

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

IN RE: BUILDING MATERIALS HOLDING CORPORATION, et al., DEBTORS	§ § § § § §	CASE NO. 09-12074 (JOINTLY ADMINISTERED) CHAPTER 11
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TRAVIS COUNTY'S NOTICE WITHDRAWING
TRAVIS COUNTY'S OBJECTION TO JOINT PLAN OF REORGANIZATION FOR THE
DEBTORS UNDER CHAPTER 11 OF THE BANKRUPTCY CODE
AMENDED JULY 27, 2009

TO THE HONORABLE JUDGE OF SAID BANKRUPTCY COURT:

COMES NOW, Nelda Wells Spears, Travis County Tax Collector for and on behalf of the following taxing authorities: Travis County, City of Austin, Austin Independent School District, Austin Community College, and Travis County Hospital District (hereinafter the "Travis County"), by and through her attorney of record and files this Travis County's Notice Withdrawing Travis County's Objection to Joint Plan of Reorganization for the Debtors Under Chapter 11 of the Bankruptcy Code Amended July 27, 2009. In support thereof, Travis County would show that the Debtors have modified the Joint Plan of Reorganization to include treatment for secured tax claims under Classes 4(a)-(l) - Other Secured Claims of the Plan. Furthermore, the Debtors' have modified the language in Article IV.4.4.2 of the Joint Amended Plan of Reorganization, the plan now specifies that "Allowed Secured Tax Claims may be treated in accordance with the terms set for in section 1129(a) (9) (D) of the Bankruptcy Code and any interest required to be paid on

Allowed secured tax claims will be paid in accordance with section 511 of the Bankruptcy Code.” Therefore, Travis County no longer urges its objection.

WHEREFORE, PREMISES CONSIDERED, Travis County respectfully withdraws Travis County’s Objection to Joint Plan of Reorganization for the Debtors Under Chapter 11 of the Bankruptcy Code Amended July 27, 2009.

Respectfully submitted,

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By: /s/ Karon Y. Wright
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CERTIFICATE OF SERVICE

I, Karon Y. Wright, Assistant County Attorney, hereby certify that a true and correct copy of the foregoing **Travis County's Notice Withdrawing Travis County's Objection to Joint Plan of Reorganization for the Debtors Under Chapter 11 of the Bankruptcy Code Amended July 27, 2009**, has been sent to all interested parties registered for electronic service with the U. S. Bankruptcy Clerk's Office on or about the time this document was electronically filed with the Clerk on this **10th** day of **November 2009** and mailed by United States First Class Mail to any party listed below that is not registered.

/s/ Karon Y. Wright

DEBTORS' ATTORNEY

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U.S. TRUSTEE

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