

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

<b>IN RE:</b>	)	
	)	<b>Chapter 11</b>
<b>BUILDING MATERIALS HOLDING CORPORATION,<sup>1</sup></b>	)	
	)	<b>Case No. 09-12074 (KJC)</b>
<b>Reorganized Debtor.</b>	)	
	)	<b>Jointly Administered</b>
	)	
	)	<b>Ref. Docket Nos. 1881, 1882, 1933, 1934, 1940, 1961</b>
	)	<b>and 1986</b>

**ORDER DENYING (1) MOTION OF CENTEX HOMES, ET AL. FOR ENTRY OF ORDER ENLARGING THE CLAIMS BAR DATE [DOCKET NO. 1933]; AND (2) MOTION OF CENTEX HOMES, ET AL. FOR RELIEF FROM THE DISCHARGE INJUNCTION [DOCKET NO. 1881]**

Upon consideration of the (a) Motion of Centex Homes, et al. for Entry of an Order Enlarging the Claims Bar Date [Docket No. 1933] (the “Motion to Enlarge”); (b) Motion of Centex Homes, et al. for Relief from the Discharge Injunction [Docket No. 1881] (the “Discharge Injunction Motion” and together with the Motion to Enlarge, the “Centex Motions”); (c) the Reorganized Debtors’ Objection to (1) Motion of Centex Homes, et al., for Entry of Order Enlarging the Claims Bar Date and (2) Motion of Centex Homes, et al. for Relief from the Discharge Injunction [Docket No. 1940]; (d) Joint Pretrial Memorandum Concerning (1) Motion of Centex Homes, et al., for Entry of Order Enlarging the Claims Bar Date and (2) Motion of Centex Homes, et al. for Relief from the Discharge Injunction [Docket No. 1961] (the “Joint Pretrial Memorandum”); and (e) the exhibits admitted into evidence and the arguments of counsel at the contested hearing held before the Court on November 1, 2011, and for the reasons stated on the record at the continued hearing held on November 17, 2011 (the “November 17 Hearing”), IT IS HEREBY FOUND AND DETERMINED THAT:

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

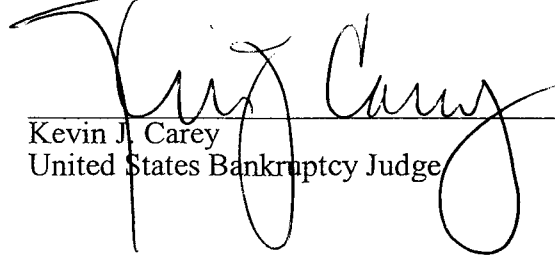
A. The Court hereby adopts the Statement of Uncontested Facts in the Joint Pretrial Memorandum, and any other findings of facts and conclusions of law stated on the record at the November 17 Hearing, as its findings of fact and conclusions of law.

NOW THEREFORE, FOR THE REASONS STATED ON THE RECORD AT THE NOVEMBER 17 HEARING, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. The Centex Motions are denied.
2. The denial of the Centex Motions is without prejudice to the ability of the movant to obtain relief from the discharge and discharge injunction set forth in 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], upon agreement of the Reorganized Debtors or further order of this Court, to pursue its claims against the Reorganized Debtors and satisfy any judgment or settlement of any such claims solely from any applicable insurance proceeds only if (a) the movant ameliorates the financial prejudice to the Reorganized Debtors by paying any deductibles and/or self-insured retention amounts and all allocated loss adjustment expenses that the Reorganized Debtors might otherwise be obligated to pay if the plan discharge injunction were modified and a claim is asserted by the movant against any of the Reorganized Debtors' insurance policies; and/or (b) the insurance companies agree to waive any such deductibles and/or self insured retention amounts and allocated loss adjustment expenses.

3. Nothing in this order shall be or shall be deemed to be a determination with respect to any of Centex's rights and/or claims against any party other than the Reorganized Debtors, and all such rights, claims and/or defenses are reserved and preserved.

Dated: Wilmington, Delaware  
December 8, 2011



Kevin J. Carey  
United States Bankruptcy Judge