

UNITED STATES BANKRUPTCY COURT

FOR THE District Of DELAWARE

09-12-07 11:55

In re BUILDING MATERIALS HOLDING CORPORATION, et al.) Case No. 09-12074 (KJC)) Chapter 11

NOTICE & REQUEST UNDER SECTION 562 OF THE BANKRUPTCY CODE

Issues: Section 562 Of Bankruptcy Code Section 741 (7)(A) & (8) Of Bankruptcy Code Section 365 Of Bankruptcy Code

Exhibits : A,B & C Attach Hereto.

Vincent E. Rhynes Claim # 109 (Status under The plan-Other Secured Claim).

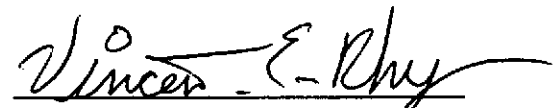
NOTE: Letter From "Sacks Tierney P.A (I.E rejection letter) Attach Hereto.

I Vincent E. Rhynes Testify Under Oath That No Payments Has Been Received. That BMHC IS IN DEFAULT With Respect To Payments Due (see section 741 (8)).

-RELIEF REQUESTED-
Section 562 Of Bankruptcy Code.
Section 741(8) Of Bankruptcy Code.

-BASIS FOR RELIEF-
'Terminated Contract'
Section 105(a) Of The Bankruptcy Code.

Dated: 02-20-2011

A handwritten signature in black ink that reads "Vincent E. Rhynes". The signature is written in a cursive style with a horizontal line underneath the name.

Vincent E. Rhynes(Pro-Se)
513 W. 159Th Street Gardena CA.
90248 (310)329-4254

EXHIBIT : A

MINION STOCK

Building Materials Corporation

COMMON STOCK

REGULATED UNDER THE
OF THE STATE OF DELAWARE
THE REGISTRAR IS TRANSENERGY
SOUTH ST. PAUL, MN

SEE THE NOTICE FOR CERTAIN DEFINITIONS AND A
SUMMARY AS TO THE POWERS, DESIGNATIONS,
PRELIMINANCES AND RIGHTS OF SHARES
(USIP 120113 10 5

This certifies that

JERRY RHYMES
A W MARSHFIELD
RANDOLPH CO. OHIO

*****225000****
*****225000****
*****225000****
*****225000****
*****225000****

is the record holder of (TWENTY TWO) TWO HUNDRED FIVE HUNDRED AND 000/1000**

FULLY PAID AND NONASSASSINABLE SHARES OF COMMON STOCK, \$.001 PAR VALUE OF

BUILDING MATERIALS HOLDING CORPORATION

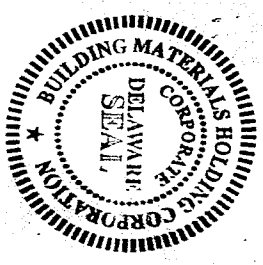
transferable on the books of the Corporation in person or by duly authorized attorney on surrender of this certificate properly endorsed. This Certificate shall not be valid until countersigned and registered by the Registrar.

WITNESS the corporate seal of the Corporation and the signatures of its duly authorized officers.

Dated: JULY 6, 2009

William W. Swartz

Senior Vice President and Chief Financial Officer



Robert E. McEller

Chairman, President and Chief Executive Officer

AUTHORIZED SIGNATURE
AND REGISTRAR
WELLS FARGO BANK, N.A.
[Signature]

PRINTED AND REGISTERED:

BUILDING MATERIALS HOLDING CORPORATION

The Corporation is authorized to issue Common Stock and Preferred Stock. The Board of Directors of the Corporation has authority to fix the number of shares and the designation of any series of Preferred Stock and to determine or alter the rights, preferences, privileges, and restrictions granted to or imposed upon any unissued class or series of Preferred Stock.

The Corporation will furnish to any stockholder, upon request and without charge, a statement of the powers, designations, preferences and relative, participating, optional or other special rights of each class of stock or series thereof and the qualifications, limitations or restrictions of such preferences and/or rights, so far as the same shall have been fixed, and of the authority of the Board of Directors to designate and fix any preferences, rights and limitations of any wholly unissued series. Any such request should be addressed to the Secretary of the Corporation at its principal office.

The following abbreviations, when used in the inscription on the face of this certificate, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common
TEN ENT - as tenants by the entireties
JT TEN - as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT MIN ACT - Custodian (Cust) (Minor) under Uniform Gifts to Minors Act (State)

Additional abbreviations may also be used though not in the above list.

VINCENT RHYNES

For Value Received, _____ hereby sell, assign and transfer unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

91-1834269

BUILDING MATERIALS HOLDING CORPORATION.

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF ASSIGNEE)

720 Park Boulevard, Suite 200

Boise, Idaho 83712

Twenty Two Thousand & Five Hundred (22,500)

of the Common Stock represented by the within Certificate, and do hereby irrevocably constitute and appoint Paul S. Street

Paul S. Street

to transfer the said shares on the books of the within named Corporation with full power of substitution in the premises. Attorney

Dated: 02-01-2011

Vincent Rhynes
NOTICE: THE SIGNATURE TO THIS ASSIGNMENT MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE FACE OF THE CERTIFICATE IN EVERY PARTICULAR WITHOUT ALTERATION OR ENLARGEMENT OR ANY CHANGE WHATSOEVER.

