

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 JUAN JOSE SOTO F

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

I, Juan Jose Soto F, 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
\$ 42,120 — 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 8/01/08 to 11-16-09, 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 hours of unpaid overtime each week, I have determined that SELECT BUILD NEVADA owes me approximately \$ 42,120— 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:

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.

Juan J soto F.

KBI Succo, Inc.

42008

HOURS		RATE	EARNINGS		OTHER PAY		DESCRIPTION	PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	
					40.00		910.00	12-31 to 1-06-07
								NO. 42008
								TOTAL PAY
								910.00

DEDUCTIONS THIS PERIOD						TOTAL DEDUCTIONS
FWMH						
16.77	MED	13.19	SOC	56.42		86.38

EMPLOYEE INFORMATION		YEAR-TO-DATE TOTALS				NET PAY
JUAN JOSE SOTO-F	564-09-3213	68146	GROSS	FICA	ESSP	
			1680.00	128.52	.00	
			FWMH	19.54	401K	823.62
				.00	NET	
					1531.94	

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS