Description of Investment Including Maturity Date, Rate of Interest, Collateral Par or Maturity Value	Cost	Current Value
*	Participant Loans	Loans to participants with interest rates ranging from 4.0% to 9.25%, collaterized by participants' account balances and maturing through 2014	-	197,572
			$ 2,549,519	$ 2,973,984

(*) - Party-in-Interest

See Independent Auditor's Report.

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN AND TRUST
PLAN EIN - 74-1971206; PLAN NUMBER - 002
SCHEDULE H, LINE 4(j) - SCHEDULE OF REPORTABLE TRANSACTIONS
FOR THE YEAR ENDED DECEMBER 31, 2009

(a) Identity of party involved	(b) Description of asset (include interest rate and maturity in case of a loan)	(c) Purchase price	(d) Selling price	(e) Lease rental	(f) Expense incurred with transaction	(g) Cost of asset	(h) Current value of asset on transaction date	(i) Net gain or (loss)
BlackRock	BlackRock Liquidity FDS Tempcash Instl	$ 144,054	$ -	$ -	$ -	$ -	$ 144,054	$ -
BlackRock	BlackRock Liquidity FDS Tempcash Instl	-	97,524	-	-	97,524	97,524	-
BlackRock	Blackrock Liquidity TempFund	2,239,688	-	-	-	-	2,239,688	-
BlackRock	Blackrock Liquidity TempFund	-	2,066,779	-	-	2,066,779	2,066,779	-
Credit Suisse	Credit Suisse Instl Asia Bnd Fund	38,345	-	-	-	-	38,345	-
Credit Suisse	Credit Suisse Instl Asia Bnd Fund	-	101,416	-	-	117,734	101,416	(16,318)
Epoch Investment Partners, Inc.	Epoch Global Equity Yield	55,681	-	-	-	-	55,681	-
Epoch Investment Partners, Inc.	Epoch Global Equity Yield	-	109,672	-	-	154,627	109,672	(44,955)
Epoch Investment Partners, Inc.	Epoch Int'l Small Cap	87,019	-	-	-	-	87,019	-
Epoch Investment Partners, Inc.	Epoch Int'l Small Cap	-	71,464	-	-	131,282	71,464	(59,818)
Genworth Financial	Genworth Financial Contra Fund	74,599	-	-	-	-	74,599	-
Genworth Financial	Genworth Financial Contra Fund	-	153,018	-	-	56,293	153,018	96,725
MSCI Barra	iShares iBoxx $ Invest Grade Corp Bd	109,974	-	-	-	-	109,974	-
MSCI Barra	iShares iBoxx $ Invest Grade Corp Bd	-	53,693	-	-	53,235	53,693	458
MSCI Barra	iShares MSCI EAFE Index	81,514	-	-	-	-	81,514	-
MSCI Barra	iShares MSCI EAFE Index	-	65,154	-	-	71,811	65,154	(6,657)
MSCI Barra	iShares S&P 500 Index Fund	139,719	-	-	-	-	139,719	-
MSCI Barra	iShares S&P 500 Index Fund	-	47,828	-	-	41,194	47,828	6,634
Rydex Series Trust US Government	Rydex Series Trust US Government	105,716	-	-	-	-	105,716	-
Rydex Series Trust US Government	Rydex Series Trust US Government	-	114,663	-	-	114,663	114,663	-
SPDR Gold Trust	SPDR Gold Trust	72,090	-	-	-	-	72,090	-
SPDR Gold Trust	SPDR Gold Trust	-	68,289	-	-	72,090	68,289	(3,801)

See Independent Auditor's Report.

