

**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>Reorganized Debtors.</b>	)	<b>Jointly Administered</b>
	)	<b>Ref. Docket Nos. 805 &amp; 982</b>

**CERTIFICATION OF COUNSEL REGARDING AGREED ORDER GRANTING  
JOINT MOTION FOR RELIEF FROM STAY AND PLAN INJUNCTION TO ALLOW  
STATE COURT LITIGATION TO PROCEED**

On October 30, 2009, the Murray Ridge Owners Association and Laura Alvstad, et al. (the “Movants”) filed their Joint Motion for Relief From Stay to Allow State Court Litigation to Proceed (the “Motion”) [D.I. 805]. Subsequent to the filing of the Motion, Building Materials Holding Corporation and its affiliates, the now reorganized debtors (collectively, the “Reorganized Debtors”) and the Movants entered into discussions in an attempt to resolve certain issues related to the relief requested in the Motion. As the result of the discussions, the Reorganized Debtors and the Movants (together, the “Parties”) have reached an agreement, the terms of which are embodied in the revised form of order (“Revised Order”), attached hereto as Exhibit A. For the Court’s convenience, a blackline of the Revised Order against the version filed with the Motion is attached hereto as Exhibit B.

The Reorganized Debtors submit that the Revised Order is appropriate and consistent with the Parties’ discussions, and that entry of the order is in the best interests of the


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<sup>1</sup> 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.

Reorganized Debtors, their estates and creditors. Moreover, no other responses or objections to the Motion were received or filed. Accordingly, the Parties respectfully request that the Court enter the Revised Order, attached hereto as Exhibit A, at its earliest convenience without further notice or a hearing.

Dated: Wilmington, Delaware  
June 22, 2010

YOUNG CONAWAY STARGATT & TAYLOR, LLP



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ATTORNEYS FOR THE REORGANIZED DEBTORS

**EXHIBIT A**

Revised Order

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re: ) Chapter 11  
)  
BUILDING MATERIALS HOLDING ) Case No. 09-12074 (KJC)  
CORPORATION, et al.,<sup>1</sup> )  
) Jointly Administered  
Debtors. )  
) **Re: Docket Nos.: 805 & 982**  
)  
\_\_\_\_\_ )

**AGREED ORDER GRANTING JOINT MOTION FOR RELIEF FROM STAY  
AND PLAN INJUNCTION TO ALLOW STATE COURT LITIGATION TO PROCEED**

Upon consideration of the Joint Motion for Relief from Stay to Allow State Court Litigation to Proceed (the “Joint Motion”), it appearing that proper notice of the Joint Motion has been given and that no further notice is required prior to granting the relief requested in the Joint Motion, and the Court having found that the relief sought therein is reasonable and necessary, IT IS HEREBY:

ORDERED, that the Joint Motion is GRANTED to the extent set forth herein; and  
it is further

ORDERED, that pursuant to 11 U.S.C. §362, the automatic stay and the injunction imposed by the Plan and Confirmation Order (the “Plan Injunction”) which prevents persons or entities from bringing or continuing any actions against the Debtors on account of prepetition claims are modified and lifted to permit the Alvstad Plaintiffs<sup>2</sup> to proceed with the

<sup>1</sup> 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.

<sup>2</sup> Capitalized shall have the same meaning ascribed to them in the Motion, unless otherwise defined herein.

Oregon Actions for the sole purpose of allowing the Movants' to recover the applicable insurance proceeds; and it is further

ORDERED, that the Alvstad Plaintiffs may collect on any resulting final judgment or settlement from any applicable liability insurance policies covering the Debtors; and it is further

ORDERED, that the Alvstad Plaintiffs' prepetition or post-petition claims related to the Oregon Actions shall be limited to the extent of applicable insurance proceeds; and it is further

ORDERED, that the Alvstad Plaintiffs' recovery from any applicable insurer shall be subject to any and all deductibles or self-insured retentions applicable to the relevant insurance policies; and it is further

