

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:) Chapter 11
)
BUILDING MATERIALS HOLDING) Case No. 09-12074 (KJC)
CORPORATION, et al.,)
) Jointly Administered
)
Debtors.) Hearing Date: Nov. 19, 2009
_____)

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DECLARATION OF Eleazar Romero.

IN SUPPORT OF PROOF OF CLAIM AND IN RESPONSE
TO THE DEBTORS' FIRST OMNIBUS NON-SUBSTANTIVE OBJECTION

I, Eleazar Romero, hereby declare under penalty of
perjury and pursuant to 28 U.S.C. § 1746, as follows:

1. I am an adult resident of the State of
Arizona, and I make this declaration based on my
personal knowledge and in support of the Proof of Claim which I
submitted in this matter.

2. In my proof of claim, I seek approximately
\$ 84,600.00 for unpaid overtime and other wages which one
or more of the Debtors owes to me as a result of my employment.

3. I understand that the Debtors have objected to my
claim on the ground that the claim did not have sufficient
supporting documentation or facts. Declaration of Paul S.
Street, ¶ 8 and Exhibit D. This Declaration provides additional
facts to supplement my proof of claim.

4. From approximately Aug. 1995 to Aug. 9 2008, I was employed by Select Build Arizona as concrete worker. I believe that my employer has records of the dates of my employment; attached to this statement is paycheck stubs, proving that I did work there.

5. During my employment, it was the common practice of my employer to pay its workers, including me, on a piece rate system for each job. Under this system, we were not paid overtime for such work, and in many cases not paid even straight time for all of our work. In addition, we were not paid for breaks required by law.

6. Based on the length of my employment, and my calculation that I worked an average of 15 hours of unpaid overtime each week, I have determined that Select Build Arizona owes me approximately \$ 84,600.00 in overtime and other wages which were never paid.

7. I also worked with other employees who filed proofs of claim in this case for the same sort of unpaid wages, including: Guillermo Lopez Soto, Efrain Espinoza, Sergio Celaya, Oscar Manzano, Salvador Perez, Rodimiro Romero, Gonzalo Saucedo Roberto Saucedo, Francisco Leon, Martin Leon, Arturo Leon, Arturo Sanchez, Jesus M. Provencio. To the best of my knowledge, the company's practice toward my wages and hours was also applied to these individuals.

8. I live in Arizona, and am unable to travel to Delaware to participate in the hearing on the Debtors' objection. I respectfully ask the Court to deny the Debtors' objection at this point, and to permit my claim to be decided based on all the evidence, especially when the full records of my employment are in my employer's control.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 10, 2009.

Eleanor A. Romero

SelectBuild Arizona, LLC

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00	19.00	23.00 34.50	920.00	655.54					4-16 to 4-22-07
									TOTAL PAY
									1575.54
DEDUCTIONS THIS PERIOD									
FWH	88.36	MED	21.29	SOC	91.06	AZSWH	16.79	DENTAL	23.27
HEALTH	75.00	401k L	32.56	DD NET	1118.54	401K	78.78	AFLAC	8.65
AFLAC2	21.24								
									TOTAL DEDUCTIONS
									457.00
EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS						NET PAY
ELEAZAR ROMERO			GROSS	24015.19	FICA	1698.11	ESPP	.00	
00904			FWH	1190.86	SWH	226.25	401K	1200.77	.00

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SelectBuild Arizona, LLC

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
23.50		15.40	361.90						4-07 to 4-13-08
									TOTAL PAY
									361.90
DEDUCTIONS THIS PERIOD									
FWH	24.14	MED	4.92	SOC	21.02	AZSWH	6.04	DENTAL	1.94
HEALTH	20.89	DD NET	272.09	401K	10.86				
									TOTAL DEDUCTIONS
									89.81
EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS						NET PAY
LARRY H MENDEZ			GROSS	3897.35	FICA	652.71	V_BAL	.00	
04527			FWH	838.25	SWH	209.62	401K	266.91	.00

