

**UPDATED per O'Connor's Guidance with 2019 Words or Pictures (taken 3/28/2019) in Yellow - 4 Issues with Pictures to Show Why the \$122,000 Appraised Value Is a More Accurate Value for R65365 (With more pictures for Issue 4)**

My understanding is the Notes for this account say that this house is to be in the category of Adverse Impact.

In the 10/9/2017 appraisal used in the previous binding arbitration, the Appraiser stated on page 3:

The owner is concerned with drainage around the home but there were **not** any signs of mold that would be a health and safety issue. No adjustment was applied for this reason.

That there were “**not** any signs of mold that would be a health and safety issue” is **only** because of the owner’s direct, expensive, labor-intensive, and **on-going interventions** to protect the house from water. 4 issues show why that a new buyer would **not** want this house at \$151,360 or even \$138,000 (the binding arbitration value) or \$169,260 (“Final 2019 Market Value,” addition from “2019 Formal Hearing”) knowing these realities:

- Issue 1 - **The Slope That Sends Water Directly to My House from 3 Neighbors’ Yards and My Backyard**.....1
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**Issue 1: The Slope That Sends Water Directly to the House from 3 Neighbors’ Yards and My Backyard**

The house was purchased in December 2010 near the beginning of a drought that broke in winter 2014 (<https://stateimpact.npr.org/texas/tag/drought/>) when the rains flowed to my house. From 2014, **expensive contractors failed** because they did **not** notice that my backyard is **slightly higher** than my house and 3 neighbors’ yards on the cul-de-sac behind the house are **slightly higher** than my backyard.

Repeatedly, flooding occurred throughout the yard, but **I am showing the patio in May 2015** because the patio in **2016** is shown on the **next** page--but **after** my interventions. Top row left = a neighbor’s yard above my house. Top row right = left side of patio. Bottom row left = left side of the patio. Bottom row right =width of the patio. (FYI: this mess is similar to **what Harvey did here so 2015 was like having Harvey with every fast rain** and with every set of 3 days rain in a row.)



## Issue 2 – Expensive, Labor-Intensive Interventions – Would a Buyer Want to Live with This Uncertainty?

This shows the **patio in 2016** so you can **contrast it with 2015 on page before**. The prior expensive contractors could do nothing except what is on the prior page. **I stopped using them**. I took pictures to see where the water was actually coming and charted where the water was actually coming. I spent rainstorms out in the yard using a hoe to create trenches to move the water away from places in the house. I started to realize that a  $\frac{1}{4}$ " difference in the slope could make a trench *work* or *fail*. I started to measure how much was coming from the houses above my backyard. When the electricity went out and the sump pump stopped pushing water to the pipes beside the fence line, I started using a push broom to get water away from the patio. I used some contractors, but I stayed with them while they worked during summer 2016.

**My interventions in 2016 succeeded** in keeping the water off the **patio and out of the house**:

1. Soaker pipe across the width of the fence across the back of the house with drains every few feet. Costly.
2. Retaining wall across the back of the house between that soaker pipe and my yard – **A major cost but essential**.
3. With the help of my daughter, dug a trench to catch the flow from a neighbor's yard; with the help of a contractor, filled it in with rocks and 6"X12" to make it safer to walk there. Cost = her flight and materials.
4. As more vulnerabilities have showed up, added trenches and—if they keep working—added black plastic to encase them. (I also dug one on the side by the garage to the fence line and will test a third later this summer.)
5. On the house, added wider gutters, more downspouts. Found a downspout extension that covered the 8' patio **and reach the trench to the sump pump**. Sloped a trench **so another downspout could reach the sump**. Costly.
6. Replaced a worn out sump pump, setup a backup sump pump ready to plug in if another one failed, and got a portable sump with 100' hose so that I could get water out of a flooded area including in the house. Costly.
7. Bought a generator so that the sump pump keeps running. At Harvey, would have been flooded when the electricity stopped in the neighborhood. **A major cost but essential**.

