

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

IN RE:)	
)	Chapter 11
BUILDING MATERIALS HOLDING CORPORATION, <i>et al.</i>,¹)	
)	Case No. 09-12074 (KJC)
Debtors.)	
)	Jointly Administered
)	
)	Ref. Docket No. 517

**CERTIFICATION OF COUNSEL REGARDING DEBTORS' MOTION
FOR AN ORDER PURSUANT TO SECTION 105(a) OF THE BANKRUPTCY CODE
AND BANKRUPTCY RULE 9019 AUTHORIZING AND APPROVING
THE SETTLEMENT WITH THE ACEVEDO PLAINTIFFS**

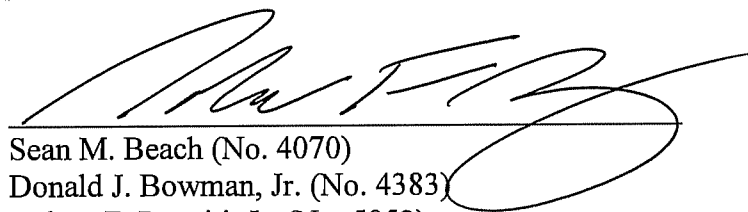
On August 21, 2009, Building Materials Holding Corporation and its affiliates, as debtors and debtors in possession (collectively, the "Debtors"), filed their Motion for an Order Pursuant to Section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019 Authorizing and Approving the Settlement with the Acevedo Plaintiffs [Docket No. 517] (the "Motion"). Thereafter, the Official Committee of Unsecured Creditors (the "Committee," and together with the Debtors, the "Parties") appointed in these chapter 11 cases filed an objection [Docket No. 570] (the "Objection") to the Motion. Subsequent to the filing of the Objection, counsel for the Parties engaged in discussions regarding the Motion and Objection. Through these discussions, the Debtors resolved the Committee's concerns with respect to the Motion. As a result, on September 17, 2009, the Committee withdrew the Objection [Docket No. 624].

¹ 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.

Attached hereto as Exhibit A is a proposed form of order (the "Proposed Order") approving the Motion. The Debtors submit that entry of the Proposed Order is in the best interests of the Debtors, their estates and creditors, and the Committee has consented to entry of the order. Accordingly, the Debtors respectfully request the Court to enter the Proposed Order at its earliest convenience without further notice or a hearing.

Dated: Wilmington, Delaware
September 17, 2009

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ATTORNEYS FOR DEBTORS
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EXHIBIT A

Proposed Order

IN RE:)	
)	Chapter 11
)	
BUILDING MATERIALS HOLDING)	Case No. 09-12074 (KJC)
CORPORATION, <i>et al.</i>,¹)	
)	Jointly Administered
Debtors.)	
)	Ref. Docket Nos. 517 and _____
)	

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 authorizing and approving the Settlement Agreement² with the Acevedo Plaintiffs, all 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 reviewed the Motion and having determined that the legal and factual bases set forth in

2 Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

the Motion establish just 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. Pursuant to section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9019, the Settlement Agreement is approved, and the terms, conditions, and provisions of the Settlement Agreement are incorporated in this Order by reference as if fully set forth herein.
3. The Debtors are authorized and empowered to take any and all steps and to perform such other and further actions as are necessary to carry out, effectuate or otherwise enforce the terms, conditions and provisions of the Settlement Agreement.
4. The Court shall retain jurisdiction over any and all matters arising from or related to the interpretation or implementation of this Order.

Dated: Wilmington, Delaware
September ____, 2009

Kevin J. Carey
Chief United States Bankruptcy Judge