# To Help O’Conner & Associates See Quickly That This Is Damaged Property

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## **General Information**

### An Offer to Do Clerical Work for O’Conner & Associates on This Case

I need help, but I also am willing to help with clerical work in this immediate period. I teach, but I am free right now.

* I need help because I cannot afford to deal with the problems in this house with the appraisal climbing and with FBCAD not considering damage from flooding to be countable against value as are foundation repairs. A layperson cannot deal with communicating a problem that is **complex**, **interconnected**, and **atypical** and that **changes with the climate** and to do that to **an organization like FBCAD**.
* **I am also willing to help.** If you think any of the pictures in these documents could help you present this mess and you would like them put in a file like the one dated 20170518 in a specific order, I will be glad to do that.

### Property Information about 2 Co-Owners for 1914 Klauke Court; Rosenberg, TX 77471

Two co-owners:

* Connie Martin Bibus R65365 – Daughter and POA – 713-446-7933
* Juanita Teresa Martin R399455 - Mother

### Central Issue: Visible Property Damage, High-Maintenance from Flooding, and Other Documented Problems Mean 1914 Klauke Court Is Not Worth the Market or Appraised Value or O’Conner’s Estimated $133,046

1. Visible: No one walking on this property and seeing the evidence of flood damage would buy it.
2. Visible: Given the costs and the decision by FBCAD in June 2016, I had to try to reduce the flooding using leftover materials from prior vendors. The flooding is better, but anyone looking at the methods that I have had to use because of cost would not willingly face those ongoing maintenance jobs.
3. Anyone looking at the inspection report at the purchase of this house would realize there were repairs that still need to be done plus the house is now 6 ½ years older. (Example: lead pipes had their first leak in the ceiling.)

The last document I have attached is mainly pictures and it is meant to help with this:  
20170518\_A\_Quick\_Tour\_of\_What\_Possible\_Buyers\_See\_If\_They\_Came\_to\_This\_Property

## **Questions You Might Have That Each Attached Document Answers**

### 2010 Plat Showing 3 fence lines going into 1914 Klauke Court

The water seems to be worse at the fence lines into 1914 Klauke and from the neighbor on the right side.

### 20150529 Documents for Protest Meeting with FBCAD Appraiser

|  |  |
| --- | --- |
| **Questions You Might Have That This Document Answers** | **Attachment #** |
| **In 2010, was the house undesirable?**  HAR webpage showing price reduced from $125,000 to $114,900 on 09/29/2010--and it still did not sell. Contract amendment to lower the price by $1500 based on “Immediate Safety Issues” | Attachment 1, 2, 3 |
| **Before purchase in the last week of 2010, was there flooding on this property?**   * Prior to purchase, we had an inspector inspect the property. He identified a number of safety issues and shoddy methods of amateur construction. He also identified flooding issues in their problems list (marked with the word *flooding* at item (1) and item (12). (PDF of Brookside Inspection Report is available.) | Attachment 3 |
| * He identified flooding on the right side of the house in a separate building containing an air-conditioned office with 2 storage areas. A picture in the realtor’s photographs showed water in front of that building. | Attachment 8, top |
| * In answer to a direct question, the owner said “this house has never flooded in the past.” That sentence later had a lot of meaning. | Attachment 15 |
| **After being in the house, were there signs that flooding had occurred at the property?**   * Left side of the house, 2 French drains to the street—put in incorrectly. * Back of the separate building, a large pile of bricks which were previously used as a dam--but unsuccessfully as the Brookside Inspection report showed. To walk to the gate without walking in water, I used those bricks to make a walkway. | Attachment 8, bottom |
| **After purchase, when were the first floods?**   * In 2011, water came into the separate building, into the house itself (into the room next to the patio), and it came onto patio but not into the house itself * Subsequently had a drainage person recommended by 2 people and had gutters put on and then it looked like the problems was solved |  |
| **When did the flooding become a repeated challenge?** The flooding resumed but this time I began taking time-stamped pictures to figure out what was going on.   * 4/18/2015 and 5/26/2015, the water was enough in the separate building to move barrels and to rise to the area shown on the cinder blocks * 5/21/2015--left side of the house, water overflowing drainage pipes on 3 sides of the patio * 5/21/2015—right side, a moat beside the separate building and water into it * 5/21/2015—front, water a yard wide to the street exceeding the drainage pipes | Attachment 11  Attachment 7  Attachment 10  Attachment 9, 10 |
| **What did I discover over the fence and in the backyards of my neighbors?**   * Left and right sides, land that is **higher** than 1914 Klauke. * Left side, wet land and grasses near the fence that look so high they cannot be mowed. * Right side, a water garden next to the fence (Also have a picture of water flowing from under that fence.) | Attachment 13  Attachment 14 |
| **How much money has flooding cost in this period through 2015?** $12,150 | Attachment 4 |