Vincent Rhynes

This certificate also represents Rights that entitle the holder hereof to certain rights as set forth in the Rights Agreement dated as of September 19, 1997, and supplemented September 13, 2005 by and between the Corporation and Wells Fargo Shareowner Services, as Rights Agent (the "Rights Agreement"), the terms and conditions of which are hereby incorporated herein by reference and a copy of which is on file at the principal executive office of the Corporation. Under certain circumstances specified in the Rights Agreement, such Rights will be represented by separate certificates and will no longer be represented by this certificate. Under certain circumstances specified in the Rights Agreement, Rights beneficially owned by certain persons may become null and void. The Corporation will mail to the record holder of this certificate a copy of the Rights Agreement without charge promptly following receipt of a written request therefore.

Search Claims Register - Building Materials Holding Corporation, et al.

EXHIBIT : C

- Home
- Claims Register
- Creditor Search

Claims Register

Select Search Field			
<input checked="" type="radio"/> Claim No	<input type="radio"/> Creditor Name	<input type="radio"/> Creditor Address	<input type="radio"/> Search
Enter Claim No : <input style="width: 100px;" type="text" value="109"/>			

[Start Search](#)

All claimants on the claims register may be found through the above search. If the actual **Claims Register**, please [click here](#). If you have any questions concerning please write to us at the following address:

The Garden City Group, Inc.
 Attn: Building Materials Holding Corporation
 P.O. Box 9393
 Dublin, OH 43017-4293

U.S. Bankruptcy Court - District of Delaware Claims Register Report 09-12074 BUILDING MATERIALS HOLDING CORPORATION, E Judge HONORABLE KEVIN J. CAREY		
Claim No: 109	Debtor Name: BUILDING MATERIALS HOLDING CORPORATION Creditor Name: VINCENT E RHYNES 1514 W MANCHESTER AVE #5 LOS ANGELES CA 90047	<i>Last Last Filed Doc. Date</i>
Claim Date: 07/17/09	Amends Claim No: Amended By Claim No:	<i>Duplicate</i>
Class	Amount Claimed	
Secured		
Unsecured		
Priority		
Total	Unliquidated	
Description: Please see claim for detail.		
Remarks:		

SacksTierney P.A.

ATTORNEYS

James W. Armstrong	Bryan J. Gottfredson	Sharon S. Moyer
Adrian L. Barton	Gaye L. Gould	Michael R. Rooney
Steven R. Beeghley	John K. Hanson	David L. Rose
Stephen Aron Benson	Robert G. Kimball	Seymour Sacks
Brian E. Ditsch	Michael C. Lamb	Sharon B. Shively
Judith M. Dworkin	Stephen A. Lenn	David C. Tierney
Patty A. Ferguson	Jeffrey S. Leonard	Sarah J. Tschider
Roxann S. Gallagher	Shannon M. Mason	Julianne C. Wheeler
Steven M. Goldstein	Daniel B. Mestaz	Aaron G. York

Marvin S. Cohen (1931—2009)

Gary E. Pace, CLM, Executive Director

February 16, 2011



VIA CERTIFIED MAIL
7160 3901 9846 2225 2027

Writer's Direct Line: 480.425.2676
Writer's Direct Facsimile: 480.425.4976
Writer's E-mail: Aaron.York@SacksTierney.com

Mr. Vincent E. Rhynes
513 W. 159th Street
Gardena, CA 90248

Dear Mr. Rhynes:

I represent Building Materials Holding Corporation ("**BMHC**") and its affiliates (collectively, the "**BMHC Companies**") in connection with their pending chapter 11 bankruptcy cases jointly administered under case number 09-12074(KJC) in the United States Bankruptcy Court for the District of Delaware (the "**Bankruptcy Court**"). I am writing to you concerning the correspondence BMHC received from you on or about February 8, 2011, and the "Notice of Act" pleading that you filed in the Bankruptcy Court on or about February 13, 2011. Copies of your correspondence and your pleading are enclosed for your convenience.

Your correspondence to BMHC included an excerpt of the Claims Register Report referencing your proof of claim number 109, a copy of your Certificate of Birth, a BMHC Common Stock certificate, and a UnionBank Investment Services account statement. Given that your "Notice of Act" contains reference to section 1143 of the Bankruptcy Code, it appears that you intended your correspondence as a presentment or surrender of a security in anticipation of some distribution under a plan.

The BMHC Companies' Joint Plan of Reorganization [Docket No. 1134]¹ (the "**Plan**") was confirmed by the Bankruptcy Court on December 17, 2009. The Effective Date of the Plan was January 4, 2010 [See Docket No. 1260]. Under section 4.9.2 of the Plan, "[o]n the Effective Date, all Interests in BMHC shall be cancelled without further distribution." Under the Plan, "Interest" is defined as any "(i) Equity Security, including all issued, unissued, authorized, or outstanding shares of capital stock of the Debtors, together with any warrants, options, or contractual rights to purchase or acquire such Equity Securities at any time and all rights arising with respect thereto; and (ii) partnership, limited liability company, or similar interest in a Debtor." As a result of section 4.9.2 of the Plan, your common stock in BMHC has been cancelled and, unfortunately, the BMHC Companies will not be making any distributions with respect to it.

¹ Copies of pleadings referenced in this letter can be viewed at <http://www.bmhcrestructuring.com>.

Mr. Vincent E. Rhynes
February 16, 2011
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Because your proof of claim number 109 was filed on account of an Interest in BMHC, the BMHC Companies previously objected to it. The Bankruptcy Court entered an order expunging proof of claim number 109 on January 27, 2010. I am also enclosing a copy of this order for your convenience. Your proof of claim number 109 is referenced on the last page of Exhibit C to the enclosed Order.

If you should have any questions, you may reach me at 480-425-2676. Thank you.

Sincerely,

SACKS TIERNEY P.A.



Aaron G. York

AGY:sd

Encl.