

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

<b>IN RE:</b>	)	<b>Chapter 11</b>
<b>BUILDING MATERIALS HOLDING CORPORATION, et al.,<sup>1</sup></b>	)	<b>Case No. 09-12074 (KJC)</b>
<b>Debtors.</b>	)	<b>Jointly Administered</b>
	)	<b>Ref. Docket Nos. 927 and <u>1142</u></b>

**ORDER SUSTAINING DEBTORS' FOURTH OMNIBUS (NON-SUBSTANTIVE) OBJECTION TO CLAIMS PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE, BANKRUPTCY RULES 3003 AND 3007 AND LOCAL RULE 3007-1**

Upon consideration of the fourth omnibus (non-substantive) objection (the "Objection")<sup>2</sup> of the above-captioned debtors and debtors in possession (collectively, the "Debtors") for the entry of an order, pursuant to section 502(b) of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the "Bankruptcy Code"), Rules 3003 and 3007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Rule 3007-1 of the Local Rules of Bankruptcy Practice and Procedure for the United States Bankruptcy Court for the District of Delaware (the "Local Rules"), modifying or disallowing and expunging in full each of the Disputed Claims identified on Exhibits A, B, C, D, and E attached hereto; and it appearing that due and sufficient notice of the Objection has been given under the circumstances; and after due deliberation and upon the Court's determination that the relief requested in the Objection is in

<sup>1</sup> The Debtors, along with the last four digits of each Debtor's tax identification number, are as follows: Building Materials Holding Corporation (4269), BMC West Corporation (0454), SelectBuild Construction, Inc. (1340), SelectBuild Northern California, Inc. (7579), Illinois Framing, Inc. (4451), C Construction, Inc. (8206), TWF Construction, Inc. (3334), H.N.R. Framing Systems, Inc. (4329), SelectBuild Southern California, Inc. (9378), SelectBuild Nevada, Inc. (8912), SelectBuild Arizona, LLC (0036), and SelectBuild Illinois, LLC (0792). The mailing address for the Debtors is 720 Park Boulevard, Suite 200, Boise, Idaho 83712.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Objection.

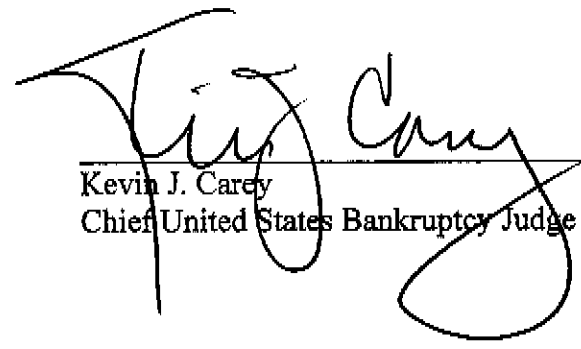
the best interests of the Debtors, their estates and creditors and other parties in interest; and sufficient cause appearing for the relief requested in the Objection, it is hereby:

**ORDERED, ADJUDGED AND DECREED that:**

1. The Objection is sustained to the extent provided for herein and on Exhibits A, B, C, D, and E attached hereto.
2. Pursuant to section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 and Local Rule 3007-1, the Disputed Claims identified on Exhibits A, B, C, and D attached hereto are hereby disallowed and expunged in their entirety.
3. Pursuant to section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 and Local Rule 3007-1, the Disputed Claims identified on the attached Exhibit E are hereby modified by reducing or fixing the amounts of such claims to the dollar values listed under the column titled "Modified Claim" on Exhibit E hereto.
4. The Debtors (and any successors or successors in interest) reserve any and all rights to amend, modify or supplement this Objection, and to file additional objections to any and all claims filed in these chapter 11 cases, including, without limitation, any and all claims that are the subject of the Objection.
5. The Debtors (and any successors or successors in interest) reserve any and all rights to object to any and all of the Disputed Claims on any and all grounds in any and all additional objections to claims filed in these chapter 11 cases.
6. This Court shall retain jurisdiction over any and all affected parties with

respect to any and all matters, claims or rights arising from or related to the implementation or interpretation of this Order.

