

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

In re:)	
	)	Chapter 11
BUILDING MATERIALS HOLDING CORPORATION, <i>et al.</i>,¹	)	Case No. 09-12074 (KJC)
	)	Jointly Administered
Reorganized Debtors.	)	Objection Deadline: September 20, 2010 at 4:00 p.m. (ET)
	)	Hearing Date: September 30, 2010 at 3:00 p.m. (ET)

**REORGANIZED DEBTORS' TWENTY-THIRD OMNIBUS (SUBSTANTIVE)
OBJECTION TO CLAIMS PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY
CODE, BANKRUPTCY RULES 3003 AND 3007 AND LOCAL RULE 3007-1**

Building Materials Holding Corporation and its affiliates, as reorganized debtors (collectively, the “Reorganized Debtors”), hereby submit this objection (the “Objection”), 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”), (i) to each of the claims (the “Disputed Claims”) listed on Exhibit A to the proposed form of order (the “Proposed Order”) attached hereto as Exhibit 2 and request the entry of an order disallowing and expunging in full each of the Disputed Claims, as indicated in further detail below and on Exhibit A to the Proposed Order, and (ii) consistent with the Weis Order (as defined below), to

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.

Claim Number 2934 (the “Weis Claim”) filed by Weis Builders, Inc. (“Weis”) in these chapter 11 cases and request the entry of an order marking the Weis Claim as resolved on the Claims Register (as defined below), as indicated in further detail below and provided for in the Proposed Order. In support of this Objection, the Reorganized Debtors rely on the Declaration of Paul S. Street in Support of the Reorganized Debtors’ Twenty-Third Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 and Local Rule 3007-1 (the “Street Declaration”), a copy of which is attached hereto as Exhibit 1. In further support, the Reorganized Debtors respectfully represent as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction to consider this Objection pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. The statutory predicates for the relief requested herein are section 502(b) of the Bankruptcy Code, along with Bankruptcy Rules 3003 and 3007 and Local Rule 3007-1.

BACKGROUND

2. On June 16, 2009 (the “Petition Date”), each of the now Reorganized Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “Chapter 11 Cases”). The Reorganized Debtors continue to operate their businesses and manage their property as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request for the appointment of a trustee or examiner has been made in the Chapter 11 Cases. On July 26, 2009, the Office of the United States Trustee (the “U.S. Trustee”) appointed the official committee of unsecured creditors.

3. The Reorganized Debtors are one of the largest providers of residential building products and construction services in the United States. The Reorganized Debtors distribute building materials, manufacture building components (e.g., millwork, floor and roof trusses, and wall panels), and provide construction services to professional builders and contractors through a network of 31 distribution facilities, 43 manufacturing facilities, and five regional construction services facilities.

4. The Reorganized Debtors operate under two brand names: BMC West® and SelectBuild®.

- ***BMC West.*** Under the BMC West brand, the Reorganized Debtors market and sell building products, manufacture building components, and provide construction services to professional builders and contractors. Products include structural lumber and building materials purchased from manufacturers, as well as manufactured building components such as millwork, trusses, and wall panels. Construction services include installation of various building products and framing. The Reorganized Debtors currently offer these products and services in major metropolitan markets in Texas, Washington, Colorado, Idaho, Utah, Montana, North Carolina, California, and Oregon.
- ***SelectBuild.*** Under the SelectBuild brand, the Reorganized Debtors offer integrated construction services to production homebuilders, as well as commercial and multi-family builders. Services include wood framing, concrete services, managing labor and construction schedules, and sourcing materials. The Reorganized Debtors currently offer these services in major metropolitan markets in California, Arizona, Nevada and Illinois.

5. On the Petition Date, the now Reorganized Debtors filed their proposed chapter 11 plan (as amended and/or supplemented, the “Plan”) and accompanying disclosure statement (as amended and/or supplemented, the “Disclosure Statement”). The Reorganized Debtors filed amended versions of the Plan and Disclosure Statement since that time. The Court approved the Disclosure Statement by order entered on October 22, 2009.

