

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

IN RE: *
*
BUILDING MATERIALS HOLDING CORP. * Case No. 09-12074 (KJC)
*
* Chapter 11
*

**WITHDRAWAL OF COMMONWEALTH OF VIRGINIA DEPARTMENT OF
TAXATION'S RESPONSE TO FIFTEENTH OMNIBUS OBJECTION TO CLAIMS**

COMES NOW the Commonwealth of Virginia, Department of Taxation ("the Department"), by counsel, and Withdraws its Response to the Debtor's Omnibus Objection to Claims and in support thereof states as follows:

1. The Department filed two claims in this consolidated case which are both subject to this objection. The first (denominated #2810) is an estimated claim for corporate income taxes for Building Materials Holding Corp for 2005 through 2008. The second (denominated #2811) is an estimated claim for corporate income taxes for BMC West for 2006 through 2008.
2. The Department of Taxation filed a response in this matter but after communication with the debtor has determined that there is no liability.
3. The Department of Taxation, therefore, consents to the disallowance of its claims numbered 2810 and 2811.

WHEREFORE, the Commonwealth of Virginia, Department of Taxation, withdraws its response to the Debtor's objection to its claim.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TAXATION

BY: /s/Jeffrey A. Scharf
Jeffrey A. Scharf, VSB 30591
Taxing Authority Consulting Services, P.C.
P.O. Box 71476
Richmond, VA 23255-1476
(703) 425-7751; FAX: (804) 545-2342
jeff@taxva.com

Jeffrey A. Scharf
Taxing Authority Consulting Services, P.C.
P.O. Box 71476
Richmond, VA 23255-1476
(703) 425-7751

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Response to the Fifteenth Omnibus Objection to Claims was sent via ECF to the counsel for the Debtor and all parties requesting electronic notice.

/s/Jeffrey A. Scharf