

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

In re:

BUILDING MATERIALS HOLDING  
CORPORATION, *et al.*<sup>1</sup>

Reorganized Debtors.

Chapter 11

Case No. 09-12074 (KJC)

Jointly Administered

Objection Deadline: December 15, 2010 at 4:00 p.m. (ET)

**NOTICE OF STIPULATION RESOLVING THE REQUEST OF NIGRO ASSOCIATES  
ET AL. FOR RELIEF FROM THE AUTOMATIC STAY AND PLAN INJUNCTION**

**PLEASE TAKE NOTICE** that, on June 16, 2009 (the "Petition Date"), the above-captioned debtors and debtors in possession (collectively, the "Debtors"), now the Reorganized Debtors under the Plan (as defined below), filed voluntary petitions for relief under title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the "Bankruptcy Code").

**PLEASE TAKE FURTHER NOTICE** that, on December 17, 2009, the United States Bankruptcy Court for the District of Delaware (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 Debtors' joint plan of reorganization (as may be amended or supplemented from time to time, the "Plan"). The Plan became effective on January 4, 2010 (the "Effective Date").

**PLEASE TAKE FURTHER NOTICE** that from the Petition Date until the Effective Date, the automatic stay imposed by section 362 of the Bankruptcy Code prohibited

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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.

persons or entities from bringing or continuing any actions against the Debtors on account of prepetition claims, and from and after the Effective Date, the injunction imposed by the Plan and the Confirmation Order (the “Plan Injunction”) prevents persons or entities from bringing or continuing any actions against the Reorganized Debtors on account of prepetition claims.

**PLEASE TAKE FURTHER NOTICE** that, on November 19, 2009, the Court entered the *Order, Pursuant to Sections 105 and 362 of the Bankruptcy Code and Bankruptcy Rule 9019, Authorizing the Debtors to Implement Omnibus Procedures for Modifying the Automatic Stay as It Relates to Certain Prepetition Litigation* [Docket No. 956] (the “Procedures Order”), pursuant to which the Debtors were authorized to adopt and implement the Automatic Stay Relief Procedures (as defined in the Procedures Order).

**PLEASE TAKE FURTHER NOTICE** that, in accordance with the Procedures Order, the Debtors hereby give notice of entry into the *Stipulation Resolving the Request of Nigro Associates et al. for Relief from the Automatic Stay and Plan Injunction* (the “Stipulation”), a copy of which is attached hereto as Exhibit A. Pursuant to the Stipulation, as set forth more fully therein, the parties have agreed to relief from the automatic stay and the Plan Injunction in favor of Nigro Associates and its respective insurance carrier(s) (the “Claimant”) for the sole purpose of allowing the Claimant to proceed with that certain action currently identified as *Desert Bloom v. Nigro Associates*, Case Number A591492, pending in the District Court of Clark County, Nevada to recover applicable insurance proceeds from the Policies (as defined in the Stipulation).

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the Procedures Order, Notice Parties (as defined in the Procedures Order) are required to file objections to the Stipulation with the Court and serve the same on the Debtors’ undersigned counsel within fifteen

(15) days of service of this notice. In accordance with the Procedures Order, unresolved objections shall be heard before the Honorable Kevin J. Carey at the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 5th Floor Courtroom No. 5, Wilmington, Delaware 19801.

**PLEASE TAKE FURTHER NOTICE THAT IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF REQUESTED HEREIN WITHOUT FURTHER NOTICE OR A HEARING.**

Dated: Wilmington, Delaware  
November 30, 2010

YOUNG CONAWAY STARGATT & TAYLOR, LLP



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Donald J. Bowman, Jr. (No. 4383)  
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ATTORNEYS FOR REORGANIZED DEBTORS

**EXHIBIT A**

Stipulation

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)
Debtors.	)	Jointly Administered