6. On December 17, 2009, the Court entered the 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] (the “Confirmation Order”) confirming the Plan. The Effective Date (as defined in the Plan) of the Plan occurred on January 4, 2010.

BAR DATE AND PROOFS OF CLAIM

7. On June 17, 2009, this Court entered an order [Docket No. 53] appointing The Garden City Group, Inc. (“GCG”) as the claims and noticing agent in these chapter 11 cases. GCG is authorized to maintain (i) all proofs of claim filed against the now Reorganized Debtors in these bankruptcy proceedings and (ii) an official claims register by docketing all proofs of claim in a claims database containing, among other things, information regarding the name and address of each claimant, the date the proof of claim was received by GCG, the claim number assigned to the proof of claim and the asserted amount and classification of the claim.

8. On July 16, 2009, this Court entered an order [Docket No. 248] (the “Bar Date Order”) (i) establishing August 31, 2009 at 4:00 p.m. (prevailing Eastern Time) (the “General Bar Date”) as the final date and time for filing proofs of claim against the now Reorganized Debtors’ estates on account of claims arising, or deemed to have arisen, pursuant to section 501(d) of the Bankruptcy Code prior to the Petition Date, and (ii) approving the form and manner of notice of the General Bar Date. Therein, the Court also established December 16, 2009 at 4:00 p.m. (prevailing Eastern Time) (the “Government Bar Date”) as the final date and time for any governmental unit to file proofs of claims against the now Reorganized Debtors’ estates on account of claims (whether secured, unsecured priority or unsecured non-priority) that arose prior to or on the Petition Date.

9. Additionally, pursuant to the Bar Date Order, any entity asserting a claim against the now Reorganized Debtors' estates in connection with the Reorganized Debtors' rejection of an executory contract and/or unexpired lease under section 365 of the Bankruptcy Code (a "Rejection Damages Claim") prior to the confirmation of a chapter 11 plan was required to file a proof of claim on or before the later of (i) the General Bar Date or (ii) 4:00 p.m. (prevailing Eastern Time) on the date that is thirty (30) days after entry of an order approving the rejection of such executory contract and/or unexpired lease pursuant to which the entity asserting the Rejection Damages Claim is a party (the "Rejection Bar Date," and together with the General Bar Date and the Government Bar Date, the "Bar Date").

10. Pursuant to the Confirmation Order and section 6.3 of the Plan, any entity asserting a Rejection Damages Claim against the Reorganized Debtors' estates in connection with the Reorganized Debtors' rejection of an executory contract and/or unexpired lease pursuant to the Plan or the Confirmation Order was required to file a proof of claim on or before thirty (30) days from the Effective Date.

11. Pursuant to the Bar Date Order, actual notice of the Bar Date was sent to (i) all known entities holding potential prepetition claims and their counsel (if known); (ii) all parties that have requested notice in these cases; (iii) all equity security holders; (iv) the U.S. Trustee; (v) the Securities and Exchange Commission; and (vi) all taxing authorities for the jurisdictions in which the Debtors do business. In addition, notice of the Bar Date was published in the national edition of the *Wall Street Journal* and local editions of *LA Times*, *Sun-Sentinel*, *Miami Herald*, *Impacto USA*, *Las Vegas Review-Journal*, *El Tiempo*, *Arizona Republic*, and *Prensa Hispana*. Affidavits of service and publication [Docket Nos. 296, 366-68, 411, 498-501,

and 524] confirming such actual notice and publication of the Bar Date have been filed with this Court.

RELIEF REQUESTED

12. By this Objection, the Reorganized Debtors request the Court to enter an order, pursuant to section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 and Local Rule 3007-1, disallowing and expunging in full each of the Disputed Claims, as indicated in further detail below and on Exhibit A to the Proposed Order. The Reorganized Debtors also request the Court to enter an order, consistent with the Weis Order (as defined below), marking the Weis Claim as resolved on the Claims Register (as defined below), as indicated in further detail below and provided for in the Proposed Order.

13. In accordance with Local Rule 3007-1(e)(i)(E), the Reorganized Debtors believe that this Objection complies in all respects with Local Rule 3007-1.

