

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11
BUILDING MATERIALS HOLDING CORPORATION, <i>et al.</i> , <sup>1</sup>	)	Case No. 09-12074 (KJC)
Reorganized Debtors.	)	Jointly Administered
	)	Ref. Docket Nos. 1639 and <u>1660</u>

**ORDER SUSTAINING REORGANIZED DEBTORS' TWENTY-FIRST 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 twenty-first omnibus (non-substantive) objection (the "Objection")<sup>2</sup> of the above-captioned reorganized debtors (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"), reassigning or disallowing and expunging in full each of the Disputed Claims identified on Exhibits A, B, C and D attached hereto; and it appearing that due and sufficient notice of the Objection has been given under the circumstances; and after due

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

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 to the extent provided for herein and on Exhibits A, B, C and D 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 the attached Exhibit A are hereby reassigned to the New Case Numbers as indicated on Exhibit A.
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 Exhibits B, C and D attached hereto are hereby disallowed and expunged in their entirety.
4. Pursuant to section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 and Local Rule 3007-1, Claims Numbers 686 and 687 (together, the "Price Lakeshore Claims") filed by Bryce D. Panzer on account of Price Lakeshore, LLC ("Price Lakeshore") shall each be Allowed General Unsecured Claims against BMC West Corporation under the Plan, and the Price Lakeshore Claims shall supersede, in its entirety, the \$89,489.19 claim for Price Lakeshore scheduled by the Debtors against SelectBuild Construction, Inc. in its Schedules of Assets and Liabilities filed in the Chapter 11 Cases.
5. Pursuant to section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 and Local Rule 3007-1, Claim Number 2888 (the "Four Embarcadero Center Claim") filed by Four Embarcadero Center Venture shall be an Allowed General Unsecured Claim under the Plan, and the Four Embarcadero Center Claim shall supersede, in their entirety,

the \$87.50 claim and the \$115,124.83 claim for Boston Properties scheduled by the Debtors against BMC West Corporation in its Schedules of Assets and Liabilities filed in the Chapter 11 Cases.

6. 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.

7. 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 and the Surviving Claims on any and all grounds in any and all additional objections to claims filed in these chapter 11 cases.

8. 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  
August 23, 2010



Kevin J. Carey  
Chief United States Bankruptcy Judge

**EXHIBIT A**

Wrong Debtor Claims

IN RE: BUILDING MATERIALS HOLDING CORPORATION, ET AL., CASE NO. 09-12074  
 CLAIMS TO BE REASSIGNED TO A NEW CASE NUMBER

OBJECTIONABLE CLAIM		REASSIGNED CLAIM				
NAME AND ADDRESS OF CLAIMANT	CLAIM NUMBER	DATE FILED	CASE NO.	AMOUNT AND CLASSIFICATION OF CLAIM	CASE NO. OF REASSIGNED CLAIM	REASON FOR REASSIGNMENT
CENTRAL TELEPHONE COMPANY OF TEXAS PO BOX 7871 SHAWNEE MISSION, XS 66207	1752	8/27/2009	09-12074	Unsecured: \$452.11	09-12083	Based on review of the Debtors' books and records, claim should be against SelectBuild Nevada, Inc.

**EXHIBIT B**

Amended Claims

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

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 CLAIM
BEXAR COUNTY ATTN: DAVID G AELVOET LINEBARGER GOGGAN BLAIR & SAMPSON LLP 711 NAVARRO SUITE 300 SAN ANTONIO TX 78205	1	7/2/2009	09-12074	Secured: \$8,729.61	2800	11/23/2009	09-12074	Secured: \$7,146.37
GENERAL ELECTRIC CAPITAL CORPORATION ATTN: ANDREW J WHEALY, ESQ KUTAK ROCK LLP 1650 FARNAM ST OMAHA, NE 68102	2860	1/11/2010	09-12074	Secured: \$484,398.72	2837	6/28/2010	09-12074	Unsecured: \$484,398.72
STATE OF WYOMING DEPARTMENT OF REVENUE 122 WEST 25TH STREET CHEYENNE, WY 82002	2817	11/18/2009	09-12074	Priority: \$36,117.50	2938	6/28/2010	09-12074	Priority: \$0
VERIZON 404 BROCK DR BLOOMINGTON, IL 61701	2589	9/3/2009	09-12074	Unsecured: \$1,005.41	2935	6/14/2010	09-12074	Unsecured: \$3,896.05

EXHIBIT C

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	CLAIM NUMBER	DATE FILED	CASE NO.	AMOUNT AND CLASSIFICATION OF CLAIM	COMMENTS
WASTE CONNECTIONS, INC. VANCOUVER DISTRICT 2010 LOS ANGELES, CA 90084-1433	407	8/3/2009	09-12075	Unsecured: \$1,729.26	The invoices included with this claim are duplicative to claim numbers 96 and 97 when combined. In addition, claim 97 was sold to a third party, and as such cannot be amended by this claimant. As such, the Debtors object to claim 407 as duplicative of previously filed claims.
BNP PARIBAS ATTN RICHARD SKOLLER ESQ LEGAL DEPARTMENT 787 SEVENTH AVENUE 28TH FLOOR NEW YORK, NY 10019  With a copy to:  Hughes Hubbard & Reed LLP One Battery Park Plaza New York, New York 10004 ATTN RICHARD STERN, ESQ.	2201	8/28/2009	09-12074	Secured: \$7847234	This claim is included in claim number 1796 as Wells Fargo filed on behalf of itself and various creditors (including BNP Paribas) as the administrative agent.

**EXHIBIT D**

Insufficient Documentation Claims

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

NAME AND ADDRESS OF CLAIMANT	CLAIM NUMBER	DATE FILED	AMOUNT AND CLASSIFICATION OF CLAIM	CASE NO.	COMMENTS
VERIZON 404 BROCK DR BLOOMINGTON, IL 61701	2935	6/14/2010	Unsecured: \$3,896.05	09-12074	Based on review of the Debtors' books and records, there is no amount owing to this claimant and the claimant has provided insufficient documentation to support the claim. As such, the Debtors object to this claim.