

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

INOCENTE AVILAN

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

I, INOCENTE AVILAN 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
\$ 36,480 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 06-01-04 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 10 WEEK hours of unpaid overtime each week, I have determined that SELECT BUILD NEVADA owes me approximately \$ 36,480 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:

Salvador Vaudilla.

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, 2009.

Inocente Aguilar

CO. 554 FILE 000073 DEPT. 702010 CLOCK NUMBER 894 0000248847 1
00000206

048-0007

Earnings Statement



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



Period Beginning: 07/30/2009
Period Ending: 08/05/2009
Pay Date: 08/14/2009

Taxable Marital Status: Married
Exemptions/Allowances:
Federal: 6
NV: No State Income Tax

INOCENTE AGUILAR
1816 INGRAHAM STREET
N LAS VEGAS NV 89030

Social Security Number: XXX-XX-1131

Earnings	rate	hours	this period	year to date
Piecework		15.00	248.00	9,336.00
Gross Pay			\$248.00	9,336.00

Other Benefits and Information	this period	total to date
401K Elig Wages	248.00	

Deductions	Statutory	
Social Security Tax	-15.37	578.83
Medicare Tax	-3.59	135.37
Net Pay		\$229.04

Your federal taxable wages this period are \$248.00

New
Add: 2857 Vegas Vally DR
Las Vegas Nevada 89121