OBJECTION

A. No Liability Claims

14. After reconciling each of the Disputed Claims (and the materials submitted in support thereof) against their books and records, the Reorganized Debtors have determined that they are not liable with respect to the claims identified on Exhibit A to the Proposed Order (the “No Liability Claims”). Upon review of the No Liability Claims, the Reorganized Debtors simply cannot justify these claims as valid. Thus, the Reorganized Debtors believe that the No Liability Claims identified on Exhibit A should be disallowed and expunged in their entirety. Any failure to disallow such claims would result in the applicable claimants receiving an unwarranted recovery against the Reorganized Debtors’ estates to the detriment of other creditors in these chapter 11 cases.

15. Accordingly, the Reorganized Debtors hereby object to the No Liability Claims and request the Court to enter an order disallowing and expunging in full each of these claims, as provided for on Exhibit A to the Proposed Order.

B. Weis Claim

16. On May 27, 2010, this Court entered that certain Combined Order Granting (I) Motion of Weis Builders, Inc. for Entry of an Order Enlarging the Claims Bar Date and (II) Modifying the Plan Injunction [Docket No. 1592] (the “Weis Order”).² Pursuant to the Weis Order, among other things: (i) the Claims Bar Date with respect to Weis was enlarged and Weis’ claim against the Reorganized Debtors was to be deemed timely filed provided that Weis’ claim was filed on or before 14 days after entry of the Weis Order; (ii) the automatic stay imposed by section 362 of the Bankruptcy Code and the Plan Injunction, as applicable, were modified in order to permit Weis to proceed with liquidating its claims against the Reorganized Debtors in the State Court Action; and (iii) Weis may not seek to collect from the Reorganized Debtors on any judgment rendered against the Reorganized Debtors in the State Court Action, other than from available insurance. Subsequent to this Court’s entry of the Weis Order, on June 10, 2010, Weis filed the Weis Claim [see Docket No. 1598].

17. Because Weis is prohibited, pursuant to the terms and conditions of the Weis Order, from recovering against the Reorganized Debtors and their estates on account of any judgment rendered against the Reorganized Debtors in the State Court Action, other than from available insurance, the Reorganized Debtors submit that, consistent with the Weis Order, the Weis Claim should be marked as resolved on the official claims register (the “Claims Register”)

² Capitalized terms used but not otherwise defined in this Section B of this Objection shall have the meanings ascribed to such terms in the Weis Order.

maintained by GCG, and that the Reorganized Debtors' and their estates shall not be required to make any distribution in the Chapter 11 Cases on account of the Weis Claim. Doing so, the Reorganized Debtors believe, is critical to the Reorganized Debtors' efforts to eliminate the Claims Register, close the Chapter 11 Cases, and cease to incur the costs of administering a chapter 11 case in a timely and efficient manner.

18. Therefore, the Reorganized Debtors hereby object to the Weis Claim and request the Court to enter an order providing that, consistent with the Weis Order, the Weis Claim shall be marked as resolved on the Claims Register, and that the Reorganized Debtors' and their estates shall not be required to make any distribution in the Chapter 11 Cases on account of the Weis Claim.

RESERVATION OF RIGHTS

19. The Reorganized Debtors reserve any and all rights to amend, modify or supplement this Objection, and to file additional objections on any and all grounds to any and all claims filed in these chapter 11 cases, including, without limitation, any and all claims that are the subject of this Objection and any and all of the Disputed Claims identified on Exhibit A to the Proposed Order.

NOTICE

20. Notice of this Objection will be provided to: (i) the U.S. Trustee; (ii) counsel to Wells Fargo Bank, as agent under the now Reorganized Debtors' Prepetition Credit Agreement and DIP Facility (as defined in the Plan); (iii) DK Acquisition Partners, L.P.; (iv) Wells Fargo Foothill, LLC; (v) claimants whose Disputed Claims are subject to this Objection; (vi) counsel to Weis; and (vii) all parties entitled to notice under Local Rule 2002-1(b). In light of the nature of the relief requested herein, the Reorganized Debtors submit that no other or further notice is necessary.

