

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

IN RE:)	Chapter 11
)	
BUILDING MATERIALS HOLDING)	Case No. 09-12075 (09-12074 KJC)
CORPORATION, <i>et al.</i> ,)	
)	Jointly Administered
Debtors.)	
)	

OBJECTION TO DEBTORS' FIRST OMNIBUS (NON-SUBSTANTIVE) OBJECTION TO
CLAIMS PURSUANT TO SECTION 502(B) OF THE BANKRUPTCY CODE,
BANKRUPTCY RULES 3003 AND 3007 AND LOCAL RULE 3007-1.

W&F Manufacturing, Inc., as Creditor, hereby submits this objection to the disputed claims No. 2614 and 2615 under Case No. 09-12075, and request that these claims be reclassified as Allowed Priority Claims. These claims are included on Debtors' First Omnibus (non-substantive) Objection to claims pursuant to section 502(b) of the bankruptcy code, bankruptcy rules 3003 and 3007 and local rule 3007-1.

REASONS AGAINST DISALLOWANCE OF CLAIMS

1. W&F Manufacturing, Inc. requests that the Court allow our claims received September 14, 2009 under the premise of excusable neglect under Federal Rule of Bankruptcy Procedure 9006(b)(1). Under the U.S. Supreme Court's framework in *Pioneer Inv. Servs. Co. V. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380 (1993), if the reason for the late filed claim was excusable neglect of the claimant, the Court may allow the claim. The individual filing the proof of claim on behalf of W&F Manufacturing, Inc. was out of the office for extended periods during the three weeks up to and including the deadline for filing proofs of claim. Unfortunately this individual was at home caring for two sick children diagnosed by their doctor as suffering from H1N1 flu symptoms, including a fever that reoccurred over the course of that three-week period. The claim was unfortunately neglected in a file during this period. As soon as the claims and filing requirement were rediscovered, the claims were mailed in good faith that same day.
2. W&F Manufacturing, Inc. requests that the Court allow our claims received September 14, 2009 due to the fact that the above referenced claims No. 2614 and 2615 were originally included in the Schedules and were known to all parties of interest, and would have been included in the original reserve values. These claims were received two weeks after the original bar date for filing claims, and should not have a significant impact on the proceedings under this case or prejudice the Debtor. The only change is the classification of the claim from an unsecured to a priority claim. The Debtor has made no objection to the priority status or the amount of our claims.

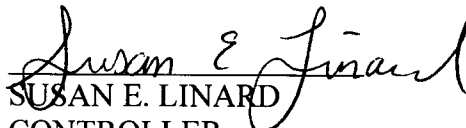
3. Omnibus objection to our claims should not be allowed due to local rule 3007-1(c) as our late filed claims are not considered to have been filed. "If a claim has been scheduled on the debtor's schedules of liabilities and is not listed as disputed, contingent or unliquidated and a proof of claim has not been filed under Fed. R. Bankr. P. 3003, 3004 and/or 3005, the debtor may not object to the claim. Instead, the debtor must amend the schedules under Fed. R. Bankr. P. 1009 and provide notice as required by Local Rule 1009-2."

4. W&F Manufacturing, Inc. requests that the Court allow our claims received September 14, 2009 due to the meager amount of our claims. The dollar amounts of the claims No. 2614 and 2615 are fully documented as and were originally scheduled at \$386.46 and \$10.67, respectively. These amounts are meager in comparison to the total claims. Accordingly, while they are of interest to W&F Manufacturing, Inc., they will have no material impact on the other Creditors or claims.

5. W&F Manufacturing, Inc. requests that the Court allow our claims received September 14, 2009 due to the fact that according to the "Amended Schedules Bar Date" provision of the Bar Date Order, we have 30 days after the time the amended schedules with respect to our claims were served to us to file proof of claim or amend any previously filed proof of claim. "If, on or after the date on which the Debtors serve this Notice, the Debtors amend or supplement their schedules . . . (ii) to change the nature or characterization of a claim . . . or (iii) to add a new claim to the Schedules, the affected claimant is required to file a proof of claim or amend any previously filed proof of claim in respect of the amended scheduled claim so that the proof of claim is actually received by GCG on or before the later of . . . (y) 30 days after the claimant is served with notice of the applicable amendment or supplement to the Schedules."