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN
EIN 74-1971206, PLAN NO. 002
SCHEDULE H, LINE 4 (j) - SCHEDULE OF REPORTABLE TRANSACTIONS
FOR THE YEAR ENDED DECEMBER 31, 2009

(a) Identity of Party Involved	(b) Description of asset	(c) Purchase Price	(d) Selling Price	(e) Lease Rental	(f) Expense incurred with Transactions	(g) Cost of Asset	(h) Current Value on Date of Transaction	(i) Net Gain(Loss)
BlackRock	BlackRock Liquidity FDS Tempcash I	$ 144,054	$ -		$	$ -	$ 144,054	$ 0
BlackRock	BlackRock Liquidity FDS Tempcash Ins	-	97,524			97,524	97,524	0
BlackRock	Blackrock Liquidity TempFund	2,239,688	-			-	2,239,688	0
BlackRock	Blackrock Liquidity TempFund	-	2,066,779			2,066,779	2,066,779	0
Credit Suisse	Credit Suisse Instl Asia Bnd Fund	38,345	-			-	38,345	0
Credit Suisse	Credit Suisse Instl Asia Bnd Fund	-	101,416			117,734	101,416	(16,318)
Epoch Investment Partners, Inc.	Epoch Global Equity Yield	55,681	-			-	55,681	0
Epoch Investment Partners, Inc.	Epoch Global Equity Yield	-	109,672			154,627	109,672	(44,955)
Epoch Investment Partners, Inc.	Epoch Int'l Small Cap	87,019	-			-	87,019	0
Epoch Investment Partners, Inc.	Epoch Int'l Small Cap	-	71,464			131,282	71,464	(59,818)
Genworth Financial	Genworth Financial Contra Fund	74,599	-			-	74,599	0
Genworth Financial	Genworth Financial Contra Fund	-	153,018			56,293	153,018	96,725
MSCI Barra	iShares iBoxx $ Invest Grade Corp Bd	109,974	-			-	109,974	0
MSCI Barra	iShares iBoxx $ Invest Grade Corp Bd	-	53,693			53,235	53,693	458
MSCI Barra	iShares MSCI EAFE Index	81,514	-			-	81,514	0
MSCI Barra	iShares MSCI EAFE Index	-	65,154			71,811	65,154	(6,657)
MSCI Barra	iShares S&P 500 Index Fund	139,719	-			-	139,719	0
MSCI Barra	iShares S&P 500 Index Fund	-	47,828			41,194	47,828	6,634
Rydex Series Trust US Government	Rydex Series Trust US Government	105,716	-			-	105,716	0
Rydex Series Trust US Government	Rydex Series Trust US Government	-	114,663			114,663	114,663	0
SPDR Gold Trust	SPDR Gold Trust	72,090	-			-	72,090	0
SPDR Gold Trust	SPDR Gold Trust	-	68,289			72,090	68,289	(3,801)
		3,148,399	2,949,500	0	0	2,977,232	6,097,899	(27,732)

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN & TRUST
EIN 74-1971206, PLAN NO. 002
SCHEDULE H, LINE 4i - SCHEDULE OF ASSETS (HELD AT END OF YEAR)
DECEMBER 31, 2009