CONCLUSION

WHEREFORE, the Reorganized Debtors respectfully request the Court to enter an order, substantially in the form attached hereto as Exhibit 2, sustaining this Objection in all respects and granting such other and further relief as the Court deems just and proper.

Dated: Wilmington, Delaware
August 27, 2010

YOUNG CONAWAY STARGATT & TAYLOR, LLP



Sean M. Beach (No. 4070)
Donald J. Bowman, Jr. (No. 4983)
Robert F. Poppiti, Jr. (No. 5052)
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899-0391
Telephone: (302) 571-6600
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----and----

SACKS TIERNEY P.A.
Aaron G. York (admitted *pro hac vice*)
4250 North Drinkwater Blvd., Fourth Floor
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Telephone: (480) 425-2676
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ATTORNEYS FOR THE REORGANIZED DEBTORS

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

In re:	)	Chapter 11
BUILDING MATERIALS HOLDING CORPORATION, <i>et al.</i>,¹	)	Case No. 09-12074 (KJC)
Reorganized Debtors.	)	Jointly Administered
	)	Objection Deadline: September 20, 2010 at 4:00 p.m. (ET)
	)	Hearing Date: September 30, 2010 at 3:00 p.m. (ET)

**NOTICE OF REORGANIZED DEBTORS' TWENTY-THIRD
OMNIBUS (SUBSTANTIVE) OBJECTION TO CLAIMS
PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE,
BANKRUPTCY RULES 3003 AND 3007 AND LOCAL RULE 3007-1**

TO: (I) THE U.S. TRUSTEE; (II) COUNSEL TO WELLS FARGO BANK, AS AGENT UNDER THE REORGANIZED DEBTORS' PREPETITION CREDIT AGREEMENT AND DIP FACILITY; (III) DK ACQUISITION PARTNERS, L.P.; (IV) WELLS FARGO FOOTHILL, LLC; (V) CLAIMANTS WHOSE DISPUTED CLAIMS ARE SUBJECT TO THE OBJECTION; (VI) COUNSEL TO WEIS; AND (VII) ALL PARTIES ENTITLED TO NOTICE UNDER RULE 2002-1(b) OF THE LOCAL RULES OF BANKRUPTCY PRACTICE AND PROCEDURE FOR THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

PLEASE TAKE NOTICE that the above-captioned reorganized debtors (collectively, the "Reorganized Debtors") have filed the attached **Reorganized Debtors' Twenty-Third Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 and Local Rule 3007-1** (the "Objection").

PLEASE TAKE FURTHER NOTICE that any responses (each, a "Response") to the attached Objection must be filed with the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court"), 824 N. Market Street, 3rd Floor, Wilmington, Delaware 19801 on or before **4:00 p.m (ET) on September 20, 2010** (the "Response Deadline"). At the

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.

same time, you must also serve a copy of any Response upon the undersigned counsel to the Reorganized Debtors so that the Response is received on or before the Response Deadline.

PLEASE TAKE FURTHER NOTICE that any Response must contain, at a minimum, the following:

- (a) a caption setting forth the name of the Bankruptcy Court, the case number and the title of the Objection to which the Response is directed;
- (b) the name of the claimant and a description of the basis for the amount of the Disputed Claim, if applicable;
- (c) a concise statement setting forth the reasons why the Disputed Claim should not be disallowed and expunged or modified for the reasons set forth in the Objection, including, but not limited to, the specific factual and legal bases upon which the responding party will rely in opposing the Objection;
- (d) all documentation or other evidence of the Disputed Claim or assessed value, to the extent not included with the proof of claim previously filed with the Bankruptcy Court, upon which the responding party will rely in opposing the Objection at the hearing;
- (e) the address(es) to which the Reorganized Debtors must return any reply to the Response, if different from that presented in the Disputed Claim; and
- (f) the name, address and telephone number of the person (which may be the claimant or its legal representative) possessing ultimate authority to reconcile, settle or otherwise resolve the Disputed Claim or Response on behalf of the responding party.

