# To Try to Help O’Conner & Associates Save Time and Find What You Need

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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 weather** 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 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:

1. Connie Martin Bibus R65365 – Daughter and POA – 713-446-7933 – cjb\_classes@yahoo.com
2. Juanita Teresa Martin R399455 - Mother

### My Concerns: Visible Property Damage, High-Maintenance from Flooding, and Other Documented Problems Mean 1914 Klauke Court Is **Not** Worth the Market or Appraised Value or Even 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 not to even look at the estimates for repair in June 2016, I had to use left-over materials from earlier flooding projects to try to stop the flooding—regardless of how it looked. Also, using these materials results in time-consuming maintenance tasks that others would not willingly do, especially at the price FBCAD considers the house’s market price.
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 document is mainly pictures to reveal what seem to be adverse impacts to the value that FBCAD set on this house:
2017\_0518\_A\_Quick\_Tour\_of\_What\_Possible\_Buyers\_See\_If\_They\_Came\_to\_This\_Property

## **Questions That You Have That Documents from 2010 and 2015 Might Answer**

### 2010\_Plat\_Showing\_3\_Fence\_Lines\_Going\_into\_1914\_Klauke\_Court

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

### 2015\_0529\_Documents\_for\_Protest\_Meeting\_with\_FBCAD\_Appraiser

|  |  |
| --- | --- |
| **Questions You Might Have That This Document Answers** | **Attachment #** |
| **In 12/2010 when we purchased the house, 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. To sell, the owner lowered the price by $1500 more based on “Immediate Safety Issues.”  | Attachment 1, 2, 3 (issues from the inspector) |
| **Before purchase in the last week of 2010, was there flooding on this property?*** Prior to purchase, we had an inspector examine the property. He identified a number of safety issues and shoddy methods of amateur construction. He also identified flooding issues (marked with the word *flooding* at item (1) and item (12). (A 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 about flooding, the owner wrote “this house has never flooded in the past.” His word choice later had a lot of meaning.
 | Attachment 15 |
| **After living in the house, were there signs that flooding had occurred at the property?*** Left side of the house, 2 French drains to the street—but put in incorrectly.
* Back of the separate building, a large pile of bricks which were previously used as a dam according to a neighbor—but unsuccessfully as the Brookside Inspection report showed. To walk to the gate without walking in water, we used those bricks to make a walkway.
 | Attachment 8, bottom |
| **After purchase, when were the first floods?*** During 2011, water came in repeatedly into the separate building and to the house itself. It also came once into the house itself--into the den next to the patio.
* Beginning in 2012, we had a drainage person work (recommended by 2 people) and also had gutters put on. Until the weather changed, it looked like the problems were 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 that it knocked over barrels and rose as 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 and 5/26/2015—right side, moat (by fence) and water **in** the separate building
* 5/21/2015—front, water a yard-wide flowing to the street
 | Attachment 11Attachment 7Attachment 10Attachment 9 |
| **What did I discover over the fence and in the backyards of my neighbors?*** Left and right sides, their land 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 just flowing from under that fence.)
 | Attachment 14Attachment 13 |
| **How much money has flooding cost in this period through the 2015 protest? $12,150** | Attachment 4 |

### 2015\_0529\_FBCAD\_Appraiser\_**LOWERED**\_value

This appraiser lowered the value of the property, said the time-stamped pictures helped my case, and kept the pictures for his supervisor. He said to bring estimates to a hearing—a repair paid before the hearing did not count against value.[[1]](#footnote-1)

## **Questions That You Have That Documents from 2016 Might Answer**

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 for the 2016 protest that 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 for leftover repairs identified from the Brookside Inspection and new problems developing (such as lead pipes corroding and leaking.)
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.**