This occurred 6/17/2018—the 1<sup>st</sup> day of a fast rain. Later pictures show the subsequent days. Generally, there is this level of water in two situations

- On the 1<sup>st</sup> day of a fast rain
- After multiple days of slow rain as the yard becomes supersaturated

**Compared to 2015 (prior page), this is beautiful.**

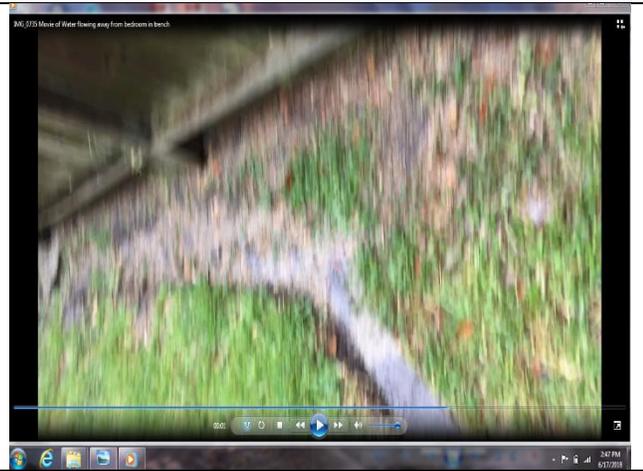
The water is only about  $\frac{1}{2}$  inch deep. On the pictures showing the table, the water is overflowing the patio by about 5'; on the picture without a table, about 6'. To the right of the last picture, the sump pump is pumping almost every other minute, sending water to the pipe by the fence line and then to the street. Without the sump and the generator, water would get in the house.



Issue 2 – Expensive, Labor-Intensive Interventions – **Would a Buyer Want to Live with This Uncertainty?** (Cont.)

At the back of the **living room and the back and side of a bedroom**, these trenches helped:

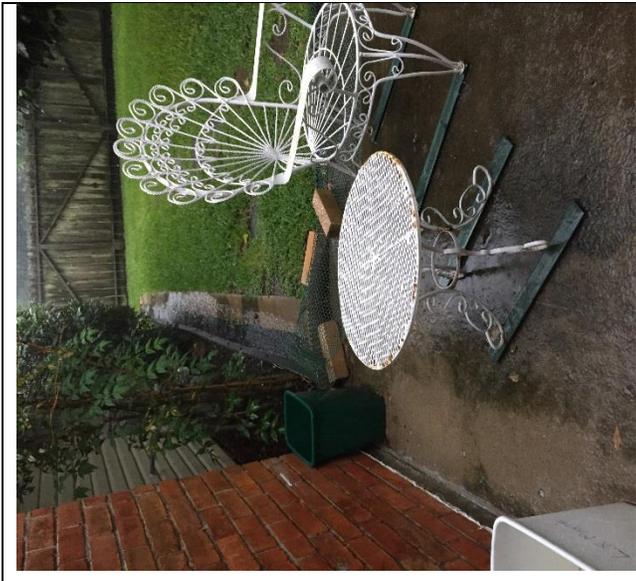
- On the left, created a trench where slope was too low for water by using a “sandwich” of 2 sides of 5” high metal edging with black plastic locked between the edges and held down on the other side by 6”X12” steps.
- On the right, during Harvey, dug the low trench from the back bedroom, under the fence, and to the front yard.



In the **3<sup>rd</sup> day**, in the front yard, water pools beside the house. To get it to move, use hoe to break grass apart.



On the **4<sup>th</sup> day**, on the left, a picture taken from the back door shows water pooling in the trench in front of the bedroom; on the right, water heading under the gate also expands beyond the trench.



Issue 3 –Labor-Intensive and On-Going Interventions –Would a Buyer Want to Work This Much?