(a)	(b) Identity of Issue, Borrower, Lessor or Similar Party	(c) Decription of Investment, Including Maturity Date, Rate of Interest, Collateral, Par or Maturity Value	(d) Cost	(e) Current Value
	CASH AND EQUIVALENTS:			
	BlackRock	BlackRock Liquidity FDS Tempcash Instl	46,631	46,631
	BlackRock	BlackRock Liquidity TempFund	262,068	262,068
*	Genworth Financial	Cash Pending Settlement	3,491	3,491
	Federated Government Obligations Fund	Federated Government Obligations Fund SS	2,773	2,773
		Total Cash and Equivalents	314,963	314,963
	EQUITIES:			
	3M Company	3M Company	20,598	25,380
	ABB Ltd.	ABB Ltd.	11,042	8,328
	Agrium, Inc.	Agrium, Inc.	6,432	9,840
	Airgas, Inc.	Airgas, Inc.	10,681	13,899
	Allegheny Energy, Inc.	Allegheny Energy, Inc.	5,420	3,123
	American Electric Power Company, Inc.	American Electric Power Company, Inc.	5,288	5,010
	Ansys, Inc.	Ansys, Inc.	14,240	22,773
	AXA (ADR)	AXA ADR	16,248	21,596
	Baxter International, Inc.	Baxter International, Inc.	20,822	21,770
	BHP Billiton Ltd. ADR	BHP Billiton Ltd. ADR	7,740	8,807
	Boeing Co.	Boeing Co.	6,166	8,715
	BP PLC ADR	BP PLC ADR	4,475	6,261
	Bristol Myers Squibb Company	Bristol-Myers Squibb Company	12,147	14,519
	British American Tobacco PLC	British American Tobacco PLC	5,904	5,625
	Cephalon, Inc.	Cephalon, Inc.	12,213	10,799
	CGI Group, Inc.	CGI Group, Inc.	7,873	10,834
	Chattem, Inc.	Chattem, Inc.	10,618	15,861
	Cisco Systems, Inc.	China Mobile Ltd.	4,399	4,550
	Cisco Systems, Inc.	Cisco Systems, Inc.	11,801	13,095
	CMS Energy Corporation	CMS Energy Corporation	4,762	5,638
	Coca Cola Amatil Ltd.	Coca-Cola Amatil Ltd.	8,116	11,572
	Coca-Cola Company	Coca-Cola Company	11,134	14,478
	Cognizant Technology Solutions Corp.	Cognizant Technology Solutions Corp.	10,309	19,311
	Colgate-Palmolive, Inc.	Colgate-Palmolive, Inc.	13,409	16,266
	Comcast Corporation	Comcast Corporation	9,039	8,346
	Core Laboratories	Core Laboratories NV	10,453	15,356
	Covidien Ltd.	Covidien PLC	8,970	9,243
	CR Bard, Inc.	CR Bard, Inc.	8,455	7,556
	Diamond Offshore Drilling, Inc.	Diamond Offshore Drilling, Inc.	13,064	19,290
	Eisai Co., Ltd. ADR	Eisai Co., Ltd. ADR	4,273	4,886
	Emerson Electric Company	Emerson Electric Company	18,004	17,168
	Energias de Portugal ADR	Energias de Portugal ADR	1,306	1,115
	Entergy Corporation	Entergy Corporation	4,864	3,928
	EON AG ADR	EON AG ADR	6,932	5,200
	Exelon Corporation	Exelon Corporation	7,088	4,594
	Exxon Mobil Corporation	Exxon Mobil Corporation	17,377	14,934
	FactSet Research Systems, Inc.	FactSet Research Systems, Inc.	15,188	23,845
	Fastenal Company	Fastenal Company	14,370	18,155
	FPL Group, Inc.	FPL Group, Inc.	990	1,056

* Party in Interest

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN & TRUST
EIN 74-1971206, PLAN NO. 002
SCHEDULE H, LINE 4 (i) - SCHEDULE OF ASSETS (HELD AT END OF YEAR) CONTINUED
DECEMBER 31, 2009

