1996 BOARD OF EQUALIZATION

NOTICE OF MEETING OF BOARD OF EQUALIZATION

The annual meeting of the Christian County Board of Equalization will begin hearing appeals on assessments Monday, July 8th, 1996 and will meet each Monday and Friday through July 29th, 1996 in room 204 of Christian County Courthouse.

Anyone wishing to appeal their assessment should make an appointment with the County Clerk's Office prior to July 8th. The basis for appeal is the true value in money, the subclassification of the property, or the exept/taxable status of the property as of the tax day.

You may receive forms for your appeal by contacting the County Clerk's Office at PO Box 549, Ozark, MO. 65721 or phoning 581-6360.

An informal hearing to obtain information, to review property records or other questions should be made by contacting the County Assessor's Office at PO Box 334, Ozark, MO. 65721 or phone 581-2440.

Co. Court Minutes

Friday 19th July
1:30 PM. Board of EQ there way No
Change ____ property war in market value

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Board of Equalization
7-3-96
Don Suj
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In 1994 my tap bill was \$8.60 on my
property (Troot 1-2 NW4 Bilyeus Survey,
Code # 19-0,6-14-000-000-004-003). In
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increased to 225,9/, an increase of
2627 %. I was unable to appeal
that years property tap bill because
I never recovered a notice of reconstruction
but paid the tay under protest.
in year I am appealing the new
tay lovy. If you can show me that
all other property owners Laps in the
above stated survey were increased of
the same note as my proporty d will
willdrow my appeal. I want to be
assured that I have not been sungled
out for some particular reason
Sincerely, Appeal forms
Lonnie L. Kuchert wiled
284 Ocolillo Ave- 7-10-96
Palm Springs, Ca 92264 by Vr.

BOARD OF EQUALIZATION AGENDA

DATE 9-19-96

TIME	SUB CLASS	TAXPAYER'S NAME (REPRESENTATIVE)	SITUS ADDRESS	~ Parcel Number	CHANGE YES/NO
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,	PROPERTY ASSESSI	MENT APPEAL FOR 19	<u>16</u>		. "
Owner	wis & De	1e	Parcel # 11-0,8	·34-001-001-	123-00
Mailing Addre	988 <u>1417 [1/</u>	Rainey	Situs Address	Burker	
City, State,	zip Ozark	mo 65721	Property Type & U	Be Reidented	Herry
Phone # 4/7	1-48520474	*	•	• •	
Agent	mxle		Property Descript	ion Patro Ho	mer
Address	757 n 20.2	the St		•	
City, State,	21p Obakte 9	ns 65721			
	Appeal Arrhe	ty Laxes + A	unonal Purpe	rty Japen)	
	V/	100 J Can Ceep	<i>\(\frac{1}{1} \)</i>	, /	/)
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12 backery	60 208.00 ywa 1	my only encome	us 55. I Can n	of afford these	Jash
3. Opinion o	f Market Value as	of January 1, 19 5	1000		
4. Purchase	Price \$46.	100	Purchase Date/	0-17-94	
5. Type of S	ale Januar		· · · · · · · · · · · · · · · · · · ·		·
6. Subsequent	t improvements mad	de to property	Nore	•	
•			Cost _ ·		
No o	Change prop	Dog in Mack	et Value		
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				_x.12	
Commercial _	•	<u> </u>	•	_x.32	
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COUNTY BOARD OF EQUALIZATION

PROPERTY ASSESSMENT APPEAL FOR	19
owner Sally Alexander	Parcel # 11-8-34-0-0-1-0-0-1-13
Mailing Address 1419 W. Rainey	Situs Address
city, state, zip Drank Mo 657	21 Property Type & Use Residential Partio
Phone # 417-581-4339	Single Family - Home
Agent FMHA	Property Description 2 bedream Patio H
Address 757 N. 20th St.	the same of
Phone # 417-485-3905	- <u> </u>
1. Nature of Appeal When we born - quoted in \$\frac{1}{208:08} - When I 2. Basis of Appeal To lower po	coperty taxes that are
3. Opinion of Market Value as of January 1,	
	Purchase Date
5. Type of Sale FMHA Mortgage	
6. Subsequent improvements made to property	Cost ·
- No Cha: Prop was in Mass	let value
,	submit income and expense information on
NOTE: DO NOT FILL OUT BELOW T	HIS LINE, FOR COUNTY USE ONLY
Owners's Opin 19 Assessment Market Va	alue by BOE Assessment
Residential .	x.19
Agricultural	x.12
Commercial	x.32
Total	
Reason for Change	
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DATE	ву

