

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

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DECLARATION OF PEDRO SANCHEZ CORTEZ

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

I, PEDRO SANCHEZ CORTEZ, 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  
\$ 31,200.00 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 10-15-07 to 09-30-08, I was employed by Select Build Nevada as Francher.

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 20 hours of unpaid overtime each week, I have determined that SELECT BUILD NEVADA owes me approximately \$ 31,200 — 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: Deyvi de/Germen Contreras Ovando.

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.

Pedro Sanchez Cortez

CO. FILE DEPT. CLOCK NUMBER  
554 000689 702010 893 0000205180 1  
00000001

193-0006

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

Taxable Marital Status: Married  
Exemptions/Allowances:  
Federal: 4  
NV: No State Income Tax

Social Security Number: XXX-XX-5658

Earnings	rate	hours	this period	year to date
Piecework		16.00	224.00	2,859.00
Regular				6,290.00
<b>Gross Pay</b>			<b>\$224.00</b>	<b>9,149.00</b>

Deductions	Statutory	
Social Security Tax	-13.89	567.24
Medicare Tax	-3.25	132.66
Federal Income Tax		103.62
<b>Net Pay</b>		<b>\$206.86</b>

Your federal taxable wages this period are \$224.00

## Earnings Statement



Period Beginning: 05/29/2008  
Period Ending: 06/04/2008  
Pay Date: 06/13/2008

PEDRO SANCHEZ-CORTEZ  
364 N 15TH STREET NO B FF  
LAS VEGAS NV 89101

Other Benefits and Information	this period	total to date
401K Elig Wages	224.00	
Ytd Reg Hours		516.00