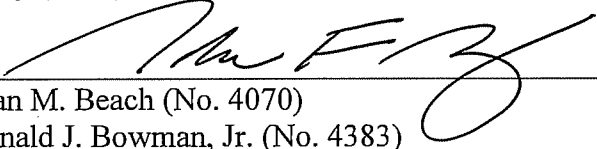
PLEASE TAKE FURTHER NOTICE THAT A HEARING ON THE OBJECTION WILL BE HELD ON SEPTEMBER 30, 2010 AT 3:00 P.M. (ET) BEFORE THE HONORABLE KEVIN J. CAREY AT THE BANKRUPTCY COURT, 824 MARKET STREET, 5TH FLOOR, COURTROOM NO. 5, WILMINGTON, DELAWARE 19801.

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PLEASE TAKE FURTHER NOTICE THAT IF YOU FAIL TO RESPOND ON OR BEFORE THE RESPONSE DEADLINE, THE BANKRUPTCY COURT MAY GRANT THE RELIEF REQUESTED IN THE OBJECTION WITHOUT FURTHER NOTICE OR A HEARING.

Dated: Wilmington, Delaware
August 27, 2010

YOUNG CONAWAY STARGATT & TAYLOR, LLP



Sean M. Beach (No. 4070)
Donald J. Bowman, Jr. (No. 4383)
Robert F. Poppiti, Jr. (No. 5052)
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----and----

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Facsimile: (480) 425-4976

ATTORNEYS FOR THE REORGANIZED DEBTORS

EXHIBIT 1

Street Declaration

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

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

DECLARATION OF PAUL S. STREET IN SUPPORT OF THE REORGANIZED DEBTORS' TWENTY-THIRD OMNIBUS (SUBSTANTIVE) OBJECTION TO CLAIMS PURSUANT TO SECTION 502(b) OF THE BANKRUPTCY CODE, BANKRUPTCY RULES 3003 AND 3007 AND LOCAL RULE 3007-1

I, PAUL S. STREET, pursuant to 28 U.S.C. § 1746, hereby declare:

1. I am the Chief Administrative Officer and General Counsel for Building Materials Holding Corporation, a corporation organized under the laws of the State of Delaware and one of the above-captioned reorganized debtors (collectively, the “Reorganized Debtors”). In this capacity I am familiar with the Reorganized Debtors’ day-to-day operations, businesses, financial affairs and books and records.

2. In this capacity, I am one of the individuals primarily responsible for overseeing the claims reconciliation and objection process in the Reorganized Debtors’ chapter 11 cases. I have read the Reorganized Debtors’ Twenty-Third Omnibus (Substantive) Objection to Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007, and Local

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Rule 3007-1 (the “Objection”),² and am directly, or by and through my personnel or agents, familiar with the information contained therein, the proposed form of order (the “Proposed Order”) and the exhibits attached thereto. I am authorized to execute this Declaration on behalf of the Reorganized Debtors.

3. Considerable resources and time have been expended in reviewing and reconciling the proofs of claim filed or pending against the now Reorganized Debtors in these cases. The claims were carefully reviewed and analyzed in good faith utilizing due diligence by the appropriate personnel, including the Reorganized Debtors’ claims agent, The Garden City Group, Inc. These efforts resulted in the identification of the “No Liability Claims” and the Weis Claim, as defined in the Objection and, in the case of the No Liability Claims, identified on Exhibit A to the Proposed Order.

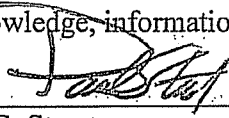
4. The information contained in Exhibit A to the Proposed Order is true and correct to the best of my knowledge, information and belief.

5. The Reorganized Debtors have reviewed their books and records and determined that they have no record of any liability on account of the claims identified on Exhibit A to the Proposed Order. Accordingly, to prevent the claimants from receiving an unwarranted recovery against the Reorganized Debtors’ estates, the Reorganized Debtors seek to expunge and disallow in full the No Liability Claims.