(a)	(b) Identity of Issue, Borrower, Lessor or Similar Party	(c) Decription of Investment, Including Maturity Date, Rate of Interest, Collateral, Par or Maturity Value	(d) Cost	(e) Current Value
	EQUITIES - CONTINUED:			
	France Telecom	France Telecom	3,632	4,114
	GameStop Corporation	GameStop Corporation	13,356	11,124
	General Dynamics Corp.	General Dynamics Corp.	12,274	10,907
	Gilead Sciences, Inc.	Gilead Sciences, Inc.	11,724	10,991
	Halliburton Co.	Halliburton Co.	14,648	12,638
	Hansen Natural Co.	Hansen Natural Co.	7,687	9,139
	Hennes & Mauritz AB ADR	Hennes & Mauritz AB ADR	5,573	7,859
	Hewlett-Packard Co.	Hewlett-Packard Co.	10,207	16,226
	Hudson City Bancorp, Inc.	Hudson City Bancorp, Inc.	10,391	13,098
	IBM	IBM	11,138	12,043
	IHS Inc. Cl A	IHS, Inc.	26,718	30,145
	Immucor, Inc.	Immucor, Inc.	9,995	8,197
	International Power ADR	International Power ADR	2,271	1,597
	Intuit, Inc.	Intuit, Inc.	9,471	11,800
	J.P. Morgan Chase & Co.	J.P. Morgan Chase & Co.	11,062	13,834
	Kraft Foods, Inc. Cl A	Kraft Foods, Inc. Cl A	7,400	7,964
	LKQ Corporation	LKQ Corporation	11,482	17,220
	LM Ericsson	LM Ericsson	6,437	6,865
	Lowe’s Companies, Inc.	Lowe's Companies, Inc.	10,668	11,648
	Mastercard, Inc.	Mastercard, Inc.	11,926	19,454
	McDonalds Corporation	McDonalds Corp.	12,412	13,237
	Microsoft Corporation	Microsoft Corporation	11,653	14,204
	Mitsubishi UFJ Financial Group,	Mitsubishi UFJ Financial Group, Inc	16,153	13,530
	National Grid PLC.	National Grid PLC	12,632	11,202
	Nestle SA	Nestle SA	4,776	6,847
	Nike, Inc. Cl B	Nike, Inc. Cl B	15,283	18,301
	Nintendo Ltd. ADR	Nintendo Ltd. ADR	3,255	2,900
	Northern Trust Corp.	Northern Trust Corp.	11,410	11,214
	Novartis AG ADR	Novartis AG ADR	9,128	9,308
	Novo-Nordisk AS ADR	NovoXXXNordisk AS ADR	4,413	5,555
	NRG Energy, Inc.	NRG Energy, Inc.	3,053	2,149
	NTT DoCoMo Inc. ADR	NTT DoCoMo Inc. ADR	4,353	3,831
	Oceaneering International, Inc.	Oceaneering International, Inc.	7,224	12,172
	Oracle System Corporation	Oracle System Corporation	15,813	18,765
	O'Reilly Automotive, Inc.	O'Reilly Automotive, Inc.	17,797	20,089
	Paccar, Inc.	Paccar, Inc.	9,712	12,658
	Pall Corporation	Pall Corporation	16,635	16,833
	PepsiCo, Inc.	PepsiCo, Inc.	10,598	9,971
	PG&E Corp.	PG&E Corp.	4,599	5,447
	Philip Morris International, Inc.	Philip Morris International, Inc.	14,464	16,385
	PPL Corporation	PPL Corporation	4,771	3,457
	Procter & Gamble Company	Procter & Gamble Company	24,783	24,252
	Public Service Enterprise Group	Public Service Enter. Group, Inc.	2,492	2,194
	Publicis Groupe SA	Publicis Groupe SA	8,169	10,591
	Research In Motion Ltd.	Research In Motion Ltd.	8,972	5,673

* Party in Interest

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN & TRUST
EIN 74-1971206, PLAN NO. 002
SCHEDULE H, LINE 4 (i) - SCHEDULE OF ASSETS (HELD AT END OF YEAR) CONTINUED
DECEMBER 31, 2009

(a)	(b) Identity of Issue, Borrower, Lessor or Similar Party	(c) Decription of Investment, Including Maturity Date, Rate of Interest, Collateral, Par or Maturity Value	(d) Cost	(e) Current Value
	EQUITIES - CONTINUED:			
	ResMed, Inc.	ResMed, Inc.	10,380	13,433
	Roche Hldgs,Ltd. ADR	Roche Hldgs,Ltd. ADR	5,822	6,080
	Roper Industries, Inc.	Roper Industries, Inc.	9,771	10,317
	RWE AG ADR	RWE AG ADR	5,090	4,485
	Seven & I Holdings Co., Ltd. ADR	Seven & I Holdings Co., Ltd. ADR	4,014	3,685
	Stericycle, Inc	Stericycle, Inc.	13,050	14,896
	Stryker Corporation	Stryker Corporation	8,055	10,175
	Sybase, Inc	Sybase, Inc.	12,292	18,402
	Symantec Corporation	Symantec Corporation	7,850	7,693
	Syngenta AG ADR	Syngenta AG ADR	5,769	6,246
	Target Corporation	Target Corporation	13,097	13,785
	The AES Corporation	The AES Corporation	15,711	16,864
	Total SA	Total SA	12,768	13,769
	Toyota Motor Corporation	Toyota Motor Corporation	8,240	7,827
	Transocean, Inc.	Transocean, Inc.	6,727	8,942
	Tyco Electronics Ltd.	Tyco Electronics, Ltd.	13,416	14,214
	United Technologies Corp.	United Technologies Corp.	14,274	18,741
	United Utilities Group Plc ADR	United Utilities Group PLC ADR	843	422
	Vivendi SA Sponsored ADR	Vivendi SA Sponsored ADR	3,620	4,416
	Vodafone Group Public Ltd, Co. ADR	Vodafone Group Public Ltd, Co. ADR	12,518	13,554
	Vulcan Materials Company	Vulcan Materials Company	7,090	8,849
	Wal Mart Stores, Inc.	Wal Mart Stores, Inc.	7,972	7,643
	Walgreen Company	Walgreen Company	8,792	12,044
	Waters Corp.	Waters Corp.	12,252	19,703
	Williams Co., Inc.	Williams Co., Inc.	2,495	3,520
	Yahoo, Inc.	Yahoo, Inc.	7,390	9,766
	Yum Brands, Inc	Yum Brands, Inc.	7,281	8,673
		Total Equities	1,081,399	1,238,494