### 20150529 FBCAD Appraiser LOWERED value - C. M. Bibus R65365 AND J.T. Martin R399455

This appraiser lowered the value of the property, said the time-stamped pictures helped, and kept the pictures for his supervisor. He also stated that a repair paid for before the hearing could not count against value.[[1]](#footnote-1)

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## **Questions You Might Have That Each Attached Document Answers (Continued)**

In the period between the May 2015 hearing and my understanding that I needed to have estimates before the 2016 hearing, I tried to do things as cheaply as possible and to test what could work. Sometimes the rain was fast enough that it overwhelmed the sump pump near the patio and it shut down. That experience made it obvious that if there was no sump pump, the house will flood. Because of my experience with the FBCAD Appraiser in 2015:

1. I used the **same** kind of document I had made before with the time-stamped pictures.
2. I tried to get estimates for everything needed to try to stop the flooding and other leftover repairs from the Brookside Inspection and new problems developing (such as the lead pipes corroding and thus leak in the ceilings. The first leak occurred in May 2017))
3. My years of time-stamped videos combined with talking with one vendor showed that solving the flooding from my neighbors would not end all of the flooding. **Why? The patio and house are lower than the back of the yard.**

### 201**6**0608 Documents for Protest Meeting with FBCAD Appraiser - C. M. Bibus R65365 AND J.T. Martin R399455

|  |  |
| --- | --- |
| **Questions You Might Have That This Document Answers** | **Attachment #** |
| **Did I offer time-stamped pictures of why flooding of 1914 Klauke is UNLIKE other houses in the neighborhood?** Yes | Attachment 2, 3 |
| **Did I offer time-stamped pictures of flooding in 2016 showing the problems continued to be dangerous?** Yes, flooding on 5/19/201**6**, with an offer of equivalent pictures for 4/18/201**6** and 4/24/201**6.** | Attachment 5 |
| **Did I provide time-stamped pictures of each problem and estimates of repairs?**   * Yes, I did have time-stamped pictures of the problem to be solved in the document and bids in a separate folder. * However, I tried to show him the time-stamped pictures (as had been the process with the appraiser in 2015). The experience in 2016 was so different from the one in 2015 and so negative that I forgot to hand him the folder of bids.   His only issue was the | Attachment 6, 7, 8, 9, 10 |
| **Are there other time-stamped pictures in the document that reveal the level of this flooding in the 2015-2016 period?**   * 5/19/2016 and 5/20/2016 – water piling up 2’from the back wall of the house. The curved shallow trenches are where I took a hoe and made the trenches to take the water to a catch basin. The slope is so low that water flows **to** the house from the backyard. * 4/18/2016, 5/27/2016, and 5/28/2016, water flows on the patio **to** the back door. In desperation on 5/28, I piled old sheets and towels used in the winter around the door and continued to wring them out. * 5/15/2016 and 5/16/2016, water was so high coming in at the intersection of the neighbor on the right’s fence and the Klauke fence that I tried using a hoe to make a trench to carry water to the sump pump and then tried leftover black plastic to make it flow without mud * 4/18/2016 – measurement told me that the water on the patio was also coming from the gutters and I needed to repair the gutters. This is one of many examples of the rate the water was dumping off the gutters. I came out in the morning to see the previously emptied bin and tub full and gurgling from the rain. (I used the tub so I could measure but be able to lift it so I could pour the water at the sump pump.) | Attachment 6  Attachment 7  Attachment 8  Attachment 9 |
| **How much money has flooding cost from the hearing in May 2015 to the date of the hearing June 2016?** $12,150  **How much money has flooding cost following the Appraiser refusing to look at estimates in June 2016 to May 2017?** $12,150 | -- |

## **Questions You Might Have That Each Attached Document Answers (Continued)**

### 20160608 FBCAD Appraiser REFUSED to look at documents -C. M. Bibus R65365 AND J.T. Martin R399455

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| --- | --- |
| **Questions You Might Have That This Document Answers** | **Page #** |
| **What did I check as the cause of the protest?** As the PDF shows, I checked Other and wrote “Essential, expensive repairs that—if not done—lower safety & value” | Page 1 |
| **What did the appraiser write?**  This appraiser stated that “PlO [word?] DID NOT MARK ANY BOX. TALKED ABOUT MARKET ONLY.” | Page 1 |
| **What did the appraiser talk about?** His only issue was the “Comparable Sales Report” | Last page |

**What happened next?** I had planned to go to a protest hearing. I changed my mind and canceled for 2 reasons:

1. When I made the appointment, the clerk told me to prepare by using the Comptroller’s video. I used that video and downloaded the transcripts as well and began searching every part of the FBCAD website. My **layperson’s** view was that **FBCAD** did **not** follow **the Comptroller’s rules** on:
   1. Lowering value from damages that cause “**adverse impact on the value**” of property.
   2. Requiring “receipts” for repairs to be used to lower value—not FBCAD’s requiring “estimates” at the hearing and not doing the repair until that hearing gives permission
2. When I ran searches on the Internet on what other people were encountering at FBCAD, my negative experience in 2016 seemed to be the way things are at FBCAD. It would be a waste of a citizen-taxpayer’s time to protest.

