

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

In re:

BUILDING MATERIALS HOLDING
CORPORATION, *et al.*,¹

Debtors.

Chapter 11

Case No. 09-12074 (KJC)

Jointly Administered

Ref. Docket Nos. 597 and 664

**CERTIFICATION OF COUNSEL REGARDING STIPULATION
BETWEEN THE DEBTORS AND WEIS BUILDERS, INC. REGARDING
MOTION FOR ORDER GRANTING MODIFICATION OF THE AUTOMATIC STAY**

On September 11, Weis Builders, Inc. (the “Movant”) filed the Motion for Order Granting Modification of the Automatic Stay [Docket No. 597] (the “Motion”). Thereafter, the above-captioned debtors and debtors in possession (collectively, the “Debtors,” and together with the Movant, the “Parties”) filed an objection [Docket No. 664] (the “Objection”) to the Motion on September 25, 2009.

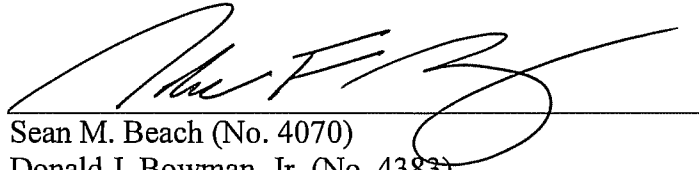
Subsequent to the filing of the Objection, counsel for the Parties engaged in discussions concerning the Motion and Objection. As a result of these discussions, an agreement was reached between the Parties, the terms and conditions of which are reflected in the stipulation (the “Stipulation”) attached as Exhibit 1 to the proposed form of order (the “Proposed Order”) annexed hereto as Exhibit A. The Debtors submit that the Stipulation and the Proposed Order are appropriate and consistent with the Parties’ discussions, and that entry of the Proposed Order is in the best interests of the Debtors, their estates and creditors.

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.

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
October 9, 2009

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ATTORNEYS FOR THE DEBTORS
AND DEBTORS-IN-POSSESSION

EXHIBIT A

Proposed Order

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

In re:

BUILDING MATERIALS HOLDING
CORPORATION, *et al.*,¹

Debtors.

Chapter 11

Case No. 09-12074 (KJC)

Jointly Administered

Ref. Docket Nos. 597, 664 and _____

**ORDER APPROVING STIPULATION BETWEEN THE DEBTORS
AND WEIS BUILDERS, INC. REGARDING MOTION FOR
ORDER GRANTING MODIFICATION OF THE AUTOMATIC STAY**

Upon consideration of the Stipulation between the Debtors and Weis Builders, Inc. Regarding Motion for Order Granting Modification of the Automatic Stay (the "Stipulation," a copy of which is attached hereto as Exhibit 1);² and it appearing that the Stipulation is in the best interests of the Debtors, their estates and creditors and other parties in interest; and upon the agreement of the Parties that a hearing on the Motion shall be held at the omnibus hearing currently scheduled in the Debtors' chapter 11 cases for November 19, 2009 at 11:00 a.m. (ET); and after due deliberation and sufficient cause appearing therefor, it is hereby:

ORDERED that the Stipulation is approved pursuant to section 105(a) and 362 of the Bankruptcy Code, and the terms and conditions of the Stipulation are incorporated in this Order by reference as if fully set forth herein; and it is further

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.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Stipulation.

ORDERED that this Court shall retain jurisdiction with respect to all matters arising from or related to the implementation or interpretation of this Order.

Dated: Wilmington, Delaware
October ____, 2009

Kevin J. Carey
Chief United States Bankruptcy Judge

EXHIBIT 1

Stipulation

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

In re:

BUILDING MATERIALS HOLDING
CORPORATION, *et al.*,¹

Debtors.

Chapter 11

Case No. 09-12074 (KJC)

Jointly Administered

Ref. Docket Nos. 597 and 664

**STIPULATION BETWEEN THE DEBTORS AND
WEIS BUILDERS, INC. REGARDING MOTION FOR ORDER
GRANTING MODIFICATION OF THE AUTOMATIC STAY**

Building Materials Holding Corporation and its affiliates, as debtors and debtors in possession (collectively, the “Debtors”) in the above-captioned cases, and Weis Builders, Inc. (“Weis,” and together with the Debtors, the “Parties”) hereby stipulate and agree (this “Stipulation”), as of October 8, 2009, pursuant to section 105(a) and 362 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”), as follows:

WHEREAS, on June 16, 2009, each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtors continue to operate their businesses and manage their property as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code;

WHEREAS, on September 11, 2009, Weis filed its Motion for Order Granting Modification of the Automatic Stay [Docket No. 597] (the “Motion”); and

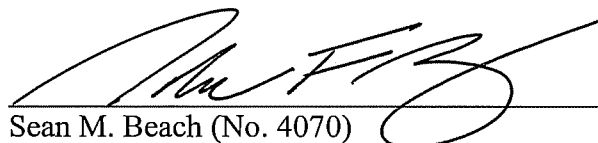
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WHEREAS, on September 25, 2009, the Debtors filed an objection [Docket No. 664] to the Motion.

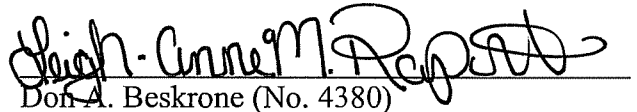
NOW, the Parties hereby stipulate and agree as follows:

1. The Parties hereby acknowledge and agree that, pursuant to section 362(e)(1) of the Bankruptcy Code, the automatic stay shall continue in effect pending the conclusion of a hearing and determination under section 362(d) of the Bankruptcy Code with respect to the relief requested in the Motion or upon further order of the Court.
2. The Parties hereby acknowledge and agree that this Stipulation may be executed by the Parties in counterparts, each of which shall be an original, with the same effect as if the signatures thereto were on the same instrument, and such counterparts shall be construed together as one instrument, and that facsimile, .pdf or other electronic signatures shall be deemed original signatures.

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ATTORNEYS FOR WEIS BUILDERS, INC.

- and -

Dated: 10/9/09

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