STIPULATION RESOLVING THE REQUEST OF NIGRO ASSOCIATES  
*et al.* FOR RELIEF FROM THE AUTOMATIC STAY AND PLAN INJUNCTION

Nigro Associates and its respective insurance carrier(s) (collectively, "*Claimant*"), and Building Materials Holding Corporation and its affiliates, the debtors and debtors in possession in the above-referenced cases (collectively, the "*Debtors*," and together with the Claimant, the "*Parties*") hereby respectfully stipulate and agree as follows:

RECITALS

WHEREAS, on June 16, 2009 (the "*Petition Date*"), each of the Debtors filed with the United States Bankruptcy Court for the District of Delaware (the "*Court*") voluntary petitions for relief under title 11 of the United States Code (the "*Bankruptcy Code*"). Each Debtor is continuing to operate its business and manage its properties as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. The Debtors' cases are being jointly administered pursuant to rule 1015(b) of the Federal Rules of Bankruptcy Procedure;

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

WHEREAS, on December 17, 2009, the Court entered an 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 Debtors' joint plan of reorganization (the "*Plan*"). On January 4, 2010 (the "Effective Date"), the Debtors' Plan became effective;

WHEREAS, from the Petition Date until the Effective Date, the automatic stay imposed by 11 U.S.C. § 362 prevented persons or entities from bringing or continuing any actions against the Debtors on account of prepetition claims, and from and after the Effective Date the injunction imposed by the Plan and Confirmation Order (the "Plan Injunction") prevents persons or entities from bringing or continuing any actions against the Debtors on account of prepetition claims;

WHEREAS, on November 12, 2010, the Claimant requested that Debtor stipulate to lift the Automatic Stay and Plan Injunction to allow Claimant to proceed against certain insurance proceeds which may be recoverable by the Claimant as a result of that certain State Court action in Nevada identified as *Desert Bloom v. Nigro Associates*, Clark County District Court, Case Number A591492 including the Claimant's Third-Party complaint ( the "*Action*");

WHEREAS, the Claimant asserts it is entitled to recover from the following insurance policies, with respect to the claims alleged in the Action: Federated ( the "*Insurer*"), Policy #: 625832 and Policy Term: October 1, 1999-October 1, 2001 (the "*Policies*");

WHEREAS, the Debtors are willing to stipulate to relief from the automatic stay and Plan Injunction in favor of the Claimant for the sole purpose of allowing the Claimant to proceed with the Action to recover applicable insurance proceeds from the Policies, with certain conditions as provided below to protect the Debtor from administrative expense, given the uncertainty surrounding the provisions of the Policies;

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WHEREAS, Debtor's agreement to enter into this Stipulation is based upon the agreement of the Claimant to satisfy the deductible, in the amount of \$1,000.00, under the Policies as to the Action.

NOW THEREFORE, subject to the approval of the Court, in order to avoid the costs, risks and inconveniences of litigation, it is hereby stipulated and agreed as follows:

1. The Parties hereby acknowledge and agree to relief from the automatic stay and Plan Injunction being granted in favor of the Claimant for the sole purpose of allowing the Claimant to proceed with the Action to recover applicable insurance proceeds from the Policies. Furthermore, if the caption and/or the currently named parties participating in the Action change due to additions or dismissal of certain parties, supplemental automatic stay and Plan Injunction relief is not necessary.

2. The Parties hereby acknowledge and agree that this Stipulation shall fully and finally resolve, and the Claimant waives and releases, 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 Action; provided however, that the Claimant shall retain any and all claims to the extent necessary to obtain insurance proceeds from the Policies.

3. The Parties hereby acknowledge and agree that this Stipulation is entered into solely for the convenience of the Parties and neither this Stipulation nor the fact of its execution will constitute any admission or acknowledgment or liability or wrongdoing on the part of any of the Parties. The Parties will not offer this Stipulation or the fact of its execution into evidence in any proceeding other than a proceeding to approve or enforce this Stipulation or any of its terms.

