

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

In re:

BUILDING MATERIALS HOLDING
CORPORATION,¹

Reorganized Debtor.

Chapter 11

Case No. 09-12074(KJC)

Ref. Docket No. 1985

**FINAL DECREE CLOSING THE CHAPTER 11 CASE
AND GRANTING RELATED RELIEF**

Upon the Reorganized Debtors' Motion for Entry of (A) Order (1) Approving Terms Under Which the Reorganized Debtors May Stipulate to Relief from Plan Discharge Injunction; and (2) Terminating the Services of the Garden City Group, Inc. as Claims, Noticing, Solicitation, Balloting and Tabulation Agent for the Debtors; and (B) Final Decree Closing the Chapter 11 Case (the "Motion");² and the Court having considered the Motion and all related pleadings and documents; and the Court having found that adequate notice of the Motion has been given under the circumstances; and good and sufficient cause appearing therefor, it is hereby:

ORDERED that the Motion is granted; and it is further

ORDERED that the Reorganized Debtors are authorized to enter into stipulations granting relief from the Plan discharge injunction, without further order of the Court, provided that (1) such stipulations are in substantially the form of the stipulations previously approved by the Court granting relief from the Plan discharge injunction to permit claimants to pursue

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 not otherwise defined herein shall have the meanings ascribed to them in the Motion.

insurance proceeds; and (2) such stipulations must include provisions that require either that (a) the claimant ameliorate the financial prejudice to the Reorganized Debtors by the claimant agreeing to pay 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 claimant 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; and it is further

ORDERED that the case of Building Materials Holding Corporation, Case No. 09-12074 (KJC), is hereby closed; provided, however, that the Court shall retain jurisdiction as provided for in Article XI of the Plan and paragraph 39 of the Confirmation Order; and it is further

ORDERED that the entry of this final decree is without prejudice to the rights of any party to seek to reopen the Closing Case pursuant to section 350(b) of the Bankruptcy Code; and it is further

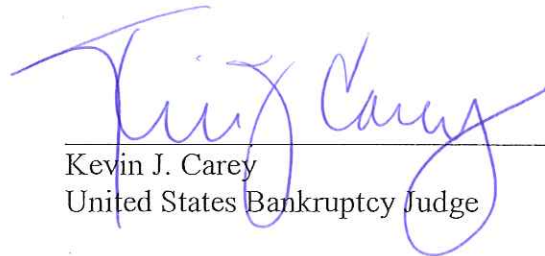
ORDERED that within forty-five (45) days of the entry of this Order, BMHC shall (i) provide the Office of the United States Trustee for the District of Delaware with any outstanding disbursement information for purposes of calculating fees owing as of the date of the entry of this Order pursuant to section 1930 of title 28 of the United States Code and (ii) timely pay any fees that are due and owing pursuant to section 1930 of title 28 of the United States Code; and it is further

ORDERED that, pursuant to Local Rule 2002-1(f), the services of The Garden City Group, Inc. as claims, noticing, solicitation, balloting and tabulation agent for the Debtors and as agent of the Bankruptcy Court are terminated effective as of the entry of this Order; provided,

however, that notwithstanding the foregoing, in accordance with Local Rule 2002-1(f)(ix), within thirty (30) days of entry of this Order, The Garden City Group, Inc. shall forward to the Clerk of Court: (i) all claims filed in, and an updated claims register for, the Chapter 11 Cases; (ii) a CD of all imaged claims in the Chapter 11 Cases; and (iii) an Excel spreadsheet containing all claims information, along with an updated mailing list, for the Chapter 11 Cases; and it is further

ORDERED that the Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.

Dated: Wilmington, Delaware
December 23, 2011



Kevin J. Carey
United States Bankruptcy Judge