

November 21, 2009

Clerks Office

824 N Market Street, 3<sup>rd</sup> Floor

Wilmington, Delaware 19081

Re: Case No. 09-12074(KJC)

To Whom It May Concern

My name is Leroy D Custer and I retired from BMC West in May of 2007. I received a copy of Mr. Milligan's letter dated 11/17/2009 and became convicted to write a letter voicing my concerns also. I feel that Mr Milligan,s letter is well written and covers all the issues that concern the present employees of the company and those that are retired or about to retire.

It is individuals like Mr. Milligan that gave a 110% everyday for the last 22 years that made the company successful. The funding of the Supplemental Retirement Program was based on percentage of the profit the company made each year so there was always the incentive to put in that little extra effort. The Supplemental Retirement Program became part of everyone's retirement package along with the potential to invest in the 401K program.

In the last few years and especially when Chapter 11 was declared, it was hard to understand why the board continued the employment of the management group in San Francisco and maintained a very expensive lease for the office space. This lack of action on the board's part probably added close to \$2 million in expenses during the last 6 months. The banking group has elected to terminate the management group in San Francisco and drop the office lease. The decisions of this group along with a lack of expense control along with tough economic conditions were the reasons behind putting the company into Chapter 11. In addition there have been substantial consulting fees from multiple groups that became part of the bankruptcy proceedings that appear to be on the verge of excessive.

The HR-3458 signed into law now appears to benefit only the lender group to the tune of \$40 million dollars. This is where the 12.1% payout to the current employees, the individuals that plan to retire in the future, and the employees presently retired does not " balance the scales of justice" as stated in Mr. Milligan's letter. The court can intervene to protect the interest of the individuals in the trenches making the business work and were part of the company's success in the past. Many people feel that the "fat cats" always come out OK in Chapter 11 proceedings and the voice of the little guy is not heard.

I feel that there is an opportunity to do what is right for all employees that were involved in Supplemental Retirement Program. The approximate \$40,000,000 tax refund being generated from HR-3458 should be included in the recovery rate to unsecured creditors. The banking group had determined prior to this influx of funds that the plan coming out of bankruptcy

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would work. I would also feel that there is precedence to handle the unsecured creditors in the Supplemental Retirement Program differently than the balance of unsecured creditors.

Thanks for your consideration of doing what is right for the individuals that are part of the Supplemental Retirement Program.

Sincerely,

Leroy D Custer

10303 W Rockwood St

Boise, Idaho 83704

November 17, 2009

Clerks Office  
824 N. Market Street, 3<sup>rd</sup> Floor  
Wilmington, Delaware 19801

RE: Case No. 09-12074 (KJC)

To Whom It May Concern:

My name is William H. Milligan and I am a senior concerned about my future. I read the new Disclosure Statement that awards unsecured creditors like me approximately 12.1% of what was originally due to me. You can imagine my shock to learn that my "recovery rate" was now being reduced from 55.2% indicated in the Debtor's original Disclosure Statement from June, 2009. I had been employed with SelectBuild-BMHC for over 20 ½ years. My employment was terminated on February 19, 2009 about three months shy of my 60<sup>th</sup> birthday.

I am writing this letter to you (the Judge overseeing Case No. 09-12074) to voice **my disagreement with the recovery amount for class 6C claims** in new the Disclosure Statement for the Joint Plan of Reorganization for the Debtors that was recently approved. At this point I have no choice but to accept the plan because I am terrified that if I do not accept this plan, I will get nothing. The law may indicate that what is being done is perfectly legal including the treatment of the unsecured class, but in my view, it doesn't make it right.

**I am asking the Judge in this case (No. 09-12074) to intervene and make things right or least a bit more equitable and fair.**

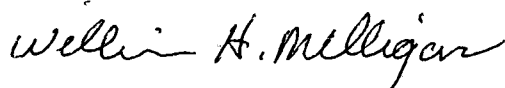
Through my research of the Disclosure Statement, the Plan, and previous 10K filings, I am almost certain that the one party not being too "harmed" by this case is the Lender Group. Not only did this group make a ton of money from fees associated with covenant defaults and debt restructuring, but it also received approximately \$50 Million of the \$56 Million tax refund it obtained from the amendment of previous years tax returns just 2 months before the Company filed a petition for Bankruptcy. While the Lender group may be at risk with the Company, most of the amount at risk is secured. And now, with President Obama signing into law "HR-3458 Worker, Homeownership, and Business Assistance Act of 2009", the Company will be able to amend the tax returns for an additional two years that could generate a tax refund of up to an additional \$40 Million most of which will likely go towards the Lender Group. **Couldn't some of this money go towards improving the recovery rate to unsecured creditors? I think it can and I think it should.**

I have served my country honorably in my younger years and worked the balance of my years in construction until this past year. I always believed that the purpose of a Bankruptcy proceeding was to "freeze" things for the Company so that it could work with BOTH secured and unsecured creditors on a plan to move forward while coming to terms on the past. From an unsecured creditor perspective, where have we come to terms? How have we come to terms?

**I am requesting, on behalf of myself and all of my fellow unsecured creditors, that the Judge in this case “balance the scales of justice” and intervene to ensure that the unsecured creditors, and in particular class 6C, is helped in terms of improving our recovery rate, and at the very least, consider the impending tax refund that will be forthcoming to the Debtors. You see, as I mentioned earlier, most of us understand the Disclosure Statement but we feel like there is a “gun to head” because, at my age, I need every bit of income I can get.**

I am also asking that if any of my fellow unsecured creditors think the same as I do that they let themselves be heard from by writing similar letters to the Judge.

Sincerely,



William H. Milligan  
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El Dorado Hills, CA. 95762

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