

November 17, 2009

Clerks Office
824 N. Market Street, 3rd Floor
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RE: Case No. 09-12074 (KJC)

To Whom It May Concern:

My name is William H. Milligan and I am a senior concerned about my future. I read the new Disclosure Statement that awards unsecured creditors like me approximately 12.1% of what was originally due to me. You can imagine my shock to learn that my "recovery rate" was now being reduced from 55.2% indicated in the Debtor's original Disclosure Statement from June, 2009. I had been employed with SelectBuild-BMHC for over 20 ½ years. My employment was terminated on February 19, 2009 about three months shy of my 60th birthday.

I am writing this letter to you (the Judge overseeing Case No. 09-12074) to voice **my disagreement with the recovery amount for class 6C claims** in new the Disclosure Statement for the Joint Plan of Reorganization for the Debtors that was recently approved. At this point I have no choice but to accept the plan because I am terrified that if I do not accept this plan, I will get nothing. The law may indicate that what is being done is perfectly legal including the treatment of the unsecured class, but in my view, it doesn't make it right.

I am asking the Judge in this case (No. 09-12074) to intervene and make things right or least a bit more equitable and fair.

Through my research of the Disclosure Statement, the Plan, and previous 10K filings, I am almost certain that the one party not being too "harmed" by this case is the Lender Group. Not only did this group make a ton of money from fees associated with covenant defaults and debt restructuring, but it also received approximately \$50 Million of the \$56 Million tax refund it obtained from the amendment of previous years tax returns just 2 months before the Company filed a petition for Bankruptcy. While the Lender group may be at risk with the Company, most of the amount at risk is secured. And now, with President Obama signing into law "HR-3458 'Worker, Homeownership, and Business Assistance Act of 2009'", the Company will be able to amend the tax returns for an additional two years that could generate a tax refund of up to an additional \$40 Million most of which will likely go towards the Lender Group. **Couldn't some of this money go towards improving the recovery rate to unsecured creditors? I think it can and I think it should.**

I have served my country honorably in my younger years and worked the balance of my years in construction until this past year. I always believed that the purpose of a Bankruptcy proceeding was to "freeze" things for the Company so that it could work with BOTH secured and unsecured creditors on a plan to move forward while coming to terms on the past. From an unsecured creditor perspective, where have we come to terms? How have we come to terms?

I am requesting, on behalf of myself and all of my fellow unsecured creditors, that the Judge in this case “balance the scales of justice” and intervene to ensure that the unsecured creditors, and in particular class 6C, is helped in terms of improving our recovery rate, and at the very least, consider the impending tax refund that will be forthcoming to the Debtors. You see, as I mentioned earlier, most of us understand the Disclosure Statement but we feel like there is a “gun to head” because, at my age, I need every bit of income I can get.

I am also asking that if any of my fellow unsecured creditors think the same as I do that they let themselves be heard from by writing similar letters to the Judge.

Sincerely,



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