

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

2009 NOV 12 AM 10:33
CLERK OF COURT
DELAWARE

DECLARATION OF Arturo Sanchez.

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

I, Arturo Sanchez, 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
Arizona, 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
\$ 23,887.50 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 Jan. 2006 to Jan. 2008, I was employed by Select Build Arizona as concrete worker. I believe that my employer has records of the dates of my employment; attached to this statement is paycheck stubs, 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 7 hours of unpaid overtime each week, I have determined that Select Build Arizona owes me approximately \$ 23,887.50 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: Guillermo Lopez Soto, Efrain Espinoza, Sergio Celaya, Oscar Manzano, Salvador Perez, Rodimiro Romero, Gonzalo Saucedo Roberto Saucedo, Francisco Leon, Martin Leon, Eleazar Romero, Arturo Leon, Jesus M. Provencio. 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 Arizona, 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 10, 2009.

Arturo Sanchez

Copy B—To Be Filed With Employee's FEDERAL Tax Return.		41-0852411 OMB No. 1545-0008	
a Employee's soc. sec. no. 597-38-9930	1 Wages, tips, other comp. 2496.00	2 Federal income tax withheld	
	3 Social security wages 2496.00	4 Social security tax withheld 154.75	
b Employer ID number (EIN) 20-5650036	5 Medicare wages and tips 2496.00	6 Medicare tax withheld 36.19	
c Employer's name, address, and ZIP code SelectBuild Arizona, LLC 7777 N 70th Avenue Glendale AZ 85303			
d Control number 357			
e Employee's name, address, and ZIP code Suff. JESUS M PROVENCIO 40486 N. HIGH MEADOWS DR Employee #05716 QUEENCREEK AZ 85242			
7 Social security tips	8 Allocated tips	9 Advance EIC payment	
10 Dependent care benefits	11 Nonqualified plans	12a Code See inst. for box 12	
13 Statutory employee	14 Other	12b Code	
Retirement plan		12c Code	
Third-party sick pay		12d Code	
AZ 20-5650036	2496.00		
15 State Employer's state ID number	16 State wages, tips, etc.	17 State income tax	
18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Form W-2 Wage and Tax Statement **2007** Dept. of the Treasury -- IRS
This information is being furnished to the Internal Revenue Service.

Copy 2—To Be Filed With Employee's State, City, or Local Income Tax Return.		41-0852411 OMB No. 1545-0008	
a Employee's soc. sec. no. 597-38-9930	1 Wages, tips, other comp. 2496.00	2 Federal income tax withheld	
	3 Social security wages 2496.00	4 Social security tax withheld 154.75	
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Form W-2 Wage and Tax Statement **2007** Dept. of the Treasury -- IRS

SelectBuild Arizona, LLC
250281

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
39.50		19.00	750.50						8-20 to 8-26-07
									No. 250281
									TOTAL PAY
									750.50
DEDUCTIONS THIS PERIOD									
FWH	35.51	MED	10.39	SOC	46.53	AZSWH	6.75		
									TOTAL DEDUCTIONS
									99.68
EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS						NET PAY
ARTURO SANCHEZ			GROSS	1919.00	FICA	146.81	ESPP	.00	
11603			FWH	80.99	SWH	15.39	401K	.00	650.82

PLEASE DETACH THIS PORTION AND RETAIN FOR YOUR RECORDS

SelectBuild Arizona, LLC
248932

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
18.50		19.00	351.50						8-06 to 8-12-07
									No. 248932
									TOTAL PAY
									351.50
DEDUCTIONS THIS PERIOD									
MED	5.10	SOC	21.79						
									TOTAL DEDUCTIONS
									26.89
EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS						NET PAY
ARTURO SANCHEZ			GROSS	351.50	FICA	26.89	ESPP	.00	
11603			FWH	.00	SWH	.00	401K	.00	324.61

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SelectBuild Arizona, LLC
257304

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
38.50		19.00	731.50						11-05 to 11-11-07
									No. 257304
									TOTAL PAY
									731.50

DEDUCTIONS THIS PERIOD								TOTAL DEDUCTIONS
FWH	32.66	MED	10.61	SOC	45.36	AZSWH	6.21	
								94.84

EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS					NET PAY
ARTURO SANCHEZ			GROSS	10236.25	FICA	783.08	ESPP	.00
11603			FWH	478.18	SWH	90.87	401K	.00
								636.66

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SelectBuild Arizona, LLC
256125

HOURS		RATE	EARNINGS		OTHER PAY				PAY PERIOD
REGULAR	OVERTIME		REGULAR	OVERTIME	BASIS	RATE	AMOUNT	DESCRIPTION	
40.00		19.00	760.00						10-22 to 10-28-07
	1.00	28.50		28.50					No. 256125
									TOTAL PAY
									788.50

DEDUCTIONS THIS PERIOD								TOTAL DEDUCTIONS
FWH	41.21	MED	11.43	SOC	48.89	AZSWH	7.83	
								109.36

EMPLOYEE INFORMATION			YEAR - TO - DATE TOTALS					NET PAY
ARTURO SANCHEZ			GROSS	8773.25	FICA	671.15	ESPP	.00
11603			FWH	412.86	SWH	78.45	401K	.00
								679.14

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