### 20160620\_Info to FBCAD Re Their Not Following Comptroller Rules on Adverse Impact Or on Their Requirement for Estimates Pre-Approved By Them

**I did decide to witness and to see what FBCAD did**. I asked for help in finding the information at the FBCAD and talked to a customer service rep. She initially asked an appraiser who explained that a repair didn’t count if it improved the value of the property. I said I had not been clear enough and offered to type what I was looking for and she said she’d ask an appraiser. I faxed the document to her and **there was silence in my calls back.**

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| --- | --- |
| **Questions You Might Have That This Document Answers (Including screen prints)** | **Location** |
| **What research approach did I try?** The FYI says I downloaded **all** of the content on the 1st 3 subtabs on the Help tab at the FBCAD website. I also tried to search methodically each of the 6 subtabs. | Fax cover page |
| **How does the FBCAD website contradict the Comptroller’s video?** Overview of the 6 issues  Labels on the screen print explain what I mean by “audio script” (which has more detail) and “slide.” | Attachment 1  Attachment 3 |
| * Issue 1 on damages and “adverse impact on the value the appraisal district placed on your home, with copies of sections from the Comptroller’s video and where to find them. | Attachment 2 |
| * Issue 2 on pictures as evidence - The Comptroller’s slide includes “photos” as evidence. | Attachment 4 |
| * Issue 3 on “estimates” must be approved before doing the repair or the $s do not count   Comptroller’s video uses the word “**receipts** for repairs” on its **Evidence Checklist**—with the word *checklist* being a term laypeople are likely to notice.  By definition, a *receipt* is **after** payment, with definitions for *receipt* and *estimate* provided | Attachment 5  Attachment 1 |
| * Issue 4 on *estimates* being required at the hearing Comptroller’s video in the audio script uses the word *estimates* with the word ***if***. Comptroller’s video on the slide uses the word *estimate* with***either/or*** | Attachment 3  Attachment 4 |
| * Issue 5 on the Comptroller’s video saying fire was an example of “adverse impact.” If fire is, then why **provable** flooding? (If FBCAD want a fresh appraisal as well as pictures, say that.) | Attachment 1 |
| * Issue 6 on the Comptroller’s video saying nothing about having to wait to do the repair. If FBCAD has the authority to do it their way couldn’t there be some way that a person could get approval before the hearing. | Attachment 1 |
| How FBCAD’s website could help citizen-taxpayers know about “adverse impact” and appraisers could avoid confusing citizen-taxpayers | Attachment 6 |

## **Questions You Might Have That Each Attached Document Answers**

### 20170518\_A\_Quick\_Tour\_of\_What\_Possible\_Buyers\_See\_If\_They\_Came\_to\_This\_Property

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| --- | --- |
| **Questions You Might Have That This Document Answers** | **Page** |
| From the Street – things you see about flooding | 2 - |
| In the Backyard on the Right Side of the House – 1st things you see about flooding | 3 |
| In the Backyard on the Right Side of the House – visible damage to the separate building from flooding | 4 |
| In the Backyard at the Fence Next to the Neighbors Whose Properties Flood the Klauke House | 5 |
| At the Center of the Yard- Patio and Door to the Porch Room – Key Vulnerabilities of the Property   * Visible waterlines from flooding | 5 |
| * Drainage | 6 |
| * Downspouts and extending them to reach drainage | 7 |
| In the Backyard on the Left Side of the House |  |

## **Possible Larger Implications Than an Individual Protestor**

### FBCAD’s Website as of June 2016 and Citizen-Taxpayers

At least as of last year in June, FBCAD’s website did **not** tell citizen-taxpayers:

1. About “adverse impact on the value” of property
2. To wait on their repairs until the protest and bring an estimate to the hearing or the $ would not count.  
   That is a rough thing to learn at the hearing **after** you already paid $3,000 for foundation repair.

### Possible Implications for Many People’s Futures Because of FBCAD’s 2 Interpretations

These 2 interpretations of FBCAD may cause as much damage to citizen-taxpayers as the concerns raised in multiple sources criticizing FBCAD in 2015 and 2016.

These 2 interpretation result in an ugly combination:

* Aging houses with lead pipes or with broken foundations or other high cost items without FBCAD dealing with the “adverse impact on the value”
* Aging baby boomers who may have a hard time keeping their homes because of FBCAD’s interpretations, especially because FBCAD is:
  + Not notifying citizen-taxpayers on their rules—at least not through their website
  + Not training their appraisers in the same way –based on the differences in the appraiser in 2015 and the one in 2016.

Changing the tax rates are not enough if FBCAD continues as is.

1. This position (estimates) by FBCAD does not seem to match the Comptroller’s video (receipts). See 20160620\_Info to FBCAD Re Their Not Following Comptroller Rules on Adverse Impact Or on Their Requirement for Estimates Pre-Approved By Them [↑](#footnote-ref-1)