* Party in Interest

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN & TRUST
EIN 74-1971206, PLAN NO. 002
SCHEDULE H, LINE 4 (i) - SCHEDULE OF ASSETS (HELD AT END OF YEAR) CONTINUED
DECEMBER 31, 2009

(a)	(b) Identity of Issue, Borrower, Lessor or Similar Party	(c) Decription of Investment, Including Maturity Date, Rate of Interest, Collateral, Par or Maturity Value	(d) Cost	(e) Current Value
	MUTUAL FUNDS:			
	Aberdeen Funds	Aberdeen Asia Bond Institutional	67,620	73,388
	BlackRock	BlackRock Int'l Growth & Income	4,391	5,179
	Credit Suise	Credit Suisse Commodity Return Str	28,341	29,871
	Delawared Pooled Trust Inc	Delaware High-Yield Opportunities A	15,301	16,858
	Delawared Pooled Trust Inc	Delaware Pooled Glbl Real Estate Sec Org	87,920	74,118
	Driehaus Mutual Funds	Driehaus Active Income Fund	178,345	186,079
	Eaton Vance	Eaton Vance Tax Managed	5,884	6,749
	Eaton Vance	Eaton Vance Tax Mgd Gbl Eq Income	10,352	12,034
	Eaton Vance	Eaton Vance TM Global BW Opp Fund	4,195	4,945
*	Genworth Financial	Genworth Financial Contra Fund	51,050	24,245
	Goldman Sachs Trust	GS Local Emerging Markets Debt A	15,629	15,388
	MSCI Barra	iShares iBoxx $ Invest Grade Corp Bd	56,739	60,511
	MSCI Barra	iShares MSCI EAFE Growth Index	2,826	3,087
	MSCI Barra	iShares MSCI EAFE Index	20,389	29,409
	MSCI Barra	iShares MSCI EAFE Value Index	1,527	1,812
	Barclays Global Investment	iShares Russell 1000 Growth Index	192	199
	Barclays Global Investment	iShares Russell 1000 Index	4,621	4,721
	Barclays Global Investment	iShares Russell 1000 Value	1,827	1,837
	MSCI Barra	iShares S&P 500 Index Fund	98,526	133,613
	MSCI Barra	iShares S&P Global Utilities	1,733	1,872
	Lotsoff Capital Management	Lotsoff Capital Mgmt Micro Cap	76,857	76,675
	Mainstay Funds Trust	MainStay Epoch Global Equity Yield	215,678	214,532
	Mainstay Funds Trust	MainStay Epoch Int'l Small Cap	121,372	161,672
	Merger Fund	Merger Fund	31,333	31,597
	Nuveen Equity Prem. Opportunity Fund	Nuveen Equity Prem. Opportunity Fund	4,340	5,293
	PIMCO Funds	PIMCO Emerging Local Bond Adm	15,613	15,428
	Royce Fund	Royce Micro-Cap Svc	15,156	15,525
	T. Rowe Price Associates, Inc.	T. Rowe Price High Yield Adv	15,400	16,318
		Total Mutual Funds	1,153,157	1,222,955
	PARTICIPANT LOANS:			
*	Various Participants	Various Maturity Dates and Interest Rates Ranging from 4.61% to 9.25%	197,572	197,572
		Total Investments	$ 2,747,091	$ 2,973,984