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Earnings Statement



SELECTBUILD ARIZONA LLC
PO BOX 70006
BOISE, ID 83707-0106

Period Beginning: 08/09/2008
Period Ending: 08/15/2008
Pay Date: 08/22/2008

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 11
AZ: Tax is 19% of Federal

ELEAZAR ROMERO
10308 W ENCANTO BLVD
AVONDALE AZ 85323

Social Security Number: XXX-XX-2383

Earnings	rate	hours	this period	year to date
Regular	20.4800	40.00	819.20	28,517.83
Overtime	30.7200	12.50	384.00	11,265.29
Holiday/Float				672.64
Paid Time Off				1,552.32
Gross Pay			\$1,203.20	42,008.08

Other Benefits and Information

	this period	total to date
Pre-Tax Ins Ded	74.75	299.00
401K Elig Wages	1,203.20	
401K Match-Er	12.03	420.10
Ytd Ot Hours		361.00
Ytd Reg Hours		1,349.00

Deductions	Statutory	
Federal Income Tax	-32.88	1,477.33
Social Security Tax	-69.42	2,428.69
Medicare Tax	-16.24	568.00
AZ State Income Tax	-6.25	280.69
Other		
Aflac Post Tax	-21.24	722.16
Aflac Pre Tax	-8.65*	294.10
Checking 1	-881.05	34,160.34
Dental	-8.58*	291.72
Medical	-66.17*	2,249.78
401K Deferral	-60.16*	2,100.42
401K Loan Pmnt	-32.56	130.24
Cell Phone		15.96
Net Pay		\$0.00

* Excluded from federal taxable wages

Your federal taxable wages this period are
\$1,059.64

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SELECTBUILD ARIZONA LLC
PO BOX 70006
BOISE, ID 83707-0106

Advice number: 00000340056
Pay date: 08/22/2008

Deposited to the account of	account number	transit ABA	amount
ELEAZAR ROMERO	9003125864	3221 7244	\$881.05

THIS IS NOT A CHECK

NON-NEGOTIABLE

Earnings Statement



SELECTBUILD ARIZONA LLC
PO BOX 70006
BOISE, ID 83707-0106

665-0010

Period Beginning: 08/23/2008
Period Ending: 08/29/2008
Pay Date: 09/05/2008

Taxable Marital Status: Single
Exemptions/Allowances:
Federal: 11
AZ: Tax is 19% of Federal

ELEAZAR ROMERO
10308 W ENCANTO BLVD
AVONDALE AZ 85323

Social Security Number: XXX-XX-2383

Earnings	rate	hours	this period	year to date
Regular	20.4800	40.00	819.20	30,156.23
Overtime	30.7200	4.50	138.24	12,017.93
Holiday/Float				672.64
Paid Time Off				1,552.32
Gross Pay			\$957.44	44,399.12

Other Benefits and Information

	this period	total to date
Pre-Tax Ins Ded	74.75	448.50
401K Elig Wages	957.44	
401K Match-Er	9.57	444.01
Ytd Ot Hours		385.50
Ytd Reg Hours		1,429.00

Deductions	Statutory	
Federal Income Tax	-3.48	1,546.52
Social Security Tax	-54.19	2,566.60
Medicare Tax	-12.67	600.25
AZ State Income Tax	-0.66	293.84
Other		
Aflac Post Tax	-21.24	764.64
Aflac Pre Tax	-8.65*	311.40
Checking 1	-701.37	35,904.93
Dental	-8.58*	308.88
Medical	-66.17*	2,382.12
401K Deferral	-47.87*	2,219.97
401K Loan Pmnt	-32.56	195.36
Cell Phone		15.96
Net Pay		\$0.00

* Excluded from federal taxable wages

Your federal taxable wages this period are \$826.17

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SELECTBUILD ARIZONA LLC
PO BOX 70006
BOISE, ID 83707-0106

Advice number: 00000360055
Pay date: 09/05/2008

Deposited to the account of
ELEAZAR ROMERO

account number *****5864
transit ABA
amount \$701.37

THIS IS NOT A CHECK

NON-NEGOTIABLE