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4. Each party shall bear its own attorneys' fees and costs with respect to the execution and delivery of this Stipulation. Each of the undersigned are duly authorized and empowered to execute this Stipulation.

5. This Stipulation is governed by and shall be construed in accordance with the law of the State of Delaware, without regard to its conflict of laws provisions. The Court shall retain exclusive jurisdiction to resolve any disputes or controversies arising from or related to this Stipulation.

6. All of the recitals set forth above are incorporated by reference as if fully set forth herein. This Stipulation constitutes the complete express agreement of the Parties hereto concerning the subject matter hereof, and no modification or amendment to this Stipulation shall be valid unless it is in writing, signed by the Party or Parties to be charged and approved by the Court.

7. It is acknowledged that each Party has participated in and jointly consented to the drafting of this Stipulation and that any claimed ambiguity shall not be construed for or against either Party on account of such drafting.

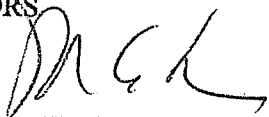
8. This Stipulation may be executed in counterparts, any of which may be transmitted by facsimile or electronic mail, and each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

9. This Stipulation is subject to approval of the Court, and the Parties agree to present the Stipulation promptly to the Court for approval. If the Court does not approve this Stipulation, the Parties will revert to their pre-Stipulation positions, without any prejudice whatsoever from having entered into this Stipulation.

10. This Stipulation shall become effective immediately upon entry of an order approving the Stipulation.



For  
DEBTORS



Maureen E. Thomas  
Building Materials Holding Corporation  
9832 Coledale Court  
White Lake, MI 48386  
Telephone: 248-698-0965

Dated: \_\_\_\_\_

11-23-10

For  
CLAIMANTS



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Dated: \_\_\_\_\_

11/23/2010

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re:

BUILDING MATERIALS HOLDING  
CORPORATION, *et al.*,<sup>1</sup>

Reorganized Debtors.

Chapter 11

Case No. 09-12074 (KJC)

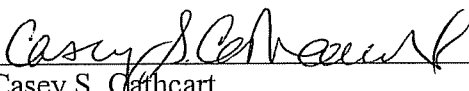
Jointly Administered

AFFIDAVIT OF SERVICE


STATE OF DELAWARE    )  
                                  ) SS  
NEW CASTLE COUNTY    )

Casey S. Cathcart, being duly sworn according to law, deposes and says that she is employed by the law firm of Young Conaway Stargatt & Taylor, LLP, co-counsel to the Reorganized Debtors, and that on November 30, 2010, she caused a copy of the **Notice of Stipulation Resolving the Request of Nigro Associates, et al. for Relief From the Automatic Stay and Plan Injunction** to be served as indicated upon the parties identified on the attached service list and the following party:

Jamieson N. Poe, Esq.  
Craig D. Guenther, P.C.  
9127 West Russell Road, Suite 220  
Las Vegas, NV 89148  
(Counsel to Nigro Associates)  
*First Class Mail*

  
\_\_\_\_\_  
Casey S. Cathcart

SWORN TO AND SUBSCRIBED before me this 30th day of November, 2010.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires:

**DEBBIE ELLEN LASKIN**  
**NOTARY PUBLIC**  
**STATE OF DELAWARE**  
**My commission expires Dec. 21, 2012**

<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.

**BUILDING MATERIALS HOLDING CORPORATION**  
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**BUILDING MATERIALS HOLDING CORPORATION**  
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**BUILDING MATERIALS HOLDING CORPORATION**  
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**11/30/2010**

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**BUILDING MATERIALS HOLDING CORPORATION**  
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**BUILDING MATERIALS HOLDING CORPORATION**  
**2002 SERVICE LIST**  
**11/30/2010**

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**BUILDING MATERIALS HOLDING CORPORATION**  
**2002 SERVICE LIST**  
**11/30/2010**

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