6. W&F Manufacturing, Inc. requests that the Court allow our claims received September 14, 2009 due to the fact that we are a 503(b)(9) claimant that provided goods to the debtor within 20 days before the date of commencement of this case in which the goods have been sold to the debtor in the ordinary course of the debtor's business. We are a small company, and a single-source supplier of goods necessary to BMC West. We have continued to supply goods each month to BMC West with open terms in the ordinary course of business both pre- and post-petition. Failure to receive payment of our pre-petition debt may impair our ability to continue selling to BMC West in the ordinary course of business.

NOVEMBER 9, 2009


SUSAN E. LINARD
CONTROLLER
W&F MANUFACTURING, INC.
P O BOX 30
GLENDALE CA 91209-0030
(818) 394-6060

01101238

BMC0271491943



UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

PROOF OF CLAIM

Name of Debtor (Check Only One):

☐ Building Materials Holding Corporation☒ BMC West Corporation☐ SelectBuild Construction, Inc.☐ SelectBuild Northern California, Inc.☐ Illinois Framing, Inc.☐ C Construction, Inc.

Case No.

09-12074

09-12075

09-12076

09-12077

09-12078

09-12079

Name of Debtor

☐ TWF Construction, Inc.☐ H.N.R. Framing Systems, Inc.☐ SelectBuild Southern California, Inc.☐ SelectBuild Nevada, Inc.☐ SelectBuild Arizona, LLC☐ SelectBuild Illinois, LLC

Case No.

09-12080

09-12081

09-12082

09-12083

09-12084

09-12085

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case, except for purposes of asserting an administrative expense under 11 U.S.C. § 503(b)(9) (see Item 6 below). All other requests for payment of an administrative expense should be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the Debtor owes money or property): W&F MANUFACTURING, INC.

Name and address where notices should be sent:

W&F MANUFACTURING, INC.
P.O. BOX 30
GLENDALE, CA 91209-0030

Telephone number:

Email Address:

☐ Check this box to indicate that this claim amends a previously filed claim.

Court Claim Number: _____
(If known)

Filed on: _____

Name and address where payment should be sent (if different from above):

☐ Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

☐ Check this box if you are the Debtor or trustee in this case.

Telephone number:

(818) 374-6060

1. Amount of Claim as of Date Case Filed:

\$ 10.67

If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. If your claim is asserted pursuant to 11 U.S.C. § 503(b)(9), complete item 6.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.

2. Basis for Claim:

Goods sold

(See instruction #2 on reverse side.)

3. Last four digits of any number by which creditor identifies Debtor:

NONE

3a. Debtor may have scheduled account as:

(See instruction #3a on reverse side.)

4. Secured Claim (See instruction #4 on reverse side.)

Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: ☐ Real Estate ☐ Motor Vehicle ☐ Equipment ☐ Other

Value of Property: \$ _____ Annual Interest Rate: %

Amount of arrearage and other charges as of time case filed included in secured claim,

if any: \$ _____ Basis for perfection: _____

Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____

6. Claim Pursuant to 11 U.S.C. § 503(b)(9):

Indicate the amount of your claim arising from your provision of goods sold to a Debtor in the ordinary course of the Debtor's business in the 20 days before June 16, 2009: Attach documentation supporting such claim. \$ 10.67

7. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

8. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction #8 and definition of "redacted" on reverse side.)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain in an attachment.

Date:

8/31/09

Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

Susan Linard, Controller

Your Claim is Scheduled As Follows:

BMC WEST CORPORATION

Unsecured: \$10.67

If an amount is identified above, you have a claim scheduled by one of the Debtors as shown. Please review the Bar Date Notice to determine whether you must file a proof of claim to preserve your rights. The Bar Date Notice is available online at www.bmlcrestructuring.com or upon request at the address on the back of this form.

THIS SPACE IS FOR COURT USE ONLY

5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

Specify the priority of the claim.

- ☐ Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).
- ☐ Wages, salaries, or commissions (up to \$10,950) earned within 180 days before filing of the bankruptcy petition or cessation of the Debtor's business, whichever is earlier – 11 U.S.C. § 507(a)(4).
- ☐ Contributions to an employee benefit plan – 11 U.S.C. § 507(a)(5).
- ☐ Up to \$2,425 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507(a)(7).
- ☐ Taxes or penalties owed to governmental units – 11 U.S.C. § 507(a)(8).
- ☐ Other – Specify applicable paragraph of 11 U.S.C. § 507(a)(). [Note: Do not include Section 503(b)(9) Claims here.]