* Party in Interest

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN AND TRUST
STATEMENTS OF NET ASSETS AVAILABLE FOR BENEFITS - MODIFIED CASH BASIS
DECEMBER 31, 2009 AND 2008

	2009	2008
INVESTMENTS AT FAIR MARKET VALUE:		
Money Market Funds	$ 314,963	$ 189,949
Corporate Stocks	1,238,494	1,104,145
Mutual Funds	1,222,955	1,203,068
Participant Loans	197,572	146,814
NET ASSETS AVAILABLE FOR BENEFITS	$ 2,973,984	$ 2,643,976

The accompanying notes are an integral part of these financial statements.

G.R. BIRDWELL CONSTRUCTION, L.P. 401(K) PROFIT SHARING PLAN AND TRUST
STATEMENT OF CHANGES IN NET ASSETS AVAILABLE FOR BENEFITS - MODIFIED CASH BASIS
FOR THE YEAR ENDED DECEMBER 31, 2009

CHANGES TO NET ASSETS AVAILABLE FOR BENEFITS ATTRIBUTED TO:		
CONTRIBUTIONS:		
Employee Contributions	$	228,912
Employer Contributions		215,559
Total Contributions		444,471
INVESTMENT ACTIVITIES:		
Net Appreciation in Fair Value of Investments		310,886
Interest Income		11,000
Dividends		78,376
Increase from Investment Activities		400,262
Net Assets Transferred to Remedial Contruction Services, L.P. 401(k) Profit Sharing Plan and Trust		(358,913)
Distributions to Participants		(91,812)
Administrative Fees		(64,000)
CHANGE IN NET ASSETS AVAILABLE FOR BENEFITS		330,008
NET ASSETS AVAILABLE FOR BENEFITS, BEGINNING OF YEAR		2,643,976
NET ASSETS AVAILABLE FOR BENEFITS, END OF YEAR	$	2,973,984

The accompanying notes are an integral part of these financial statements.

Form 5500	Annual Return/Report of Employee Benefit Plan	OMB Nos. 1210-0110 1210-0089
Department of the Treasury Internal Revenue Service Department of Labor Employee Benefits Security Administration Pension Benefit Guaranty Corporation	This form is required to be filed for employee benefit plans under sections 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA) and sections 6047(e), and 6058(a) of the Internal Revenue Code (the Code). ▶ **Complete all entries in accordance with the instructions to the Form 5500.**	**2009** **This Form is Open to Public Inspection**

Part I Annual Report Identification Information

For calendar plan year 2009 or fiscal plan year beginning 01/01/2009 and ending 12/31/2009

A This return/report is for: ☐ a multiemployer plan; ☐ a multiple-employer plan; or ☒ a single-employer plan; ☐ a DFE (specify) ___

B This return/report is: ☐ the first return/report; ☐ the final return/report; ☒ an amended return/report; ☐ a short plan year return/report (less than 12 months).

C If the plan is a collectively-bargained plan, check here. ▶ ☐

D Check box if filing under: ☒ Form 5558; ☐ automatic extension; ☐ the DFVC program; ☐ special extension (enter description)

Part II Basic Plan Information—enter all requested information

1a Name of plan GR Birdwell Construction, LP 401(k) Profit Sharing Plan and Trust

1b Three-digit plan number (PN) ▶ 002

1c Effective date of plan 04/01/1999

2a Plan sponsor's name and address (employer, if for a single-employer plan) (Address should include room or suite no.)
G. R. Birdwell Construction, LP

P.O. Box 690748

Houston TX 77269

9721 Derrington

Houston TX 77064

2b Employer Identification Number (EIN) 74-1971206

2c Sponsor's telephone number (281)890-4981

2d Business code (see instructions) 237990

Caution: A penalty for the late or incomplete filing of this return/report will be assessed unless reasonable cause is established.