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

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on August 27, 2010



Paul S. Street

EXHIBIT 2

Proposed Order

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

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

**ORDER SUSTAINING REORGANIZED DEBTORS' TWENTY-THIRD
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 twenty-third omnibus (substantive) objection (the “Objection”)² 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”), (i) disallowing and expunging in full each of the Disputed Claims identified on Exhibit A attached hereto and (ii) consistent with the Weis Order, marking the Weis Claim as resolved on the Claims Register; and it appearing that due and sufficient notice of the

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.

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 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 No Liability Claims identified on Exhibit A 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, consistent with the Weis Order, the Weis Claim shall be marked as resolved on the Claims Register, and the Reorganized Debtors' and their estates shall not be required to make any distribution in the Chapter 11 Cases on account of the Weis Claim. For the avoidance of doubt, nothing in this Order is intended or shall be deemed to amend, modify or otherwise affect the Weis Order, and the Weis Order shall remain in full force and effect.
4. The Reorganized Debtors reserve any and all rights to amend, modify or supplement the Objection, and to file additional objections on any and all grounds 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 and any and all of the Disputed Claims identified on Exhibit A to this Order.

5. 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
September _____, 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
ABNER MARQUEZ GALVAN C/O JAMES FINBERG ESQUIRE ALTSHULER BERZON 177 POST STREET SUITE 300 SAN FRANCISCO, CA 94108	1996	8/27/2009	09-12076	Unsecured: \$10888.44	Per examination of the claim document, the claim asserts amounts owed as part of the Acevedo, et al. v. Building Materials Holding Corp., et al. – C.A. No. 08-06227 – Class Claims and Attorney Fees and Expenses Claims. Per examination of the Debtors' books and records, there is no amount owing to this Claimant.
ALBERTO, GABRIEL HERMENEGILDO C/O JAMES FINBERG ESQUIRE ALTSHULER BERZON 177 POST STREET SUITE 300 SAN FRANCISCO, CA 94108	2016	8/27/2009	09-12074	Unsecured: \$92939.23	Per examination of the claim document, the claim asserts amounts owed as part of the Acevedo, et al. v. Building Materials Holding Corp., et al. – C.A. No. 08-06227 – Class Claims and Attorney Fees and Expenses Claims. Per examination of the Debtors' books and records, there is no amount owing to this Claimant.
ALBERTO, IGNACIO HERMENEGILDO C/O JAMES FINBERG ESQUIRE ALTSHULER BERZON 177 POST STREET SUITE 300 SAN FRANCISCO, CA 94108	2015	8/27/2009	09-12074	Unsecured: \$93023.25	Per examination of the claim document, the claim asserts amounts owed as part of the Acevedo, et al. v. Building Materials Holding Corp., et al. – C.A. No. 08-06227 – Class Claims and Attorney Fees and Expenses Claims. Per examination of the Debtors' books and records, there is no amount owing to this Claimant.
ALDANA, ANDRES C/O JAMES FINBERG ESQUIRE ALTSHULER BERZON 177 POST STREET SUITE 300 SAN FRANCISCO, CA 94108	1910	8/27/2009	09-12076	Unsecured: \$7458.11	Per examination of the claim document, the claim asserts amounts owed as part of the Acevedo, et al. v. Building Materials Holding Corp., et al. – C.A. No. 08-06227 – Class Claims and Attorney Fees and Expenses Claims. Per examination of the Debtors' books and records, there is no amount owing to this Claimant.
ALDANA, EDUARDO C/O JAMES FINBERG ESQUIRE ALTSHULER BERZON 177 POST STREET SUITE 300 SAN FRANCISCO, CA 94108	1908	8/27/2009	09-12076	Unsecured: \$8572.67	Per examination of the claim document, the claim asserts amounts owed as part of the Acevedo, et al. v. Building Materials Holding Corp., et al. – C.A. No. 08-06227 – Class Claims and Attorney Fees and Expenses Claims. Per examination of the Debtors' books and records, there is no amount owing to this Claimant.

