

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

Andrew Fraga

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

I, Andrew Fraga, 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  
\$ 5,760.00 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 03/12/04 to 02/12-07, I was employed by Select Build Nevada as Framer.

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 Nevada owes me approximately \$ 5,760.00 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:

LUPE CARRAZCO.

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.

Andros Fraga

EMPLOYEE NAME		SSN: 512-90-9035		EMPLOYEE I.D.		DEPARTMENT		PAY PERIOD		END DATE	
FRAGA, J. ANDRES		EQER13963		2 PENALTY				04/27/0			
EARNINGS	DESCRIPTION	RATE	HOURS	AMOUNT	DEDUCTIONS	* BENEFITS	CURRENT	YEAR TO DATE			
Regular		12.600	40.00	504.00	Fed W/H FICA Medicare EMPLOYEE ADV VED		31.25 7.31	1.5 389.8 91.1 156.0			
CURRENT EARNINGS			40.00	504.00	DEDUCTION TOTALS		38.56	638.5			
YR. TO DATE			479.00	6289.00	* BENEFIT TOTALS		NET PAY	465.4			