

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
BUILDING MATERIALS HOLDING)	Case No. 09-12074 (KJC)
CORPORATION, <i>et al.</i> , ¹)	Jointly Administered
Reorganized Debtors.)	Ref. Docket No. <u>1481, 1531</u>
)	

ORDER SUSTAINING REORGANIZED DEBTORS' SEVENTEENTH
OMNIBUS (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 seventeenth omnibus (substantive) objection (the "Objection")² of the above-captioned reorganized debtors (each, a "Reorganized Debtor," and collectively, the "Reorganized 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"), disallowing and expunging, reclassifying and/or otherwise modifying the Disputed Claims, as provided for on Exhibits A and B attached hereto; and it appearing that due and sufficient notice of the Objection has been given

¹ The Reorganized Debtors, along with the last four digits of each Reorganized 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 Reorganized Debtors is 720 Park Boulevard, Suite 200, Boise, Idaho 83712.

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

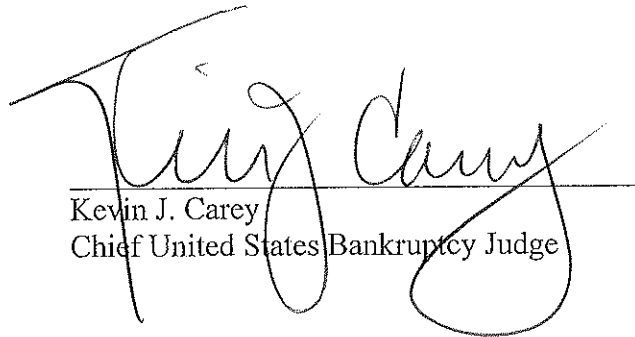
under the circumstances; and after due deliberation and upon the Court's determination that the relief requested in the Objection is in the best interests of the Reorganized Debtors, their estates and creditors and other parties in interest; and sufficient cause appearing for the relief requested in the Objection, it is hereby:

ORDERED, ADJUDGED AND DECREED that:

1. The Objection is sustained.
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 the attached Exhibit A 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 B are hereby (i) modified by reducing or fixing the amounts of such claims to the dollar values listed under the column titled "Amount and Classification of Modified/Reclassified Claim" on Exhibit B hereto and (ii) reclassified to the priority levels indicated under the column titled "Amount and Classification of Modified/Reclassified Claim" on the attached Exhibit B.
4. The Reorganized 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 Reorganized 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
April 19, 2010



Kevin J. Carey
Chief United States Bankruptcy Judge

EXHIBIT A

No Liability Claims

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

NAME AND ADDRESS OF CLAIMANT	CLAIM NUMBER	DATE FILED	CASE NO.	AMOUNT AND CLASSIFICATION OF CLAIM	COMMENTS
BRANDON BAUGHMAN C/O JOHN FITZPATRICKBUXBAUM DAUE & FITZPATRICK 228 WEST MAIN SUITE A MISSOULA, MT 59807	635	8/4/2009	09-12075	Unsecured: \$1,584,552	Per order dated 3/4/2010, the action underlying the asserted claim was dismissed with prejudice and as such the Debtors object to this claim based on no liability.
GSA HOME ENERGY SOLUTIONS LLC C/O JAMES V HOEFFNER GRAVES DOUGHERTY HEARON & MOODY PC 401 CONGRESS AVE SUITE 2200 AUSTIN, TX 78701	2898	1/26/2010	09-12074	Unsecured: \$1,114,147.60	The contract underlying the asserted claim is solely with BMC West Corporation and as such the claimant has no recourse against Building Materials Holding Corporation. The Debtors therefore object to this claim based on no liability.
GSA HOME ENERGY SOLUTIONS LLC C/O JAMES V HOEFFNER GRAVES DOUGHERTY HEARON & MOODY PC 401 CONGRESS AVE SUITE 2200 AUSTIN, TX 78701	2899	1/26/2010	09-12075	Unsecured: \$1,114,147.60	The Debtors object to this claim based on no liability. Debtor BMW West Corporation ("BMC West") fully performed its obligations under the agreement underlying the asserted claim (the "Agreement"). Pursuant to the Agreement, BMC West guaranteed (the "Guarantee") certain payments to the claimant during the first 12 months of the Agreement (the "Guarantee Period"). However, subsequent to the Guarante Period, among other things, BMC West is not obligated to make guaranteed payments to, or purchase any products from, the claimant under the Agreement. BMC West made payments of \$375,310 for the first 12 months of the Agreement, thereby satisfying, in full, the Guarantee. As such, the Debtors have no liability (i) remaining under the Agreement or (ii) on account of the rejection of the Agreement.
LEE, HERNANDEZ, BROOKS, GARAFALO & BLAKE	1765	8/27/2009	09-12083	Unknown	There is no lawsuit against the Debtors related to this claim. In addition, the claim asserted by the homeowner did not include work performed by the Debtors. As such, the Debtors object to this claim based on no liability.

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

NAME AND ADDRESS OF CLAIMANT	CLAIM NUMBER	DATE FILED	CASE NO.	AMOUNT AND CLASSIFICATION OF CLAIM	COMMENTS
MARNELL W. RINGSAK 411 N. 4TH STREET BISMARCK, ND 58502	431	8/3/2009	09-12075	Unsecured: \$5,764	Per order dated May 12, 2009, BMC Construction, Inc. was dismissed without prejudice from this case. As such, the Debtors object to this claim based on no liability.

EXHIBIT B

Modified Amount, Reclassified Claims

IN RE: BUILDING MATERIALS HOLDING CORPORATION, ET AL., CASE NO. 09-12074
 CLAIMS TO BE MODIFIED AND RECLASSIFIED

OBJECTIONABLE CLAIM		MODIFIED AND RECLASSIFIED CLAIM		REASON FOR MODIFICATION AND RECLASSIFICATION	
NAME AND ADDRESS OF CLAIMANT	CLAIM NUMBER	FILE DATE	CASE NO.	AMOUNT AND CLASSIFICATION OF CLAIM	AMOUNT AND CLASSIFICATION OF MODIFIED / RECLASSIFIED CLAIM
GREAT AMERICA LEASING CORPORATION PO BOX 609 CEDAR RAPIDS, IA 52406	71	7/22/2009	09-12075	Secured: \$32,033.36	Unsecured: \$25,419.11
<p>Based on review of supporting documentation filed with the claim, the claimant is not entitled to a secured claim under the Bankruptcy Code or otherwise. In addition, the claim includes \$6,131.59 for a residual purchase option for the equipment which the debtors are not obligated to exercise and the Debtors are not otherwise obligated to purchase the equipment. Finally, the claim includes \$482.66 for accrued late charges which the Debtors do not pay in the ordinary course of business. As such, the Debtors object to \$6,614.25 of the claim and the remaining amount of the claim is reclassified to general unsecured.</p>					