Amount entitled to priority:

\$ _____

FOR COURT USE ONLY

1. $\mathcal{A} = \mathcal{A}^{\text{top}} \cup \mathcal{A}^{\text{bot}} \cup \mathcal{A}^{\text{mid}}$ and $\mathcal{A}^{\text{top}}, \mathcal{A}^{\text{bot}}, \mathcal{A}^{\text{mid}} \in \mathcal{A}(\mathcal{A})$.

2010 RELEASE UNDER E.O. 13526
 AUTHORITY: 5 U.S.C. 552
 DATE: 2010-07-26

01/19/2000



Proof of Delivery

Dear Customer,
This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1Z9166780341593635
Reference Number(s): 50586
Service: GROUND
Weight: 1.00 Lb
Shipped/Billed On: 06/02/2009
Delivered On: 06/05/2009 10:43 A.M.
Delivered To: 425 AIRLINE DR
COPPELL, TX, US 75019
Signed By: AUGHAN

Location: FRONT DESK

Thank you for giving us this opportunity to serve you.

Sincerely,

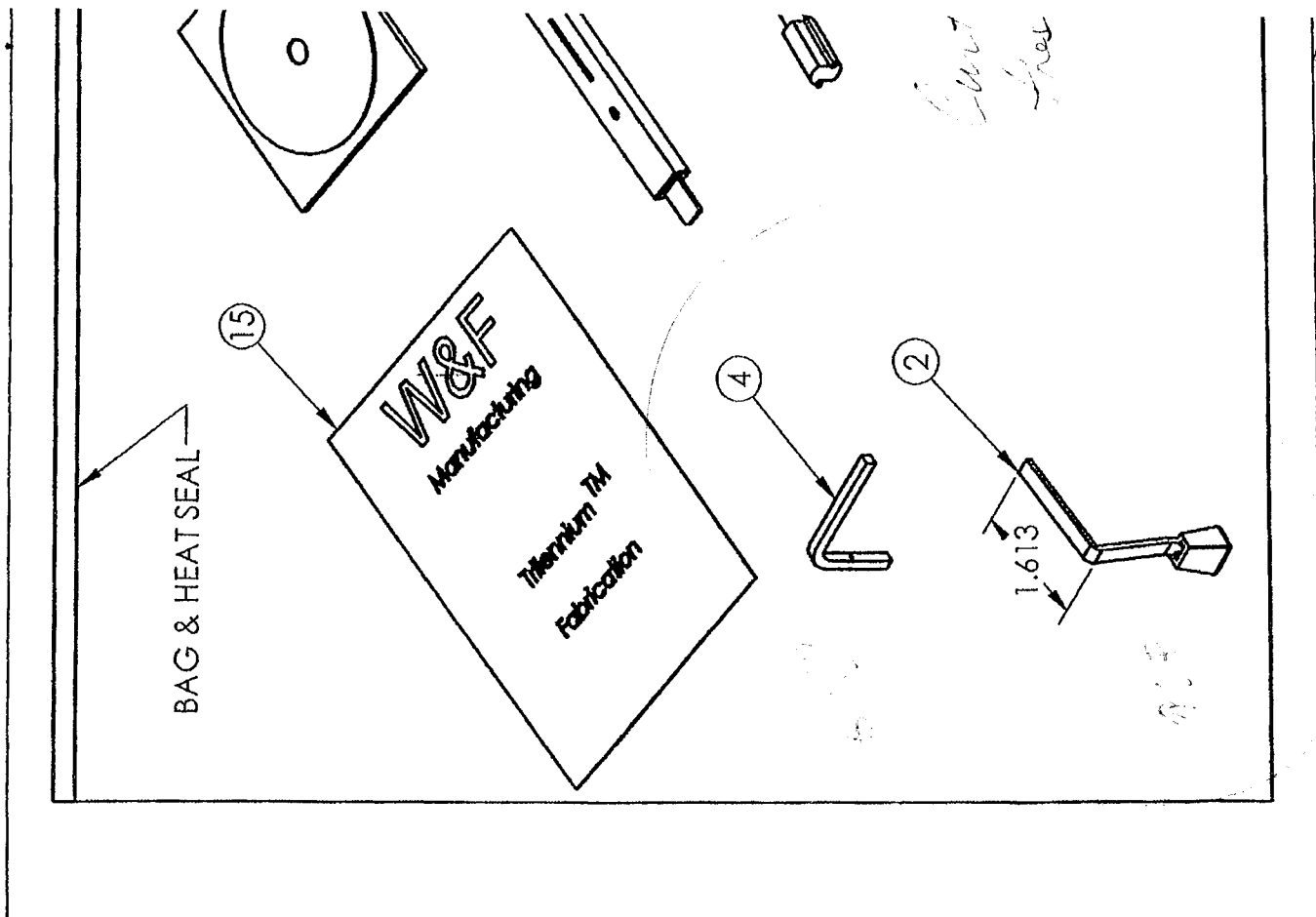
UPS

Tracking results provided by UPS: 09/08/2009 12:43 P.M. ET

SALES ORDER FORM

Company BMC LTD
Address _____
City, State _____
Ship To _____
Attn _____
Address _____
City, State _____

P.O. # _____
Placed By _____
Order Date _____
Phone _____
Fax _____
Ship Via UPS _____
Requested Ship Date _____

[illegible]

01101239

BMC0271492040



UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

PROOF OF CLAIM

Name of Debtor (Check Only One):

☐ Building Materials Holding Corporation☒ BMC West Corporation☐ SelectBuild Construction, Inc.☐ SelectBuild Northern California, Inc.☐ Illinois Framing, Inc.☐ C Construction, Inc.

Case No.

09-12074

09-12075

09-12076

09-12077

09-12078

09-12079

Name of Debtor

☐ TWF Construction, Inc.☐ H.N.R. Framing Systems, Inc.☐ SelectBuild Southern California, Inc.☐ SelectBuild Nevada, Inc.☐ SelectBuild Arizona, LLC☐ SelectBuild Illinois, LLC

Case No.

09-12080

09-12081

09-12082

09-12083

09-12084

09-12085

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case, except for purposes of asserting an administrative expense under 11 U.S.C. § 503(b)(9) (see Item 6 below). All other requests for payment of an administrative expense should be filed pursuant to 11 U.S.C. § 503.

Name of Creditor (the person or other entity to whom the Debtor owes money or property): W&F MANUFACTURING, INC.

Name and address where notices should be sent:

W&F MANUFACTURING, INC.

P.O. BOX 30

GLENDALE, CA 91209-0030

Telephone number:

Email Address:

