

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 Jesus M. Provencio.

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

I, Jesus M. Provencio, 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
\$ 8,100.00 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 June 2006 to March 2007, I was employed by Select Build Arizona as cement 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 6 hours of unpaid overtime each week, I have determined that Select Build Arizona owes me approximately \$ 8,100.00 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: 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, Arturo Sanchez. 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.

Jesus M. Provencio