The appraisal’s purpose was **not** to cover the **on-going interventions that keep water out of this house**, but looking at the realities would probably give a possible buyer concerns about whether he or she is willing:

1. To spend the time and do the interventions (below) required a) **before a rain**, b) **with EACH rain**, and c) sometimes **repeatedly during a rain storm**
2. To plan his or her work week so the house is ready for the rain
3. To limit travel plans to times **other** than Houston’s long rainy seasons.

**To say the obvious, I am stuck with this house so I do items 1-3** because my 2016 interventions and these **on-going interventions** mean there are—to quote the appraisal—**“not any signs of mold that would be a health and safety issue.”** These **on-going interventions are what keep this house from flooding:**

- Interventions Required with Soaker Pipe along the Entire Back of the Fence
- Interventions Required at General Places in the Backyard
- Interventions Required with the Trenches by the Living Room and Bedroom
- Interventions Required with the Patio, Its Grate, and All Trenches Leading From or To It and the Sump Pump
- Interventions in the Front Yard

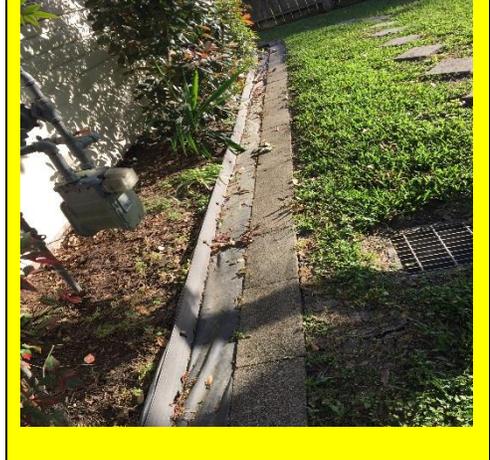
**Interventions Required with Soaker Pipe along the Entire Back of the Fence**

<p>Interventions:</p> <ol style="list-style-type: none"> <li>1. Sweep the green grates along the soaker pipe so they are not blocked—before <b>every rain</b></li> <li>2. Use a leaf vacuum to pick up all debris so that it is easier for the water to soak into the pipe—as needed</li> <li>3. Use Roundup or pull any plants that have started regularly</li> </ol>		<p><b>Yellow 2019 Area Still Maintained – Can provide equivalent pictures for ALL of these.</b></p>
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**Interventions Required at General Places in the Backyard**

<p>Interventions at the <b>backyard</b> end of the 2 French drains that the prior owner built (the one who said that water never got in the house)</p> <ol style="list-style-type: none"> <li>1. Clear out any debris—before <b>every rain</b></li> <li>2. Use mosquito preventive after every rain</li> </ol>		<p><b>Yellow 2019 Area Still Maintained – Can provide equivalent pictures for ALL of these.</b></p>
<p>Interventions with 2 grates on pipes a pre-2016 to take the water to the fence line and then to the street. With 1, I just make sure the pipe is not blocked. With the one shown, I remove any leaves, growing grass, rocks sliding out of place and blocking the holes, and adjust position of downspout is OK.</p>		<p><b>Yellow 2019 Area Still Maintained – Can provide equivalent pictures for ALL of these.</b></p>

**Interventions Required with the Trenches by the Living Room and Bedroom**

<p>Interventions by the bedroom:</p> <ol style="list-style-type: none"> <li>1. Pickup debris – <b>every time</b></li> <li>2. Need to encase in black industrial plastic here and where it continues into the front yard. <b>Because of work pressures and mother’s death, not yet done.</b></li> </ol> <p>This trench is useful all the time, but it saved the bedroom at Harvey.</p>		<p><b>Yellow 2019 Area Still Maintained – Can provide equivalent pictures for ALL of these, not just the 1 below.</b></p> <p><b>If rain is coming, all of this has to be repeated each time.</b></p> <p><b>Hope to use Summer 2019 to complete all this and do another longer trench.</b></p>
<p>Where the trench continues into the front yard. It has to be deepened, lengthened until it is within 6 feet of the street, and encased in black plastic.</p>		
<p>Interventions at the junction of the trench</p> <ul style="list-style-type: none"> <li>- at the back of the house</li> <li>- with the one beside the bedroom:</li> </ul> <ol style="list-style-type: none"> <li>1. Pickup debris – <b>every time</b></li> <li>2. Clear out grass growing into the trench—<b>everytime</b></li> <li>3. Use broom to push water to the trench beside the bedroom- sometimes</li> </ol>		
<p>Interventions at the trench at the back of the house</p> <ol style="list-style-type: none"> <li>1. Sweep together debris and pick up—<b>every time</b></li> <li>2. Clear out grass growing into the trench—<b>everytime</b></li> <li>3. Replace rocks where the black plastic now bubbles up.</li> <li>4. Use broom to push water along the trench- sometimes</li> </ol>		

