

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

In re:	)	Chapter 11
BUILDING MATERIALS HOLDING CORPORATION,¹	)	Case No. 09-12074 (KJC)
Reorganized Debtor.	)	Objection Deadline: July 12, 2011 at 4:00 p.m. (ET)
	)	Hearing Date: August 9, 2011 at 3:30 p.m. (ET)

**REORGANIZED DEBTOR’S MOTION FOR AN ORDER FURTHER EXTENDING
THE REORGANIZED DEBTOR’S DEADLINE TO OBJECT TO CLAIMS**

Building Materials Holding Corporation, as a reorganized debtor (the “Reorganized Debtor”), hereby submit this motion (the “Motion”)² for the entry of an order, pursuant to section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the “Bankruptcy Code”), Rule 9006(b) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and section 8.10 of the Plan (as defined below), further extending the deadline established under the Plan for the Reorganized Debtor to object to Claims, subject to certain limitations set forth herein. In support of this Motion, the Reorganized Debtor respectfully represents 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 predicate for the

¹ The Reorganized Debtor in this proceeding, along with the last four digits of its tax identification number, is as follows: Building Materials Holding Corporation (4269), with a mailing address of 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 Plan (as defined below).

relief requested herein is section 105(a) of the Bankruptcy Code, along with Bankruptcy Rule 9006.

GENERAL BACKGROUND

2. On June 16, 2009 (the "Petition Date"), the Reorganized Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the "Chapter 11 Case").³

3. No request for the appointment of a trustee or examiner has been made in the Chapter 11 Case. On July 26, 2009, the Office of the United States Trustee (the "U.S. Trustee") appointed the official committee of unsecured creditors.

4. On the Petition Date, the Reorganized Debtor and the Subsidiary 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 Debtor and the Subsidiary 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.

5. 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 of the Plan occurred on January 4, 2010.

³ On the Petition Date, the following affiliates of the Reorganized Debtor also filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code: BMC West Corporation; SelectBuild Construction, Inc.; SelectBuild Northern California, Inc.; Illinois Framing, Inc.; C Construction, Inc.; TWF Construction, Inc.; H.N.R. Framing Systems, Inc.; SelectBuild Southern California, Inc.; SelectBuild Nevada, Inc.; SelectBuild Arizona, LLC; and SelectBuild Illinois (collectively, the "Subsidiary Debtors"). On June 28, 2011, the Court entered that certain Final Decree Closing Subsidiary Cases and Amending Caption of Remaining Case [Docket No. 1896], thereby closing the chapter 11 cases of the Subsidiary Debtors and ordering that all motions, contested matters, and adversary proceedings that remained open as of the date thereof, or that are opened thereafter, with respect to the Reorganized Debtor and the Subsidiary Debtors shall be administered under the Reorganized Debtor's 11 chapter case.

RELEVANT BACKGROUND

6. Section 8.10 of the Plan provides, in pertinent part, that “[u]nless a later or different time is set by Final Order or otherwise established by other provisions of the Plan, all objections to Claims must be filed by the Claims Objection Bar Date.”⁴

7. Plan Appendix A, in turn, defines the Claims Objection Bar Date as “the 180th day following the latest of the Effective Date, the date such Claim is Filed, and such later date as may be established from time to time by the Bankruptcy Court as the last date for filing objections to . . . Claims.”

8. On March 18, 2011, this Court entered that certain Order Further Extending the Reorganized Debtors’ Deadline to Object to Claims [Docket No. 1827], extending the Claims Objection Bar Date through and including June 30, 2011 (the “Current Claims Objection Bar Date”).

RELIEF REQUESTED

9. By this Motion, the Reorganized Debtor requests the Court to enter an order, pursuant to section 105(a) of the Bankruptcy Code, Bankruptcy Rule 9006(b) and section 8.10 of the Plan, extending the Current Claims Objection Bar Date by 120 days through and including October 28, 2011; provided, however, that the proposed extension shall not apply to any claims (each, an “Allowed Claim”) in the chapter 11 cases of the Reorganized Debtor and the Subsidiary Debtors that, as of the date hereof, (i) were previously paid or otherwise satisfied by the Reorganized Debtor and the Subsidiary Debtors or (ii) received any distribution (in full or in part) from the Reorganized Debtor and the Subsidiary Debtors pursuant to the Plan, as any such claims shall constitute allowed claims under the Bankruptcy Code and the Plan; provided,

⁴ Section 8.10 of the Plan further provides that, after the Effective Date, the Reorganized Debtor (and the Subsidiary Debtors) shall be the only party in interest with a right to object to Claims.

further, however, that such allowance is not intended nor shall be deemed to impair, prejudice, waive or otherwise affect the rights of the Reorganized Debtor and the Subsidiary Debtors to object to any attempts to amend an Allowed Claim.⁵

10. The Reorganized Debtor further requests that the extension proposed herein be without prejudice to its rights to seek further extensions of the Claims Objection Bar Date.