Dated: Wilmington, Delaware  
December 16, 2009



Kevin J. Carey  
Chief United States Bankruptcy Judge

EXHIBIT A

Duplicate Claims

IN RE: BUILDING MATERIALS HOLDING CORPORATION, ET AL., CASE NO. 09-12074  
 CLAIMS TO BE EXPUNGED AS DUPLICATIVE

NAME AND ADDRESS OF CLAIMANT	OBJECTIONABLE CLAIM				SURVIVING CLAIM			
	CLAIM NUMBER	DATE FILED	CASE NO.	AMOUNT AND CLASSIFICATION OF CLAIM	CLAIM NUMBER	DATE FILED	CASE NO.	AMOUNT AND CLASSIFICATION OF SURVIVING CLAIM
ADVANTAGE TIRE 2755 E PHILADELPHIA ST ONTARIO CA 91761	2442	8/31/2009	09-12082	Secured: \$1,024.08 Priority: \$1,024.08	2258	8/31/2009	09-10282	Secured: \$1,024.08 Priority: \$1,024.08
CAL-TEX LUMBER COMPANY INC PO BOX 631010 NACOGDOCHES TX 75963	87	7/27/2009	09-12074	Unsecured: \$28,600.32	983	06/05/09	09-12074	Unsecured: \$28,600.32
HATHAWAY & SONS INC P.O. BOX 10270 PALM DESERT CA 92255	576	8/3/2009	09-12080	Priority: \$1,719.57	146	7/30/2009	09-12080	Priority: \$1,719.57

**EXHIBIT B**

Amended Claims

IN RE: BUILDING MATERIALS HOLDING CORPORATION, ET AL., CASE NO. 09-12074  
 CLAIMS TO BE EXPUNGED AS AMENDED AND SUPERSEDED BY A SUBSEQUENT FILED CLAIM

OBJECTIONABLE CLAIM		SURVIVING CLAIM						
NAME AND ADDRESS OF CLAIMANT	CLAIM NUMBER	DATE FILED	CASE NO.	AMOUNT AND CLASSIFICATION OF CLAIM	CLAIM NUMBER	DATE FILED	CASE NO.	AMOUNT AND CLASSIFICATION OF SURVIVING CLAIM
CITY OF CORPPELL ATTN: ELIZABETH WELLS LINEBARGER GOGGAN BLAIR SAMPSON LLP 2323 BRYAN STREET SUITE 1600 DALLAS TX 75201	38	7/15/2009	09-12075	Secured \$3,176.01	1402	8/28/2009	09-12075	Secured: \$71,262.27
CONTINENTAL TRADING INC PO BOX 8516 BEND OR 97708	68	7/20/2009	09-12074	Unsecured: \$10,358.99	2593	9/10/2009	09-12074	Priority: \$10,358.99
KDL ENTERPRISES INC 7818 S 194TH STREET KENT WA 98032	32	7/2/2009	09-12075	Priority: \$2,188.67	829	8/10/2009	09-12075	Priority: \$3,842.39
PRAXAIR DISTRIBUTION INC C/O RMS BANKRUPTCY RECOVERY SERVICES PO BOX 5126 TIMONIUM MD 21094	2188	9/20/2009	09-12074	Priority: \$300.00	2486	08/31/09	09-12074	Priority: \$1,200.00

**EXHIBIT C**

Stockholder Claims



IN RE: BUILDING MATERIALS HOLDING CORPORATION, ET AL., CASE NO. 09-12074  
 CLAIMS TO BE EXPUNGED AS STOCKHOLDER CLAIMS

NAME AND ADDRESS OF CLAIMANT	CLAIM NUMBER	DATE FILED	CASE NO.	AMOUNT AND CLASSIFICATION OF CLAIM
GERALD A OFLAHERTY PO BOX 397 CARBONDALE KS 66414	1421	8/21/2009	09-12074	Priority: \$44,000.00 Unsecured: \$300.00
JANE TAN & EE-MOOI TAN 1716 MIDWEST CLUB OAK BROOK IL 60523	1264	8/18/2009	09-12074	Priority: \$18,810.00
PHILLIP W HIATT 1616 E BANTAM RD UNIT 69 TUCSON AZ 85706	854	8/10/2009	09-12074	Secured: \$390.00