**Interventions Required with the Patio, Its Grate, and All Trenches Leading From or To It and the Sump Pump**

Before a storm, test that the sump pump is working. Also do these things:

- Top row left= Grass trimmings and dropped leaves are carried by water from the top of the slope in the back yard to the patio and caught in the grate that protects the Sump Pump from damage.
- Top row right=Kitchen tongs (visible on the right) grab the debris. Remove the grate to shake out more
- Bottom row left=I use a broom to sweep each trench and remove all debris and dirt and grit off the roof and replace rocks where the black plastic is buckling - typical of all trenches
- Bottom row right= I replace the mesh on all trenches to block falling leaves.JPG



**Interventions in the Front Yard**

<p>Interventions at the <b>street</b> end of the French drain that the prior owner built (the one who said that water never got in the house)</p> <p>1. Use the end of the hoe to force out r debris and pick up– <b>every time</b></p> <p>2. Clear out grass growing into there— <b>everytime</b></p>		<p><b>We have had fewer downpours in the last year, but if the rains come this must be done.</b></p> <p><b>Pictures available for these equivalent areas.</b></p>
<p>Interventions along the drive way on the left side</p> <p>Water pooled by the front door. This simple fix stopped it. Take a narrow hoe and run it down the side of the drive way to get all the build up leaves out of there. It then works as a channel for the water. - <b>everytime</b></p>		
<p>Intervention on the right side of the house by a gutter downspout</p>	<p>Picture available– When water pooled by the garage wall, I dug a trench from the downspout to shallow area between my house and the neighbors.</p>	

#### Issue 4—An Example of the House Up-Close and of Its Continuing Decline—Would a Buyer Expect This Little?

The fundamental issue is that preventing flooding of this house and contributing to my mother's costs for years mean that:

- There is no money to be spared for anything except a health and safety issue, such as a leaking roof or **lead in the water pipes (a new issue at the end)**.
- If it is not a health and safety issue and if I cannot do it on my own or with the help of my daughter, it is not going to get done.

Issues that mean that no buyer would expect **this little** in a house **at the price FBCAD** specifies.

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|--|--------|
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**Types of items not covered because of time:** Need to pay again to adjust the gutters by the back door since they are again dumping water at the backdoor. (Video available.) Water is again wearing away the ground level concrete at the front door. Sections of the interior walls are cracking again so this may again require preventive watering.

*Example of Siding on the Front Provided in 2018 with increased decline on next page*

The appraiser noted on page 3 that “The **enclosed patio** is **not** included in the GLA because the **workmanship is not to the standards of the original house.**”

The prior owners chose very poor materials with every “improvement” they did and did poorly done work on their own. Both of the 2 types of siding seem very weak. (FYI: I had under 2 weeks to find any house that I could pay for--which was the reason that I got stuck with this house.)

**If useful, I can provide multiple pictures of how this house would turn a buyer off, but this one is among the 1<sup>st</sup> a buyer would see. (I have added more in 2019 because the problems are widespread.)**

This is a picture in the Appraisal on page 11.



Here is an up-close view of the siding in the triangle on the left.

In 2016, when I had a contractor working on the retaining wall, I also paid him hourly for other kinds of tasks, including this.

