

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:

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

Debtors.

)  
) Chapter 11

)  
) Case No. 09-12074 (KJC)

)  
) Jointly Administered

)  
) *Ref. Docket No. 487*

**ORDER GRANTING A FINAL WAIVER OF  
THE REQUIREMENTS OF 11 U.S.C. § 345(b)**

Upon consideration of the motion (the "*Motion*") of Building Materials Holding Corporation and its affiliates, as debtors and debtors in possession (collectively, the "*Debtors*") for entry of an order granting a permanent waiver of the Section 345(b) Requirements<sup>2</sup> with respect to the Fund; as set forth in the Motion; and the Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. sections 1408 and 1409; and the Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and notice of the Motion and the opportunity for a hearing on the Motion was appropriate under the particular circumstances; and the Court having determined that the legal and factual bases set forth in the Motion establish just

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<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.

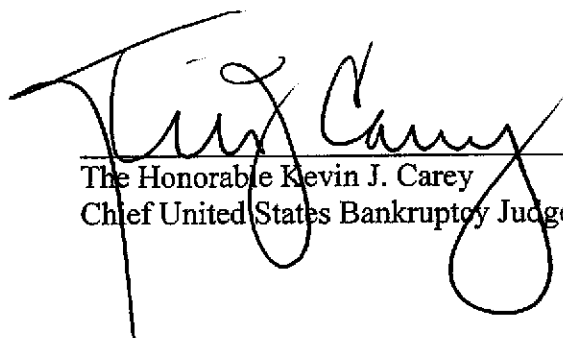
<sup>2</sup> Capitalized terms used but not defined herein shall be given the meanings ascribed to such terms in the Motion.

cause for the relief granted herein; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED:**

1. The Motion is granted as set forth below.
2. The Debtors are granted a permanent waiver of the Section 345(b) Requirements with respect to the Fund and accordingly may continue to invest property of the estate in the Fund.
3. This Court shall retain jurisdiction with respect to any and all matters arising from or related to the implementation of this Order.

Dated: Wilmington, Delaware  
8/19, 2009

  
The Honorable Kevin J. Carey  
Chief United States Bankruptcy Judge