### 2016\_0608\_Documents\_for\_Protest\_Meeting\_with\_FBCAD\_Appraiser

|  |  |
| --- | --- |
| **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 equivalent pictures for 4/18/201**6** and 4/24/201**6.**  | Attachment 4, 5 |
| **Did I provide time-stamped pictures of each problem and ESTIMATES of repairs to solve it?** * Yes, I did have time-stamped pictures of the problems 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 “Comparable Sales Report.” | Attachment 6, 7, 8, 9, 10See next page. |
| **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 pooling in shrubs on 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 (ones used in the winter around plants) at 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 volume but be able to lift it so I could pour out the water at the sump pump.)
 | Attachment 6Attachment 7Attachment 8Attachment 9 |
| **How much money has flooding cost from the hearing in May 2015 to the date of the hearing June 2016?** $1394 (labor in addition to mine) + $1125.84 (materials) = **$2,519.84** **How much money has flooding cost AFTER the Appraiser refusing to look at estimates in June 2016 through Summer 2016?** $1880 (labor in addition to mine, especially with digging in black clay) + $1765 (retaining wall to stop neighbors’ water) + $752.33 (5” gutters, more flashing near brick fireplace, 2nd downspout) + $880 ( brick/mortar repair) + $917.34 (generator upfront costs) + $9900 (generator, done by going in debt) =  **$16,094.67 REALITY** = Ignoring how ugly it was, used the **cheapest** method to **keep water out of the house** at the **worst** spots. These methods don’t increase “value”—worse repeated flooding decreases it. | Receipts available (If needed, there are additional receipts for gravel, sod, materials estimated at over $500.) |

### 2016\_0608\_FBCAD\_Appraiser\_**REFUSED\_to\_look\_**at\_Damage\_to\_Property\_Value\_OR\_ESTIMATES\_for\_Proposed\_Repairs

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| --- | --- |
| **Questions You Might Have That This Document Answers** | **Page #** |
| **What did I check as the cause of the protest?** 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 [P/O?] 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 linked from the FBCAD website. I used that video and downloaded the audio 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 **evidence such as “receipts**” for repairs to lower value.— In contrast, FBCAD’s appraisers **say** that FBCAD requires “estimates” at the hearing and does **not** count any repair paid for **before** that hearing.
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. Protesting would be more waste of a citizen-taxpayer’s time.

### 2016\_0620\_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 write what I found and to see what FBCAD did**. I asked a nice customer service rep for help in finding the information above at the FBCAD. She initially asked an appraiser who explained that a repair didn’t count if it improved the value of the property. I responded that 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?** See the FYI and descriptions in the 2nd column of the table. | Fax cover page |
| **Where is the Comptroller’s video “How to Present Your Case at an Appraisal Review Board Hearing – A Homeowners Guide.”?** In June 2016, it was under the Help subtab called Property Tax Videos. | Attachment 2, top for details |
| **How does the FBCAD website contradict the Comptroller’s video?** Overview of the 6 issuesLabels on the screen print explain what I mean by “audio script” (which has more detail) and “slide.”  | Attachment 1Attachment 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

On slide 22, 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 (Definitions for *receipt* and *estimate* as a footnote) | Attachment 5Attachment 1 |
| * Issue 4 on *estimates* being required at the hearingOn slide 13, Comptroller’s video in the **audio script** uses the word *estimates* with the word ***if***.On slide 14, Comptroller’s video on the **slide** uses the word *estimate* in an***either/or*** structure
 | Attachment 3 Attachment 4  |
| * Issue 5 on the Comptroller’s video saying fire was an example of “adverse impact.” If fire is, then why not **provable** flooding? (If FBCAD wants an 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 about **estimates** being approved **1st** and help appraisers avoid confusing citizen-taxpayers | Attachment 6 |

## **Questions That a Quick Pictorial Tour of This Property Might Answer**

### 2017\_0518\_A\_Quick\_Tour\_of\_What\_Possible\_Buyers\_See\_If\_They\_Came\_to\_This\_Property

The tour also shows issues about Maintenance and about the Reality of adverse impact.

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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 – general things you see about flooding | 3 |
| In the Backyard on the RIGHT Side of the House – visible damage in and outside of 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 |
| * Ugly methods to create drainage
 | 6 |
| * Downspouts and ugly extensions so water from the roof can reach drainage
 | 7 |
| In the Backyard on the LEFT Side of the House and ugly methods to create drainage | 8 |
| An Example of How Flooding Still Continues If There Is No Sump Pump and Why a Generator Is Essential | 9 |
| Flooding plus other problems – why would anyone spend this much money for this much trouble | 10 |

## **Possible Larger Implications Over Time**

### What Essential Information Does FBCAD’s Website Not Reveal to 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 $s would not count.

That is a rough thing to learn at the hearing **after** you already paid $3,000 for foundation repair.

### How Can Time Make Things Worse for Citizen-Taxpayers 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 over **time**:

* **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.

If the tax rates change in the legislature, it is not enough if FBCAD continues as is.

1. FBCAD’s position does not seem to match the Comptroller’s video of instructions to homeowners. See the attachment 2016\_0620\_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)