

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  
)

DECLARATION OF

Salvador Bandillo

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

I, Salvador Bandillo, 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  
\$ 22,950.00 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 09/20/04 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 1.4 hours of unpaid overtime each week, I have determined that Select Build Nevada owes me approximately \$ 22,950.00 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:

Inocente 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.

Salvador Bandoille H22

CO. FILE DEPT. CLOCK NUMBER  
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040-0007

SELECTBUILD NEVADA INC.

PO BOX 70006

BOISE, ID 83707-0106



## Earnings Statement



Period Beginning: 10/22/2009

Period Ending: 10/28/2009

Pay Date: 11/06/2009

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

SALVADOR BANDILLA-HDZ  
1404 PYRAMID DR 119  
LAS VEGAS NV 89108

Social Security Number: XXX-XX-2534

Earnings	rate	hours	this period	year to date
Piecework		27.00	351.00	11,390.50
<b>Gross Pay</b>			<b>\$351.00</b>	11,390.50

Other Benefits and Information	this period	total to date
401K Elig Wages	351.00	

Deductions	Statutory	
Federal Income Tax	-28.84	800.72
Social Security Tax	-21.76	706.21
Medicare Tax	-5.09	165.16
<b>Net Pay</b>	<b>\$295.31</b>	

Your federal taxable wages this period are \$351.00

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