

AIKEN SCHENK HAWKINS & RICCIARDI P.C.
4742 North 24th Street, Suite 100
Phoenix, Arizona 85016
Telephone: (602) 248-8203
Facsimile: (602) 248-8840
Barbara Lee Caldwell (SBN #003246)
Email: blc@ashrlaw.com

Attorneys for Maricopa County

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

In Re:	Chapter 11 Proceedings
BUILDING MATERIALS HOLDING CORPORATION, et al.,	Case No. 1:09-bk-12074-KJC
Debtors.	Jointly Administered

**MARICOPA COUNTY'S OBJECTION TO DISCLOSURE STATEMENT WITH
RESPECT TO JOINT PLAN OF REORGANIZATION FOR THE DEBTORS UNDER
CHAPTER 11 OF THE BANKRUPTCY CODE AMENDED JULY 27, 2009**

[Docket No. 316]

Maricopa County, a secured tax lien creditor, by and through its undersigned counsel, hereby objects to approval of the Disclosure Statement with Respect to Joint Plan of Reorganization for the Debtors Under Chapter 11 of the Bankruptcy Code Amended July 27, 2009 (the "Disclosure Statement").

Maricopa County submitted for filing its Proof of Claim dated September 24, 2009 in the amount of \$68,302.02 representing the unpaid business personal property taxes for tax year 2009 on Parcels 901-11-467, 905-67-849 and 910-42-954. The taxes are secured liens that are "prior and superior to all other liens and encumbrances on the property." See, A.R.S. § 42-17153. Interest accrues on the afore-mentioned secured tax claims at the statutory rate of 16% per annum, if not timely paid. See, 11 U.S.C. § 511 and A.R.S. § 42-18053.

1 Maricopa County objects to the approval of the Disclosure Statement to the
2 extent that it fails to provide for the accrual of interest from the Petition Date at the
3 statutory rate of 16% per annum in accordance with 11 U.S.C. § 511 and A.R.S. § 42-
4 18053. In addition, the Disclosure Statement does not specify whether Secured Tax
5 Claimants fall under the Classification of "Other Secured Claims". Consequently, it is
6 unclear as to whether Debtors are attempting to classify Maricopa County's secured tax
7 claims as priority tax claims. Maricopa County objects to classification as a priority tax
8 claim. For these reasons, it appears that Debtor has failed to provide adequate
9 information for Maricopa County to make an informed decision as to where to oppose or
10 support Debtors' Joint Plan of Reorganization.

11 Based on the foregoing, Maricopa County respectfully requests that the Court
12 deny approval of the Disclosure Statement unless Debtor further amends the Disclosure
13 Statement to specifically provide that Maricopa County's Secured Tax Claims will be
14 paid in full plus interest accruing from the Petition Date at the statutory interest rate of
15 16% per annum.

16 RESPECTFULLY SUBMITTED this 15th day of October, 2009.

17
18 AIKEN SCHENK HAWKINS & RICCIARDI P.C.

19 BY: /s/ Barbara Lee Caldwell
20 BARBARA LEE CALDWELL
21 Attorney for Maricopa County

22 COPY of the foregoing mailed, or served
23 via electronic notification* or fax** or if so marked,
24 this 15th day of October, 2009, to:

24 United States Trustee
25 844 King Street, Room 2207
Lockbox #35
Wilmington, DE 19899-0035

Allison N. Cooper
Marks Colia & Finch LLP
8620 Spectrum Center Blvd. Suite 900
San Diego, CA 92123
Email: acooper@mgflp.com

Brian K. Cuttone
Brian K. Cuttone, Attorney at Law
1233 W. Shaw Avenue Suite 100
Fresno, CA 93711
Email: cheryl@realmediation.net

Donald J. Bowman, Jr.
Young, Conaway, Stargatt & Taylor
1000 West Street
17th Floor
Wilmington, DE 19801
Email: bankfilings@ycst.com

Robert F. Poppiti, Jr.
Young, Conaway, Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street 17th Floor
Wilmington, DE 19801
Email: bankfilings@ycst.com

Scott K. Brown
Lewis and Roca LLP
40 North Central Avenue
Suite 1900
Phoenix, AZ 85004
Email: sbrown@lrlaw.com

Sean Matthew Beach
Young, Conaway, Stargatt & Taylor
The Brandywine Building, 17th Floor
1000 West Street
PO Box 391
Wilmington, DE 19899
Email: bankfilings@ycst.com

/s/ Joanne Granville
