

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  
 )

FILED  
2009 NOV 12 AM 10:09  
U.S. BANKRUPTCY COURT  
DISTRICT OF DELAWARE

DECLARATION OF Francisco Leon.

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

I, Francisco Leon, 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  
\$ 53,352.00 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 April 19, 1994 to Sept. 14, 2007, 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.

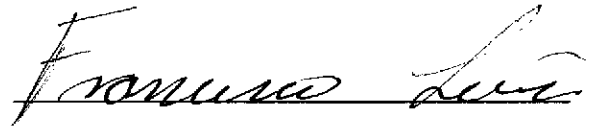
5. During my employment, it was the common practice of my employer to pay its workers, including me, on a piece rate system for each job. Under this system, we were not paid overtime for such work, and in many cases not paid even straight time for all of our work. In addition, we were not paid for breaks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

6. Based on the length of my employment, and my calculation that I worked an average of 12 hours of unpaid overtime each week, I have determined that Select Build Arizona owes me approximately \$ 53,352.00 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, Martin Leon, Eleazar Romero, 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.

A handwritten signature in cursive script, appearing to read "Francisco Luis", written over a horizontal line.

**SelectBuild Arizona, LLC**

HOURS		RATE	EARNINGS		OTHER PAY			DESCRIPTION	PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT		
40.00		18.50	740.10						7-30 to
	9.75	27.75		270.59					8-05-07
									TOTAL PAY
									1010.69

DEDUCTIONS THIS PERIOD										
FWH	58.53	MED	13.04	SOC	55.76	AZSWH	14.63	DENTAL	18.14	TOTAL DEDUCTIONS 354.68
HEALTH	75.00	VISION	2.90	401k L	36.66	DD NET	656.01	401K	60.64	
AFLAC	15.38	UNIFOR	4.00							

EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS					NET PAY
FRANCISCO LEON			GROSS	8805.00	FICA	596.87	ESPP	.00
00369			FWH	485.75	SWH	121.45	401K	528.30
								.00

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK IN PAPER. SEE BACK SIDE FOR OTHER SECURITY FEATURES

**SelectBuild Arizona, LLC**

SelectBuild Concrete  
7777 N 70th Avenue  
Glendale, AZ 85303  
(623) 487-4886

Wells Fargo Bank, N.A.  
115 Hospital Drive  
Van Wert, OH 45891

DATE
8-10-2007

DESCRIPTION	ACCOUNT NO	AMOUNT
DD NET	XXXXX4339	656.01

DEPOSITED FOR FRANCISCO LEON  
Employee #00369  
1420 W 4TH PLACE  
MESA, AZ 85201

NET PAY 656.01  
TOTAL DEPOSIT 656.01  
CHECK AMOUNT .00

DIRECT DEPOSIT NOTIFICATION

**SelectBuild Arizona, LLC**

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00		18.50	740.13						6-18 to 6-24-07
	10.00	27.75		277.51					
									TOTAL PAY
									1017.64

DEDUCTIONS THIS PERIOD									
FWH	59.51	MED	13.14	SOC	56.19	AZSWH	14.88	DENTAL	18.14
HEALTH	75.00	VISION	2.90	401k L	36.66	DD NET	660.78	401K	61.06
AFLAC	15.38	UNIFOR	4.00						
									TOTAL DEDUCTIONS
									356.86

EMPLOYEE INFORMATION		YEAR - TO - DATE TOTALS					NET PAY	
FRANCISCO	LEON	GROSS	3039.02	FICA	206.92	ESPP		.00
	00369	FWH	176.58	SWH	44.15	401K	182.35	.00

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7777 N 70th Avenue  
Glendale, AZ 85303  
(623) 487-4886

Wells Fargo Bank, N.A.  
115 Hospital Drive  
Van Wert, OH 45891

DATE  
6-29-2007

DESCRIPTION	ACCOUNT NO.	AMOUNT
DD NET	XXXXX4339	660.78

DEPOSITED FOR FRANCISCO LEON  
Employee #00369  
1420 W 4TH PLACE  
MESA, AZ 85201

NET PAY 660.78  
TOTAL DEPOSIT 660.78  
CHECK AMOUNT .00

**DIRECT DEPOSIT NOTIFICATION**

# SelectBuild Arizona, LLC

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD	
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION		
40.00		18.50	740.16						6-25 to	
	8.50	27.75		235.92					7-01-07	
									TOTAL PAY	
									976.08	
DEDUCTIONS THIS PERIOD										
FWH	53.66	MED	12.54	SOC	53.60	AZSWH	13.42	DENTAL	18.14	
HEALTH	75.00	VISION	2.90	401k L	36.66	DD NET	632.22	401K	58.56	
AFLAC	15.38	UNIFOR	4.00							
									TOTAL DEDUCTIONS	
									343.86	
EMPLOYEE INFORMATION				YEAR - TO - DATE TOTALS						NET PAY
FRANCISCO LEON				GROSS	4015.10	FICA	273.06	ESPP	.00	
00369				FWH	230.24	SWH	57.57	401K	240.91	
									.00	

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## SelectBuild Arizona, LLC

SelectBuild Concrete  
7777 N 70th Avenue  
Glendale, AZ 85303  
(623) 487-4886

Wells Fargo Bank, N.A.  
115 Hospital Drive  
Van Wert, OH 45891

DATE  
7-06-2007

DESCRIPTION	ACCOUNT NO.	AMOUNT
DD NET	XXXXXX4339	632.22

DEPOSITED FOR FRANCISCO LEON  
Employee #00369  
1420 W 4TH PLACE  
MESA, AZ 85201

NET PAY 632.22  
TOTAL DEPOSIT 632.22  
CHECK AMOUNT .00

DIRECT DEPOSIT NOTIFICATION

# SelectBuild Arizona, LLC

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00		18.50	740.09						7-16 to
	10.00	27.75		277.52					7-22-07
									TOTAL PAY
									1017.61
DEDUCTIONS THIS PERIOD									
FWH	59.51	MED	13.14	SOC	56.19	AZSWH	14.88	DENTAL	18.14
HEALTH	75.00	VISION	2.90	401k L	36.66	DD NET	660.75	401K	61.06
AFLAC	15.38	UNIFOR	4.00						
									TOTAL DEDUCTIONS
									356.86
EMPLOYEE INFORMATION				YEAR - TO - DATE TOTALS					NET PAY
FRANCISCO LEON				GROSS	6943.12	FICA	471.49	ESPP	.00
00369				FWH	391.17	SWH	97.81	401K	416.59
									.00

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(623) 487-4886

Wells Fargo Bank, N.A.  
115 Hospital Drive  
Van Wert, OH 45891

DATE  
7-27-2007

DESCRIPTION	ACCOUNT NO.	AMOUNT
DD NET	XXXXXX4339	660.75

DEPOSITED FOR FRANCISCO LEON  
Employee #00369  
1420 W 4TH PLACE  
MESA, AZ 85201

NET PAY 660.75  
TOTAL DEPOSIT 660.75  
CHECK AMOUNT .00

DIRECT DEPOSIT NOTIFICATION