

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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

DECLARATION OF Gamaliel Moreno.

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

I, Gamaliel Moreno, 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
\$ 27,450.00 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 Jan. 2005 to April 2008, I was employed by Select Build Arizona as form setter. 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.

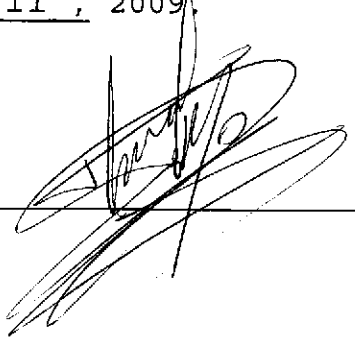
6. Based on the length of my employment, and my calculation that I worked an average of 10 hours of unpaid overtime each week, I have determined that Select Build Arizona owes me approximately \$ 27,450.00 in overtime and other wages which were never paid.

7. I also worked with other employees who filed proofs of claim in this case for the same sort of unpaid wages, including: Edgar Romo, Misael Carbajal, Jesus M. Romo. 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 11 , 2009.

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be "Harold P.".

Employee Reference Copy
W-2 Wage and Tax Statement 2008

OMB No. 1545-0008
Copy C for employee's records
d Control number 000453 74/566 Dept. 702010 Corp. T Employer use only 1138

c Employer's name, address, and ZIP code
SELECTBUILD ARIZONA LLC
720 PARK BL #200
BOISE ID 83712

Batch #01291

e/f Employee's name, address, and ZIP code
GAMALIEL MORENO
1655 W AJO WAY NO 380
EMPLOYEE NO 50014
TUCSON AZ 85713

b Employer's FED ID number 20-5650036	a Employee's SSA number 526-89-1120
1 Wages, tips, other comp. 7087.60	2 Federal income tax withheld 366.31
3 Social security wages 7087.60	4 Social security tax withheld 439.43
5 Medicare wages and tips 7087.60	6 Medicare tax withheld 102.77
7 Social security tips	8 Allocated tips
9 Advance EIC payment	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12
14 Other	12b 12c 12d
13 Stat emp Ret. plan 3rd party sick pay	
15 State Employer's state ID no. AZ 20-5650036	16 State wages, tips, etc. 7087.60
17 State income tax 69.55	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

This blue Earnings Summary section is included with your W-2 to help describe portions in more detail. The reverse side includes general information that you may also find helpful.

1. The following information reflects your final 2008 pay stub plus any adjustments submitted by your employer.

Gross Pay	7087.60	Social Security Tax Withheld Box 4 of W-2	439.43	AZ. State Income Tax Box 17 of W-2 SUI/SDI Box 14 of W-2	69.55
Fed. Income Tax Withheld Box 2 of W-2	366.31	Medicare Tax Withheld Box 6 of W-2	102.77		

2. Your Gross Pay was adjusted as follows to produce your W-2 Statement.

	Wages, Tips, other Compensation Box 1 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2	AZ. State Wages, Tips, Etc. Box 16 of W-2
Gross Pay	7,087.60	7,087.60	7,087.60	7,087.60
Reported W-2 Wages	7,087.60	7,087.60	7,087.60	7,087.60

3. Employee W-4 Profile. To change your Employee W-4 Profile Information, file a new W-4 with your payroll dept.

GAMALIEL MORENO
1655 W AJO WAY NO 380
EMPLOYEE NO 50014
TUCSON AZ 85713

Social Security Number: 526-89-1120
Taxable Marital Status: SINGLE
Exemptions/Allowances:
FEDERAL: 3
STATE: Tax is 19 % of Federal

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Fold and Detach Here

1 Wages, tips, other comp. 7087.60	2 Federal income tax withheld 366.31
3 Social security wages 7087.60	4 Social security tax withheld 439.43
5 Medicare wages and tips 7087.60	6 Medicare tax withheld 102.77
d Control number 000453 74/566	Dept. 702010 Corp. T Employer use only 1138
c Employer's name, address, and ZIP code SELECTBUILD ARIZONA LLC 720 PARK BL #200 BOISE ID 83712	
b Employer's FED ID number 20-5650036	a Employee's SSA number 526-89-1120
7 Social security tips	8 Allocated tips
9 Advance EIC payment	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12
14 Other	12b 12c 12d
13 Stat emp Ret. plan 3rd party sick pay	
e/f Employee's name, address and ZIP code GAMALIEL MORENO 1655 W AJO WAY NO 380 EMPLOYEE NO 50014 TUCSON AZ 85713	
15 State Employer's state ID no. AZ 20-5650036	16 State wages, tips, etc. 7087.60
17 State income tax 69.55	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