I had realized that the siding on the two triangles had holes exposing the wall—perhaps from the sun.

All I could afford to do was keep the rain out by having contractor clauk the holes.

In 2016, **all** of the holes were covered. A look this weekend showed that more holes have developed (such as the black spot on the 2<sup>nd</sup> row up) since then.

I will have to chauk these new holes.



**2019 now shows new holes to the left and right of those in the 2018 picture**



**2019 Example Side Siding on the Right Side of the House –Fear it will crack if power washed.**



*2019 Example Side Siding on the Back of the House*

**With Harvey**, to keep the water out of the back of the house at all parts of the patio (the entry point for water into the house), I wrapped the wall/patio floor in an L-shape plastic to about 2' above ground and 2' flat on the concrete following a video on YouTube. I even followed its directions to wrap the door so I could get in and out to deal with the flooding and sump pump. I weighted down the plastic in the lower part of the L to keep the plastic tight to ground using sand bags and filled water tubes I had used for years to try to keep water out. At the back door I had also to use towels to keep the volume of water soaked up and dumped away from the house.

**The positive: water did not enter the house.**

**The negative: the waterproof tape stuck to the siding.** I fear washing it will make it crack. Ugly is better than a hole in the wall.



### 2019 Example Siding on the Building That the Prior Owners Added

The family who owned this house previously with everything including siding:

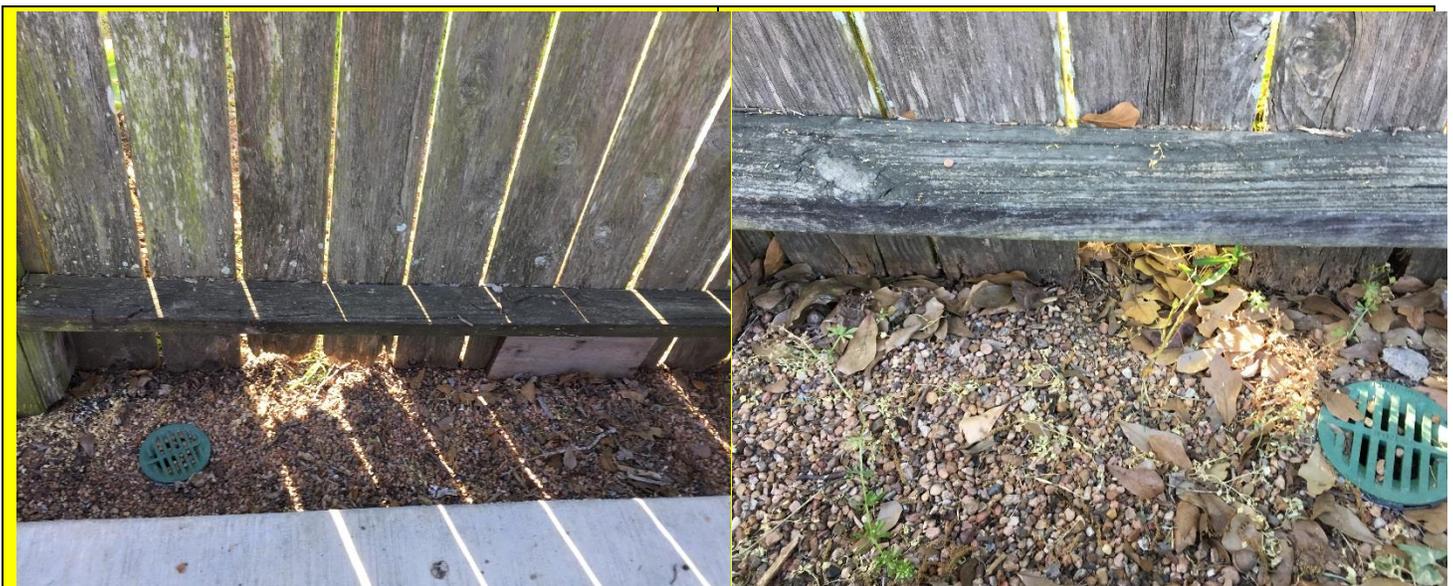
- bought cheap and—from the look of it—perhaps used materials
- installed contrary to product directions
- did the work themselves when it required an expert

For example, they installed Hardy siding at ground level—contrary to standard directions. They also placed their outbuilding in the path of the regular water from flooding—**perhaps the cause of the flooding of the addition they made onto the house. Both** additions were made **flat on ground level**—and **both flooded**. I have however stopped thus far the flooding into the back of the house once I did the methods covered in Issues 1, 2, and 3 in this document.