BASIS FOR RELIEF REQUESTED

11. Section 105(a) of the Bankruptcy Code provides that “the court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].” 11 U.S.C. § 105(a).

12. Furthermore, Bankruptcy Rule 9006(b)(1) provides, in pertinent part, that
when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order.

Fed. R. Bankr. P. 9006(b)(1).

13. Finally, the Plan provides that the Claims Objection Bar Date may be “such later date as may be established from time to time by the Bankruptcy Court as the last date for filing objections to . . . Claims.” See Plan at Plan Appendix A, ¶ 32.

14. The Reorganized Debtor submits that extending the Current Claims Objection Bar Date in the manner provided for herein is essential and in the best interests of the

⁵ Pursuant to Rule 9006-2 of the Local Rules of Bankruptcy Practice and Procedure for the United States Bankruptcy Court for the District of Delaware (the “Local Rules”), the filing of this Motion prior to the expiration of the Current Claims Objection Bar Date shall automatically extend such deadline in the manner provided for herein until the Court acts on this Motion without the necessity for the entry of a bridge order.

Reorganized Debtor, its estate and creditors. Since the Petition Date, the Reorganized Debtor and the Subsidiary Debtors have devoted significant resources to, among other things: (i) stabilizing their business operations; (ii) addressing critical case management issues; (iii) administering the claims reconciliation process; (iv) filing the Plan and accompanying Disclosure Statement; and (v) obtaining the entry of the Confirmation Order as well as an order of this Court approving the Disclosure Statement.

15. In addition to these efforts and the various other tasks necessarily attendant to the commencement of the chapter 11 cases of the Reorganized Debtor and the Subsidiary Debtors, prior and subsequent to the Effective Date, the Reorganized Debtor and the Subsidiary Debtors have worked diligently to review their books and records and analyze the Claims filed against their estates. The Reorganized Debtor and the Subsidiary Debtors have made significant strides with respect to the claims reconciliation process, as they have already filed and successfully prosecuted 29 omnibus objections to Claims, filed 13 notices of claims and/or scheduled amounts previously satisfied, and reached consensual resolutions with respect to various other disputed claims.

16. However, while to date the Reorganized Debtor and the Subsidiary Debtors have made significant progress with respect to the claims reconciliation process, the Reorganized Debtor needs additional time to properly and carefully evaluate certain Claims and ensure the accuracy of the claims register. The Reorganized Debtor therefore submits that extending the Current Claims Objection Bar Date in the manner provided for herein is necessary and appropriate to ensure that the claims reconciliation process, including the analysis and payment of all Claims, and the prosecution of any objections thereto, is accurate, comprehensive and completed in a timely and efficient manner.

17. Accordingly, the Reorganized Debtor respectfully requests the Court to enter an order extending the Current Claims Objection Bar Date through and including October 28, 2011, in the manner provided for herein, without prejudice to the Reorganized Debtor's rights to seek further extensions of such deadline.

NOTICE

18. Notice of this Motion will be provided to: (i) the U.S. Trustee; (ii) counsel to Wells Fargo Bank, as agent under the Prepetition Credit Agreement and DIP Facility (as defined in the Plan); (iii) DK Acquisition Partners, L.P.; (iv) Wells Fargo Foothill, LLC; and (v) all parties entitled to notice under Local Rule 2002-1(b). In light of the nature of the relief requested herein, the Reorganized Debtor submits that no other or further notice is necessary.

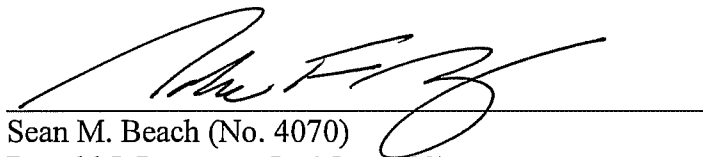
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CONCLUSION

WHEREFORE, the Reorganized Debtor respectfully requests the Court to enter an order, substantially in the form attached hereto as Exhibit A, extending the Current Claims Objection Bar Date through and including October 28, 2011, subject to certain limitations set forth herein, without prejudice to its rights to seek additional extensions of the Claims Objection Bar Date, and granting such other and further relief as this Court deems just and proper.