**EXHIBIT D**

No Supporting Documentation Claims

IN RE: BUILDING MATERIALS HOLDING CORPORATION, ET AL., CASE NO. 09-12074  
 CLAIMS TO BE EXPUNGED AS NO SUPPORTING DOCUMENTATION

NAME AND ADDRESS OF CLAIMANT	CLAIM NUMBER	FILE DATE	AMOUNT OF CLAIM	CASE NO.	REASON FOR DISALLOWANCE
HARRY PENNINGTON 1525 E. FREMONT ST, APT #151 LAS VEGAS NV 89101	1281	8/13/2009	Secured: \$990,000,000.00 Priority: \$999,000,000.00	09-12074	No supporting documentation filed with the claim. Based on review of the Debtor's books and records the Debtor has no amounts owing to this Claimant. As such, the Debtors object to this claim based on no liability.
RF INSTALLATIONS LLC 5840 W-120 SUITE 235 ARLINGTON TX 76017	2441	8/31/2009	Unsecured: \$29,306.53	09-12075	No supporting documentation filed with the claim. Per examination of the Debtors' books and records there is no amount due to this claimant.
U S DEPARTMENT OF LABOR - OSHA 365 SMOKE TREE PLAZA NORTH AURORA IL 60542	2573	8/28/2008	Unsecured: \$750.00	09-12085	No documentation filed with the claim. Per examination of the Debtors' books and records the only amount owing is \$1000 claimed under 2572.

**EXHIBIT E**

**Insufficient Documentation Claims**

IN RE: BUILDING MATERIALS HOLDING CORPORATION, ET AL., CASE NO. 09-12074  
 CLAIMS TO BE MODIFIED AS INSUFFICIENT SUPPORTING DOCUMENTATION

NAME AND ADDRESS OF CLAIMANT	CLAIM NUMBER	FILE DATE	OBJECTIONABLE CLAIM		CASE NO.	AMOUNT AND CLASSIFICATION OF MODIFIED CLAIM		REASON FOR MODIFICATION
			FILE DATE	CLASSIFICATION OF CLAIM		AMOUNT AND CLASSIFICATION OF MODIFIED CLAIM	AMOUNT AND CLASSIFICATION OF MODIFIED CLAIM	
SOUTHWESTERN BELL TELEPHONE COMPANY C/O JAMES GRUDUS, ESQ AT&T SERVICES INC ONE AT&T WAY ROOM 3A21B BEDMINSTER NJ 07921	2495	8/31/2009	Unsecured: \$33,386.89	Unsecured: \$252.93	09-12074	Unsecured: \$252.93		Based on review of the supporting documentation filed with the claim, there is insufficient evidence to support the claim amount. Per the Debtors' books and records, the total amount due to this claimant is \$252.93. As such the Debtors object to \$33,134.08.
THE BLAIR FIRM C/O THE TUCKER LAW FIRM PLLC RE: CASE# 07-2-11483-1 SEA 213 MADISON AVE N STE 300 BAINBRIDGE ISLAND WA 98110	1756	8/27/2009	Secured: \$8,000.00	Secured: \$0.00 Priority: \$0.00 Unsecured: \$0.00	09-12075	Secured: \$0.00 Priority: \$0.00 Unsecured: \$0.00		Based on review of the Debtors' books and records, the Debtors have no amounts owing to this Claimant. As such, the Debtors object to this claim based on no liability.
WESTLAND ENTERPRISES 2110 E FLAMINGO RD SITE 207 LAS VEGAS NV 89119	2181	8/25/2009	Unsecured: \$944,997.45	Unsecured: \$328,581.12	09-12083	Unsecured: \$328,581.12		As no documentation of claim was provided, Pursuant to section 502(b)(6) of the Bankruptcy Code, the greater of one year of rent or 15% of remaining payments per lease agreement is a valid claim. \$285,900.00 represents one year of rent payments and in addition \$42,681.12 of prepetition rent is also a general unsecured claim.