### 2019 Example Fencing at the Back of the Yard

There are holes like this at multiple places along the fence and the wood is equally bad. The section of fencing on the side most heavily flooded is also beginning to separate from the fence. The wood in the fences on the left and right side do not look like this. It is the volume of water coming from the cul-de-sac above this house.



2019 Example of Lead in the Water Pipes – Water Tests from the City of Houston/ a Bid

In 2015, we had the first of several water leaks from the ceiling. I had lived through this with a prior home with surprise leaks and varying levels of damage depending on where they were. I asked the Home Shield plumber for an estimate and it is at the end of this document. I did not do it because of the costs and the expectation that FBCAD would not count it as a cost against the house value but as an "improvement."

In the last years, the Rosenberg water service had warned of lead in pipes of homes of the age of this house. In the last year I shifted to bottled water because of the color in some pipes. I located a Houston water tester and tested the pipes. The one on the exterior wall, a pipe showing color in the water, came up with lead. It is in my bedroom so it cannot be ignored forever. I will also get the remaining ones tested so I know what is real.



Houston Health Department

Bureau of Laboratory Services  
2250 Holcombe Blvd  
Houston, TX 77030  
832-393-3900

RP190124007



Laboratory Report - Inorganic

Submitter: C.J. Martin Bibus 1914 Klauke Ct  Rosenberg, 77471, TX	Sample ID: 190111005.01 Site Address: Bathroom tap Station ID: Collector: C.J. Martin Bibus Collection Date/Time: 01/11/2019 07:15 AM Received Date/Time: 01/11/2019 10:50 By: TN
Project: Matrix: Drinking Water	Sample Received on Ice?: No Preservation Checked?: pH < 2

Note: This report contains only the results for the sample described above. This report cannot be reproduced, except in full. All data reported meets or exceeds all QC criteria unless noted below.

Parameter	Result	Qual	Units	Container ID	MRL	Analysis Date/Time	Analyst	Method
Lead	0.0272	50	mg/L		0.002	01/15/2019 12:11	JP	SW-646 7010/200.9

Additional Comments: 50 - EPA regulatory action level for lead is: 0.015 mg/L.

Approving Supervisor: Emira Marjanovich

Signature:

Report Date: 01/24/2019

2015 Bid of \$5,000 – Will have to get new bids once I know how many pipes are gone.

# Quote

The Lindsay Company

Date: 6/9/2015  
INVOICE # 284254  
Expiration Date: 9/9/2015

TO Connie Bibus

1914 Klauke Rd  
Rosenberg, Tx 77471  
(713) 446-7933  
Customer ID 0084033

Salesperson	Job	Payment Terms	Due Date
Chad		Due on receipt	

Qty	Description	Unit Price	Line Total
1	Entire house re-pipe with pex pipe	\$5000.00	\$5000.00

Subtotal	\$5000.00
Sales Tax	
Total	\$5000.00

Quotation prepared by: Chad

This is a quotation on the goods named, subject to the conditions noted below. (Describe any conditions pertaining to these prices and any additional terms of the agreement. You may want to include contingencies that will affect the quotation.)

To accept this quotation, sign here and return: \_\_\_\_\_

*Thank you for your business!*

The Lindsay Company 16536 Mueschke Rd., Cypress, Texas 77433 Phone (281) 373-3333 Fax (281) 758-2733  
sales@lindsayplumbing.com