ORDERED, that parties hereby acknowledge and agree that this Order shall fully and finally resolve, any direct, pre-petition, post-petition, administrative, or other claim against the Debtors of any kind or nature, arising out of or related to the Oregon Actions, provided, however, that the Alvstad Plaintiffs shall retain the authority to pursue the applicable insurance proceeds as set forth herein; and it is further

ORDERED, that nothing in this Order shall prejudice any rights of the applicable insurance carriers, including without limitation all rights, claims or defenses of the insurance carriers in the Oregon Actions, including subrogation rights, which are fully preserved; and it is further

ORDERED, that this Court shall retain jurisdiction over any matters arising from or related to the implementation or interpretation of the Order.

Dated: Wilmington, Delaware  
June \_\_\_\_\_, 2010

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The Honorable Kevin J. Carey, Chief Judge  
United States Bankruptcy Court

**EXHIBIT B**

Blackline

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re: ) Chapter 11  
)  
BUILDING MATERIALS HOLDING ) Case No. 09-12074 (KJC)  
CORPORATION, et al.,<sup>1</sup> )  
) Jointly Administered  
Debtors. )  
) **Re: Docket No. \_\_\_\_\_ Nos.: 805 & 982**  
)  
\_\_\_\_\_ )

**AGREED ORDER GRANTING JOINT MOTION FOR RELIEF FROM STAY  
AND PLAN INJUNCTION TO ALLOW STATE COURT LITIGATION TO PROCEED**

Upon consideration of the Joint Motion for Relief from Stay to Allow State Court Litigation to Proceed (the "Joint Motion"), it appearing that proper notice of the Joint Motion has been given and that no further notice is required prior to granting the relief requested in the Joint Motion, and the Court having found that the relief sought therein is reasonable and necessary, IT IS HEREBY ~~ORDERED~~ as follow:

ORDERED, that the Joint Motion is GRANTED to the extent set forth herein; and it is further

ORDERED, that pursuant to 11 U.S.C. §362 ~~the automatic stay is~~ 362, the automatic stay and the injunction imposed by the Plan and Confirmation Order (the "Plan Injunction") which prevents persons or entities from bringing or continuing any actions against the Debtors on account of prepetition claims are modified and lifted to permit the

<sup>1</sup> 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.



Movants<sup>1</sup> Alvstad Plaintiffs<sup>2</sup> to proceed with the Oregon Actions for the sole purpose of allowing the Movants' to recover the applicable insurance proceeds; and it is further

ORDERED, that the Movants Alvstad Plaintiffs may collect on any resulting final judgment or settlement from any applicable liability insurance policies covering the Debtors; and it is further

ORDERED, that the Alvstad Plaintiffs' prepetition or post-petition claims related to the Oregon Actions shall be limited to the extent of applicable insurance proceeds; and it is further

ORDERED, that the Alvstad Plaintiffs' recovery from any applicable insurer shall be subject to any and all deductibles or self-insured retentions applicable to the relevant insurance policies; and it is further

ORDERED, that parties hereby acknowledge and agree that this Order shall fully and finally resolve, any direct, pre-petition, post-petition, administrative, or other claim against the Debtors of any kind or nature, arising out of or related to the Oregon Actions, provided, however, that the Alvstad Plaintiffs shall retain the authority to pursue the applicable insurance proceeds as set forth herein; and it is further

ORDERED, that nothing in this Order shall prejudice any rights of the applicable insurance carriers, including without limitation all rights, claims or defenses of the insurance carriers in the Oregon Actions, including subrogation rights, which are fully preserved; and it is further

<sup>1,2</sup> Capitalized terms shall have the same meaning ascribed to them in the Motion, unless otherwise defined herein.

ORDERED, that this Court shall retain jurisdiction over any matters arising from  
or related to the implementation or interpretation of the Order.

Dated: \_\_\_\_\_, 2009 Wilmington, Delaware  
June \_\_\_\_\_, 2010

\_\_\_\_\_  
The Honorable Kevin J. Carey, Chief Judge  
United States Bankruptcy Court