Under penalties of perjury and other penalties set forth in the instructions, I declare that I have examined this return/report, including accompanying schedules, statements and attachments, as well as the electronic version of this return/report, and to the best of my knowledge and belief, it is true, correct, and complete.

SIGN HERE	Signature of plan administrator	5-17-2011 Date	John Lynch Enter name of individual signing as plan administrator
SIGN HERE	Signature of employer/plan sponsor	5-17-2011 Date	John Lynch Enter name of individual signing as employer or plan sponsor
SIGN HERE	Signature of DFE	Date	Enter name of individual signing as DFE

3a Plan administrator's name and address (if same as plan sponsor, enter "Same") SAME	**3b** Administrator's EIN **3c** Administrator's telephone number

4 If the name and/or EIN of the plan sponsor has changed since the last return/report filed for this plan, enter the name, EIN and the plan number from the last return/report: **a** Sponsor's name	**4b** EIN **4c** PN

5	Total number of participants at the beginning of the plan year	**5** 186
6	Number of participants as of the end of the plan year (welfare plans complete only lines **6a, 6b, 6c,** and **6d**).	
a	Active participants	**6a** 123
b	Retired or separated participants receiving benefits	**6b** 0
c	Other retired or separated participants entitled to future benefits	**6c** 28
d	Subtotal. Add lines **6a**, **6b**, and **6c**	**6d** 151
e	Deceased participants whose beneficiaries are receiving or are entitled to receive benefits	**6e** 0
f	Total. Add lines **6d** and **6e**	**6f** 151
g	Number of participants with account balances as of the end of the plan year (only defined contribution plans complete this item)	**6g** 96
h	Number of participants that terminated employment during the plan year with accrued benefits that were less than 100% vested	**6h** 7
7	Enter the total number of employers obligated to contribute to the plan (only multiemployer plans complete this item)	**7**

8a If the plan provides pension benefits, enter the applicable pension feature codes from the List of Plan Characteristic Codes in the instructions:

2E 2J 2K 3D

b If the plan provides welfare benefits, enter the applicable welfare feature codes from the List of Plan Characteristic Codes in the instructions:

9a Plan funding arrangement (check all that apply)	**9b** Plan benefit arrangement (check all that apply)
(1) ☐ Insurance	**(1)** ☐ Insurance
(2) ☐ Code section 412(e)(3) insurance contracts	**(2)** ☐ Code section 412(e)(3) insurance contracts
(3) ☒ Trust	**(3)** ☒ Trust
(4) ☐ General assets of the sponsor	**(4)** ☐ General assets of the sponsor

10 Check all applicable boxes in 10a and 10b to indicate which schedules are attached, and, where indicated, enter the number attached. (See instructions)

a Pension Schedules	**b General Schedules**
(1) ☒ **R** (Retirement Plan Information)	**(1)** ☒ **H** (Financial Information)
(2) ☐ **MB** (Multiemployer Defined Benefit Plan and Certain Money Purchase Plan Actuarial Information) - signed by the plan actuary	**(2)** ☐ **I** (Financial Information – Small Plan) **(3)** ☐ ___ **A** (Insurance Information)
(3) ☐ **SB** (Single-Employer Defined Benefit Plan Actuarial Information) - signed by the plan actuary	**(4)** ☒ **C** (Service Provider Information) **(5)** ☐ **D** (DFE/Participating Plan Information) **(6)** ☐ **G** (Financial Transaction Schedules)

Attachment to 2009 Form 5500
Schedule H, line 4a - Schedule of Delinquent Participant Contributions

Plan Name GR Birdwell Construction, LP 401(k) PS Plan and Trust **EIN:** 74-1971206
Plan Sponsor's Name G. R. Birdwell Construction, LP **PN:** 002

	Total that Constitute Nonexempt Prohibitied Transactions			
Participant Contributions Transferred Late to Plan	Contributions Not Corrected	Contributions Corrected Outside VFCP	Contributions Pending Correction in VFCP	Total Fully Corrected Under VFCP and PTE 2002-51
Check here if Late Participant Loan Repayments are included: [X]	238,514	0	0	0