Federal Filing Copy
W-2 Wage and Tax Statement 2008
OMB No. 1545-0008
Copy B to be filed with employee's Federal income tax Return.

1 Wages, tips, other comp. 7087.60	2 Federal income tax withheld 366.31
3 Social security wages 7087.60	4 Social security tax withheld 439.43
5 Medicare wages and tips 7087.60	6 Medicare tax withheld 102.77
d Control number 000453 74/566	Dept. 702010 Corp. T Employer use only 1138
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15 State Employer's state ID no. AZ 20-5650036	16 State wages, tips, etc. 7087.60
17 State income tax 69.55	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

AZ. State Reference Copy
W-2 Wage and Tax Statement 2008
OMB No. 1545-0008
Copy 2 to be filed with employee's State income Tax Return.

Copy C—For EMPLOYEE'S RECORDS (See Notice to Employee on the back of Copy B.)		41-0852411 OMB No. 1545-0008	
a Employee's soc. sec. no. 526-89-1120	1 Wages, tips, other comp. 28812.25	2 Federal income tax withheld 2029.88	
b Employer ID number (EIN) 20-5650036	3 Social security wages 28812.25	4 Social security tax withheld 1786.36	
	5 Medicare wages and tips 28812.25	6 Medicare tax withheld 417.78	
c Employer's name, address, and ZIP code SelectBuild Arizona, LLC 7777 N 70th Avenue Glendale AZ 85303			
d Control number 1502			
e Employee's name, address, and ZIP code Suff. GAMALIEL MORENO 1655 W. AJO WAY #380 Employee #50014 TUCSON AZ 85713			
7 Social security tips	8 Allocated tips	9 Advance EIC payment	
10 Dependent care benefits	11 Nonqualified plans	12a Code See inst. for box 12	
13 Statutory employee	14 Other	12b Code	
Retirement plan		12c Code	
Third-party sick pay		12d Code	
AZ 20-5650036	28812.25	385.71	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Form W-2 Wage and Tax Statement **2007** Dept. of the Treasury -- IRS
This information is being furnished to the IRS. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.

Copy 2—To Be Filed With Employee's State, City, or Local Income Tax Return.		41-0852411 OMB No. 1545-0008	
a Employee's soc. sec. no. 526-89-1120	1 Wages, tips, other comp. 28812.25	2 Federal income tax withheld 2029.88	
b Employer ID number (EIN) 20-5650036	3 Social security wages 28812.25	4 Social security tax withheld 1786.36	
	5 Medicare wages and tips 28812.25	6 Medicare tax withheld 417.78	
c Employer's name, address, and ZIP code SelectBuild Arizona, LLC 7777 N 70th Avenue Glendale AZ 85303			
d Control number 1502			
e Employee's name, address, and ZIP code Suff. GAMALIEL MORENO 1655 W. AJO WAY #380 Employee #50014 TUCSON AZ 85713			
7 Social security tips	8 Allocated tips	9 Advance EIC payment	
10 Dependent care benefits	11 Nonqualified plans	12a Code	
13 Statutory employee	14 Other	12b Code	
Retirement plan		12c Code	
Third-party sick pay		12d Code	
AZ 20-5650036	28812.25	385.71	
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	