☐ Check this box to indicate that this claim amends a previously filed claim.

Court Claim Number: _____
(If known)

Filed on: _____

Name and address where payment should be sent (if different from above):

☐ Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.

☐ Check this box if you are the Debtor or trustee in this case.

Telephone number: (818) 394-6060

Your Claim is Scheduled As Follows:

BMC WEST CORPORATION

Unsecured: \$386.46

If an amount is identified above, you have a claim scheduled by one of the Debtors as shown. Please review the Bar Date Notice to determine whether you must file a proof of claim to preserve your rights. The Bar Date Notice is available online at www.bmhcrestructuring.com or upon request at the address on the back of this form.

THIS SPACE IS FOR COURT USE ONLY

1. Amount of Claim as of Date Case Filed:

\$ 386.46

If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. If your claim is asserted pursuant to 11 U.S.C. § 503(b)(9), complete item 6.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.

2. Basis for Claim:

Goods sold

(See instruction #2 on reverse side.)

3. Last four digits of any number by which creditor identifies Debtor:

HILLS

3a. Debtor may have scheduled account as:

(See instruction #3a on reverse side.)

4. Secured Claim (See instruction #4 on reverse side.)

Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff: ☐ Real Estate ☐ Motor Vehicle ☐ Equipment ☐ Other
Describe:

Value of Property: \$ _____ Annual Interest Rate: %

Amount of arrearage and other charges as of time case filed included in secured claim,

if any: \$ _____ Basis for perfection: _____

Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____

6. Claim Pursuant to 11 U.S.C. § 503(b)(9):

Indicate the amount of your claim arising from your provision of goods sold to a Debtor in the ordinary course of the Debtor's business in the 20 days before June 16, 2009: 386.46
Attach documentation supporting such claim.

7. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

8. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction #8 and definition of "redacted" on reverse side.)

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If the documents are not available, please explain in an attachment.

5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.

Specify the priority of the claim.

