



2. The objections with respect to the Executory Contracts and Unexpired Leases identified on *Exhibit B* attached hereto shall be preserved in the event that the Debtors elect to assume such executory contracts and unexpired leases. Likewise, the Debtors' rights to respond to such objections shall be preserved in all respects in the event that the Debtors elect to assume such executory contracts and unexpired leases.

3. The Cure Claim with respect to the C&I Contract shall be, and hereby is, fixed at \$0.00.

4. The Debtors have demonstrated adequate assurance of future performance under the APA within the meaning of section 365 of the Bankruptcy Code in connection with their proposed assumption of the APA pursuant to the Plan (the "*Proposed Assumption*"). A hearing shall be held before this Court on January 27, 2009 at 3:00 p.m. (ET) (or such other time as the Debtors and Southwest Management may agree and this Court's calendar permits) with respect to the appropriate amount of the Cure Claim for the APA in connection with the Proposed Assumption (the "*Cure Claim Dispute*"), and the rights of all interested parties are reserved with respect to the Cure Claim Dispute. Notwithstanding this Court's entry of that certain Order Confirming Joint Plan of Reorganization for the Debtors Under Chapter 11 of the Bankruptcy Code Amended December 14, 2009 (With Technical Modifications) [Docket No. 1182] and any provisions of the Bankruptcy Code, including, without limitation, section 365(d)(2), to the contrary, the Debtors shall maintain the right to reject, in their sole discretion, the APA through and including the date which is three (3) business days from the date this Court makes a final

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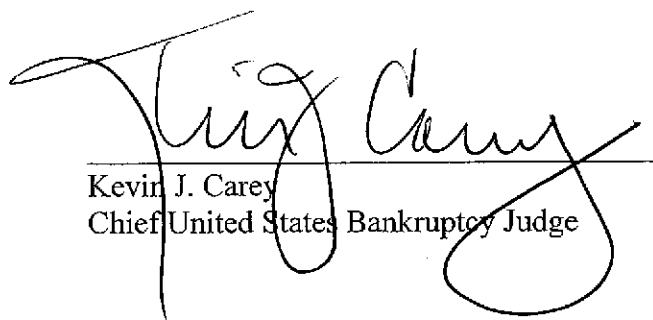
<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Response (whether set forth explicitly therein or by reference to the Plan).

determination regarding the Cure Claim Dispute, and nothing in this Order is intended or shall be deemed or otherwise as an assumption by the Debtors and their estates of the APA pursuant to section 365 of the Bankruptcy Code.

5. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Response.

6. This Court shall retain jurisdiction with respect to all matters arising from or relating to the interpretation or implementation of this Order.

Date: Wilmington, Delaware  
December 30, 2009



Kevin J. Carey  
Chief United States Bankruptcy Judge

**EXHIBIT A**

Claimant	Contract to be Assumed	Agreed Cure Amount
Air Components & Systems Ltd. P.O. Box 560578 Charlotte, NC 28256	Service Agreement for Air Compressor Service with BMC West Corporation	\$184.03
Idaho Records Management 970 W. River Street Boise, ID 83702	Service Agreement – Record Retention Storage with BMC West Corporation	\$2,932.03

**EXHIBIT B**

Claimant	Contract to be Rejected
Merli Concrete Pumping 2545 Marco St. Las Vegas, NV 89115-4519	Purchase Order with SelectBuild Nevada, Inc.
Keller Lumber Sales Inc. P.O. Box 994005 Redding, CA 96099	Purchase Order with BMC West Corporation
Berg Wholesale P.O. Box 3050 Tualatin, OR 97062	Purchase order with BMC West Corporation
Avaya, Inc. Multiple Addresses	Various contracts with BMC West Corporation for phone leasing and/or maintenance
Trade Show Services Ltd. d/b/a Pro-Tect Security 3511 S. Eastern Ave. Las Vegas, NV 89169	Contract with SelectBuild Nevada, Inc. to provide after hours security at the Range Road location
GlassCraft Door Company 2002 Brittmore Road Houston, TX 77043	Purchase Order with BMC West Corporation
Rio Grande Material 10645 N. Tatum Blvd. #200-650 Phoenix, AZ 85028	Purchase Order with SelectBuild Arizona, LLC
ECMD P.O. Box 130 North Wilkesboro, NC 28659	Purchase Order with BMC West Corporation
Crisp LaDew Fire Protection Co. 5201 Saunders Fort Worth, Texas 75119	Service Agreement – Maintenance of Fire Sprinkler System with BMC West Corporation
Brazos Forest Products, L.P. P.O. Box 535155 Grand Prairie, TX 75050	Purchase Order with BMC West Corporation
Walnut Creek Planing 5778 SR 515 Millersburg, OH 44654	Purchase Order with BMC West Corporation

Claimant	Contract to be Rejected
Continental Trading, Inc. P.O. Box 8516 Bend, OR 97708	Purchase Order with BMC West Corporation
First Cut Sawing and Breaking, Inc. 3634 East Southern Avenue, Suite 6 Phoenix, AZ 85040	Purchase Order with SelectBuild Arizona, LLC
Pelican Bay Forest Products P.O. Box 6958 Bend, OR 97708	Purchase Order with BMC West Corporation