Form W-2 Wage and Tax Statement **2007** Dept. of the Treasury -- IRS
FORM L4UP

Copy C For EMPLOYEE'S RECORDS (See Notice to Employee on back of Copy B.)		2006		OMB No. 1545-0008
a Control number	1 Wages, tips, other comp.	2 Federal income tax withheld		
	27876.25	1896.71		
9	3 Social security wages	4 Social security tax withheld		
	27876.25	1728.33		
b Employer ID number (EIN)	5 Medicare wages and tips	6 Medicare tax withheld		
20-0897874	27876.25	404.21		
c Employer's name, address, and ZIP code				
TBA Materials, LLC dba BBP Concrete Tucson Company 7777 N 70th Avenue Glendale AZ 85303				
d Employee's social security number				
526-89-1120				
e Employee's name, address, and ZIP code Suff.				
GAMALIEL MORENO Employee #50014 1655 W. AJO WAY #380 TUCSON AZ 85713				
7 Social security tips	8 Allocated tips	9 Advance EIC payment		
10 Dependent care benefits	11 Nonqualified plans	12a Code See inst. for box 12		
13 Statutory employee	14 Other	12b Code		
Retirement plan		12c Code		
Third-party sick pay		12d Code		
AZ	20-0897874	27876.25	360.37	
15 State Employer's state I.D. #	16 State wages, tips, etc.	17 State income tax		
18 Local wages, tips, etc.	19 Local income tax	20 Locality name		

Form W-2 Wage and Tax Statement 41-1628061 Dept. of the Treasury - IRS
This information is being furnished to the IRS. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.

Copy 2 To Be Filed With Employee's State, City, or Local Income Tax Return.		2006		OMB No. 1545-0008
a Control number	1 Wages, tips, other comp.	2 Federal income tax withheld		
	27876.25	1896.71		
9	3 Social security wages	4 Social security tax withheld		
	27876.25	1728.33		
b Employer ID number (EIN)	5 Medicare wages and tips	6 Medicare tax withheld		
20-0897874	27876.25	404.21		
c Employer's name, address, and ZIP code				
TBA Materials, LLC dba BBP Concrete Tucson Company 7777 N 70th Avenue Glendale AZ 85303				
d Employee's social security number				
526-89-1120				
e Employee's name, address, and ZIP code Suff.				
GAMALIEL MORENO Employee #50014 1655 W. AJO WAY #380 TUCSON AZ 85713				
7 Social security tips	8 Allocated tips	9 Advance EIC payment		
10 Dependent care benefits	11 Nonqualified plans	12a Code		
13 Statutory employee	14 Other	12b Code		
Retirement plan		12c Code		
Third-party sick pay		12d Code		
AZ	20-0897874	27876.25	360.37	
15 State Employer's state I.D. #	16 State wages, tips, etc.	17 State income tax		
18 Local wages, tips, etc.	19 Local income tax	20 Locality name		

Form W-2 Wage and Tax Statement 41-1628061 Dept. of the Treasury - IRS
FORM L4UP

a Control number		OMB No. 1545-0008		Safe, accurate, FAST! Use 		Visit the IRS website at www.irs.gov/efile .	
b Employer identification number (EIN) 90-0062297				1 Wages, tips, other compensation 17034.50		2 Federal income tax withheld 988.93	
c Employer's name, address, and ZIP code BBP CONCRETE CO TUCSON 7777 N. 70TH AVENUE GLENDALE, AZ 85303				3 Social security wages 17034.50		4 Social security tax withheld 1056.12	
				5 Medicare wages and tips 17034.50		6 Medicare tax withheld 246.99	
				7 Social security tips .00		8 Allocated tips .00	
				9 Advance EIC payment .00		10 Dependent care benefits .00	
d Employee's social security number 526-89-1120				11 Nonqualified plans .00		12a See instructions for box 12	
e Employee's name, address, and ZIP code GAMALIEL MORENO 1200 E. BILBY RD. UNIT# 24 TUCSON AZ 85706				13 Statutory employee <input type="checkbox"/> Retirement plan <input type="checkbox"/> Third-party sick pay <input type="checkbox"/>		12b	
				14 Other		12c	
						12d	
15 State Employer's state ID number AZ 007-640245-P		16 State wages, tips, etc. 17034.50		17 State income tax 187.90		18 Local wages, tips, etc.	
						19 Local income tax	
						20 Locality name	

Form **W-2** Wage and Tax
Statement

2005

Department of the Treasury—Internal Revenue Service

Copy B—To Be Filed With Employee's FEDERAL Tax Return.
This information is being furnished to the Internal Revenue Service.

FORM LW2B