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
ALDANA, MOISES C/O JAMES FINBERG ESQUIRE ALTSHULER BERZON 177 POST STREET SUITE 300 SAN FRANCISCO, CA 94108	1909	8/27/2009	09-12076	Unsecured: \$4371.62	Per examination of the claim document, the claim asserts amounts owed as part of the Acevedo, et al. v. Building Materials Holding Corp., et al. - C.A. No. 08-06227 - Class Claims and Attorney Fees and Expenses Claims. Per examination of the Debtors' books and records, there is no amount owing to this Claimant.
DIANE DICKERSON 2025 WINTER WIND ST LAS VEGAS, NV 89148	2297	8/31/2009	09-12083	Unsecured: \$32500	Claimant signed a settlement agreement discharging any and all demands, liens, claims, assignments, contracts, covenants, actions, suits, etc. As such, the Debtors object to this claim based on no liability.
JACARRE WILLIAMS C/O CRAIG M. BOEGER SCANTON LAW FIRM 2450 STANWELL DRIVE CONCORD, CA 94520	2284	8/31/2009	09-12077	Unliquidated	Claimant signed a settlement agreement discharging any and all demands, liens, claims, assignments, contracts, covenants, actions, suits, etc. As such, the Debtors object to this claim based on no liability.
JUANITA STACE C/O THE CARLSON LAW FIRM ATTN KATHRYN L. KNOTT'S PO BOX 10520 KILLEEN, TX 76547	2427	8/31/2009	09-12075	Unsecured: \$1,100,000	Claimant signed a release of all claims agreement discharging any and all demands, liens, claims, assignments, contracts, covenants, actions, suits, etc. As such, the Debtors object to this claim based on no liability.
KAMERON KOUNTZ C/O CRAIG M. BOEGER SCANTON LAW FIRM 2450 STANWELL DRIVE CONCORD, CA 94520	2286	8/31/2009	09-12077	Unliquidated	Claimant signed a settlement agreement discharging any and all demands, liens, claims, assignments, contracts, covenants, actions, suits, etc. As such, the Debtors object to this claim based on no liability.
MARSHAE PETER C/O CRAIG M. BOEGER SCANTON LAW FIRM 2450 STANWELL DRIVE CONCORD, CA 94520	2282	8/31/2009	09-12077	Unliquidated	Claimant signed a settlement agreement discharging any and all demands, liens, claims, assignments, contracts, covenants, actions, suits, etc. 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
MARSHELLE HARRIS C/O CRAIG M. BOEGER SCANTON LAW FIRM 2450 STANWELL DRIVE CONCORD, CA 94520	2283	8/31/2009	09-12077	Unliquidated	Claimant signed a settlement agreement discharging any and all demands, liens, claims, assignments, contracts, covenants, actions, suits, etc. As such, the Debtors object to this claim based on no liability.
MAURICE HENDERSON C/O CRAIG M. BOEGER SCANTON LAW FIRM 2450 STANWELL DRIVE CONCORD, CA 94520	2287	8/31/2009	09-12077	Unliquidated	Claimant signed a settlement agreement discharging any and all demands, liens, claims, assignments, contracts, covenants, actions, suits, etc. As such, the Debtors object to this claim based on no liability.
RAUL AGUILAR C/O JAMES FINBERG ESQUIRE ALTSHULER BERZON 177 POST STREET SUITE 300 SAN FRANCISCO, CA 94108	2453	8/31/2009	09-12083	Unsecured: \$12679.15	Per examination of the claim document, the claim asserts amounts owed as part of the Acevedo, et al. v. Building Materials Holding Corp., et al. – C.A. No. 08-06227 – Class Claims and Attorney Fees and Expenses Claims. Per examination of the Debtors' books and records, there is no amount owing to this Claimant.
VANCE GATTIS C/O CRAIG M. BOEGER SCANTON LAW FIRM 2450 STANWELL DRIVE CONCORD, CA 94520	2285	8/31/2009	09-12077	Unliquidated	Claimant signed a settlement agreement discharging any and all demands, liens, claims, assignments, contracts, covenants, actions, suits, etc. As such, the Debtors object to this claim based on no liability.