- ☐ Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).
- ☐ Wages, salaries, or commissions (up to \$10,950) earned within 180 days before filing of the bankruptcy petition or cessation of the Debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(4).
- ☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(5).
- ☐ Up to \$2,425 of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(7).
- ☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- ☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(). [Note: Do not include Section 503(b)(9) Claims here.]

Amount entitled to priority:

\$ _____

Date: 8/30/09

Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

Susan Lincoln, Controller

FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

Modified B10 (GCG) (12/08)

WIRE

11/11/01

11/11/01

11/11/01

SOLD TO:

ALL OTHERS ARE BY ORDER OF THE PURCHASER

SOME OF THE ABOVE ARE NOT IN STOCK
 QTY. 1000
 10/11/01

SOME OF THE ABOVE ARE NOT IN STOCK
 QTY. 1000
 10/11/01

11/11/01

TERMS		PURCHASE ORDER NO.		DATE		QTY.		FOR	
11/11/01		11/11/01		11/11/01		11/11/01		SIN VALLEY, CA	
CREDIT CHECK		11/11/01		11/11/01		11/11/01		11/11/01	
20107700		11/11/01		08/21/03					
QTY ORDERED	PART NUMBER	DESCRIPTION		QTY	SHIPPED	UNIT PRICE	TOTAL		
1	1000	1000		1	1	130.940	130.94		
1	1000	1000		1	1	210.540	210.54		
							241.48		
							1.00		
							242.48		

FAXED
6369

FAXED
 6349



Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1Z9166780343588049
Reference Number(s): 50583
Service: GROUND
Weight: 8.00 Lbs
Shipped/Billed On: 06/02/2009
Delivered On: 06/05/2009 11:01 A.M.
Delivered To: HILLSDALE
5210 E LAKE SAMMAMISH PKWY SE
ISSAQUAH, WA, US 98029
Signed By: NARVONI

A handwritten signature in black ink, appearing to read "Paul Narvoni".

Location: RECEIVER

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 09/08/2009 12:44 P.M. ET



BMC WEST MILLWORK
5210 E LAKE SAMMAMISH PKWY SE
ISSAQUAH, WA 98029

PURCHASE ORDER

TAKEN BY	P.O. DATE	ORDER NO.	PAGE
ckl -rr	06/01/09	7253-2442312 40	
PRINT DATE TIME AND BY	STAGE	SCHEDULE	
06/01/09 14:41 ckl	Prt	Ship Complete	

DOCUMENT: PURCHASE ORDER

VEND #: 94746 0

SELLER: W&F MANUFACTURING INC
PO BOX 30

GLENDALE, CA 91209-0030
PHONE: (818)394-6060/

FAX: 818-394-6050

INVOICE TO: BMC WEST BUILDING MATERIALS
PO BOX 70006

BOISE, ID 83707-0106

SHIP TO: BMC WEST MILLWORK
5210 E LAKE SAMMAMISH PKWY SE
ISSAQUAH, WA 98029

INSTRUCTIONS	SHIP VIA
ATTN: DALE	UPS
REFERENCE	TERMS
CL	AP 1/10 N 30
	DUE DATE
	06/10/09

LINE NO	PRODUCT AND DESCRIPTION	QUANTITY ORDERED	QUANTITY U/M	UNIT PRICE	PRICE U/M	AMOUNT (NET)
1	*-9572175-001-019 6/8 3000-1-1001 THREE POINT LOCK ASSEMBLY WF #3 BRIGHT BRASS Tied OE Order# 9572175-00 Customer Name: BMC MILLWORK CASH ACCOUNT LH ✓	1	each	150.00	each	150.00
2	*-9603472-001 WF BRIGHT BRASS ECLIPSE GRIP HANDLE LEFT HAND #1500-125-1100 Tied OE Order# 9603472-00 Customer Name: BMC MILLWORK CASH ACCOUNT LH ✓	1	each	233.00	each	233.00
2	Lines Total	Qty Shipped Total:	2	Purchase Total:		383.00
				Add-ons Total:		0.00
				Po Total plus Add-ons:		383.00

includes some freight in my costs

138.98

218.50

Please fax Confirmation to
425-557-0109

6357.48

Last Page

CONFIRMATION REQUIRED FROM VENDOR	Yes
BUYER	CYNTHIA LEFFINGWELL 7253
EXPECT MULTIPLE INVOICES	no
SIGNATURE	