Dated: Wilmington, Delaware
June 28, 2011

YOUNG CONAWAY STARGATT & TAYLOR, LLP



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ATTORNEYS FOR THE REORGANIZED DEBTOR

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

In re:	)	Chapter 11
BUILDING MATERIALS HOLDING CORPORATION,¹	)	Case No. 09-12074 (KJC)
Reorganized Debtor.	)	Objection Deadline: July 12, 2011 at 4:00 p.m. (ET) Hearing Date: August 9, 2011 at 3:30 p.m. (ET)

NOTICE OF MOTION

TO: (I) THE U.S. TRUSTEE; (II) COUNSEL TO WELLS FARGO BANK, AS AGENT UNDER THE PREPETITION CREDIT AGREEMENT AND DIP FACILITY; (III) DK ACQUISITION PARTNERS, L.P.; (IV) WELLS FARGO FOOTHILL, LLC; AND (V) 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 debtor (the “Reorganized Debtor”) has filed the attached **Reorganized Debtor’s Motion for an Order Further Extending the Reorganized Debtor’s Deadline to Object to Claims** (the “Objection”).

PLEASE TAKE FURTHER NOTICE that any objections to the Motion must be filed on or before **July 12, 2011 at 4:00 p.m. (ET)** (the “Objection Deadline”) with the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801. At the same time, you must serve a copy of the objection upon the undersigned counsel to the Reorganized Debtor so as to be received on or before the Objection Deadline.

PLEASE TAKE FURTHER NOTICE THAT A HEARING TO CONSIDER THE MOTION WILL BE HELD ON AUGUST 9, 2011 AT 3:30 P.M. (ET) 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.

¹ The Reorganized Debtor in this proceeding, along with the last four digits of its tax identification number, is as follows: Building Materials Holding Corporation (4269), with a mailing address of 720 Park Boulevard, Suite 200, Boise, Idaho 83712.

PLEASE TAKE FURTHER NOTICE THAT IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR A HEARING.

Dated: Wilmington, Delaware
June 28, 2011

YOUNG CONAWAY STARGATT & TAYLOR, LLP



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

EXHIBIT A

Proposed Order

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

In re:)	
	)	Chapter 11
BUILDING MATERIALS HOLDING CORPORATION,¹	)	Case No. 09-12074 (KJC)
	)	Ref. Docket No. _____
Reorganized Debtor.)	
)	

ORDER FURTHER EXTENDING THE REORGANIZED DEBTOR'S DEADLINE TO OBJECT TO CLAIMS

Upon consideration of the motion (the "Motion")² of the above-captioned reorganized debtor (the "Reorganized Debtor") for the entry of an order, pursuant to section 105(a) of title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the "Bankruptcy Code"), Rule 9006(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and section 8.10 of the Plan, further extending the deadline established under the Plan for the Reorganized Debtor to object to Claims, subject to certain limitations set forth in the Motion; and it appearing that due and sufficient notice of the Motion has been given under the circumstances; and after due deliberation and upon the Court's determination that the relief requested in the Motion is in the best interests of the Reorganized Debtor, its estate and creditors and other parties in interest; and sufficient cause appearing for the relief requested in the Motion, it is hereby ORDERED, ADJUDGED AND DECREED that:

1. The Motion is granted.

¹ The Reorganized Debtor in this proceeding, along with the last four digits of its tax identification number, is as follows: Building Materials Holding Corporation (4269), with a mailing address of 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 Motion.

2. Pursuant to section 105(a) of the Bankruptcy Code, Bankruptcy Rule 9006(b) and the Plan, the Current Claims Objection Bar Date is enlarged and extended through and including October 28, 2011 (the "Extension"); provided, however, that the Extension shall not apply to any claims (each, an "Allowed Claim") in the chapter 11 cases of the Reorganized Debtor and the Subsidiary Debtors that, as of the filing of the Motion, (i) were previously paid or otherwise satisfied by the Reorganized Debtor and the Subsidiary Debtors or (ii) received any distribution (in full or in part) from the Reorganized Debtor and the Subsidiary Debtors pursuant to the Plan, as any such Allowed Claims shall constitute allowed claims under the Bankruptcy Code and the Plan; provided, further, however, that such allowance of the Allowed Claims is not intended nor shall be deemed to impair, prejudice, waive or otherwise affect the rights of the Reorganized Debtor and the Subsidiary Debtors to object to any attempts to amend an Allowed Claim.

3. Entry of this Order shall be without prejudice to the Reorganized Debtor's rights to seek additional extensions of the Claims Objection Bar Date.

4. This Court shall retain jurisdiction to hear and determine any and all matters arising from or related to the implementation or interpretation of this Order.

Dated: Wilmington, Delaware
_____, 2011

Kevin J. Carey
Chief United States Bankruptcy Judge