

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

FILED
2009 NOV 12 AM 11:26
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
)

DECLARATION OF Manuel G Hernandez Bandilla

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

I, Manuel G. Hernandez Bandilla 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
Nevada, 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
\$ 47,502.00 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 9-20-04 to 11-11-09, I was employed by Select Build Nevada as Stucco.

I believe that my employer has records of the dates of my employment; attached to this statement is a **paystub**, 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 owes me approximately \$ 47,502.00 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:

Armando Aguilar.

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 Nevada, 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 11-11, 2009.

Manuel G Bondilla

Earnings Statement



048-0007



SELECTBUILD NEVADA INC.
 PO BOX 70006
 BOISE, ID 83707-0106

Period Beginning: 10/15/2009
 Period Ending: 10/21/2009
 Pay Date: 10/30/2009

Taxable Marital Status: Married
 Exemptions/Allowances:
 Federal: 0
 NV: No State Income Tax

MANUEL BANDILLA-HERNANDEZ
 1404 PYRAMID DR.
 LAS VEGAS NV 89108

Social Security Number: XXX-XX-9098

Earnings	rate	hours	this period	year to date
Piecework		14.50	232.00	14,048.00
Gross Pay			\$232.00	14,048.00

Other Benefits and Information	this period	total to date
401K Elig Wages	232.00	

Deductions	Statutory		
	Social Security Tax	-14.39	870.98
	Medicare Tax	-3.37	203.70
	Federal Income Tax		399.50
Net Pay		\$214.24	

Your federal taxable wages this period are \$232.00

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New-
 Add. 4316 SNEAD DR 89107
 Las Vegas NV.