COUNTY BOARD OF RQUALIZATION

PROPERTY ASSESSMENT APPEAL FOR :	19
owner Anna G. Thomas	Parcel # Lot 4 OakHill Place 2nd
Mailing Address 409 W. Rainey	
city, state, zip Ozark, Mo. 6572	Property Type & Use Seniors patro han
Phone # 417-5814312	61
· :	· · · · · · · · · · · · · · · · · · ·
Agent FMHA - Ron Moody	Property Description pate funt
Address	
City, State, Zip	
Phone #	
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2. Basis of Appeal Taxes too high	•
3. Opinion of Market Value as of January 1, 1	996 - 5/900 00
4. Purchase Price \$ 1/6 280 0	Purchase Date Scot-8, 94
5. Type of Sale <u>FMHA</u>	
6. Subsequent improvements made to property	a landscaning
	Cost
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	submit income and expense information on
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PROPERTY ASSESSMENT APPEAL FOR 19	76 11-0.8-34-001-001-127-000
Owner Ed San Sont	Parcel # 462 80 00
Mailing Address 1403 W. Rainey	Situs Address 1403 W Racusy
	Property Type & Use Beaule At:
Phone # 45581-6755	
Agent Farm & Home ad minstration	MProperty Description Bold, 1000
Address 757 No 20th Street	
city, state, zip Ogark mo 6572	/
Phone # 4/7-587-3905.	
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2. Basis of Appeal -	<u> </u>
3. Opinion of Market Value as of January 1, 19 _c	51000
4. Purchase Price \$ 46,280,00	
5. Type of Sale 711 H O	· 4
6. Subsequent improvements made to property	1154/
·	Cost
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Agricultural	x.12
Commercial	x.32
Total	
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Reason for Change	
	
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DATE .	BY .

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COUNTY BOARD OF EQUALIZATION PROPERTY ASSESSMENT APPEAL FOR 19 96 11-0.8-34-001-001-130-000 Parcel # Mailing Address /423 Kainey Situs Address City, State, Zip Ozak Property Type & Use Duploy- Res Agent Property Description 2- he droom Address Patio Hones City, State, Zip _____ Phone # 1. Nature of Appeal Tayes 2. Basis of Appeal - Feel Opinion of Market Value as of January 1, 19 _____. 4. Purchase Price \$ 59. 280 Purchase Date Type of Sale FMH Mortage Subsequent improvements made to property Cost in Market va Income type property owners should submit income and expense information on NOTE: forms provided. NOTE: DO NOT FILL OUT BELOW THIS LINE, FOR COUNTY USE ONLY Owners's Opinion of Market Value New 19 19_ Assessment Market Value by BOE Assessment Residential x.19 Agricultural x.12 Commercial Total Reason for Change _ DATE

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	No.	O State of
•	COUNTY BOARD OF EQUALIZAT	TION
PROPERTY ASSESSMENT APPEAL FO	DD 40	-
owner Vera. L. Shelhorse	Parcel #	01-001-12-6
Mailing Address 1411 W. Rainey	Situs Address <u>AZAR</u> k	
City, State, Zip Ozark MO 65721		
Phone # 4/7-58/-5935	8.	
Agent FAHA	Property Description $oldsymbol{ ilde{\Gamma}}$	Numley
Address 757 N20411	•	TIO HOME
	5721	110 70
Phone # _58/-3905	<u> </u>	
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Have limited income, co	n't Work. Unfair Tox	burdem
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Reason for Change		•
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BY

DATE

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COUNTY BOARD OF EQUALIZATION

PROPERTY ASSESSMENT APPEAL FOR 19 9	<u> 14, 75,</u> 96
OWNER KENNETH & DARLENG ECK	Parcel # 09-0.3-07-000-000-004-005
Mailing Address 149 LAVENDER LANE	Situs Address SAME AS MAILING ADDRESS
city, state, zip BILLINGS; MO 65610	
Phone # 744-4192 Home 888-5471 of	FFICE :
Agent	Property Description
Address	ALL OF LOT 8, WILDFLOWER
City, State, Zip	HILLS SUBDIVISION
Phone #	
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REDUCTION OF ASSE	3SED VALUE.
2. Basis of Appeal T TESCHKE APPRAIS	
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3. Opinion of Market Value as of January 1, 1996	
4. Purchase Price \$ \\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Purchase Date
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PROTECT OCCUPANTS.	Cost
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Owners's Opinion 19 Assessment Market Value	
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Commercial	x.32
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DATE	BY

Board of EQ APPOINTMENT LOG

Appra	rser —				· · · · · · ·	Day of	Week	Monday		
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KEN ECK 149 Lavender Lane Billings, MO 65610

June 17, 1996

Junior C. Combs Clerk of the County Court Christian County P.O. Box 549 Ozark, MO 65721

Dear Mr. Combs:

Enclosed is a copy of an appraisal of the property at 149 Lavender Lane, Billings, Missouri, a letter from Tommy Bilyeu, a letter from me to Tommy requesting reassessment, and a newspaper article for your review. I would like to appeal the assessment of the property to the Board of Equalization and the State if necessary. I need your help in resolving this matter as I do not understand the processes involved. If you have any questions or would like to inspect the property I can be reached at 888-5471 during the day and 744-4192 after 5:00 PM. This has been a problem for the past two Tax years and I would like to see this issue resolved before taxes are due for 1996.

Sincerely

Cc: Bryan Wade

Enclosures: Four

KEN ECK 149 Lavender Lane Billings, MO 65610

June 11, 1996

Tommy Bilyeu Christian County Assessor P.O. Box 334 Ozark, MO 65721

Dear Mr. Bilyeu:

Enclosed is a copy of the latest appraisal of the property at 149 Lavender Lane, Billings, Missouri for your review. Reassessment of the property based on the appraised value of \$60,000.00 and reimbursement of property tax overpayment for tax years 1995 and 1994 is requested. If you have any questions, I can be reached at 888-5471 during the day and at 744-4192 after 5:00 PM.

Sincerely

Ken Eck

Cc: Bryan Wade

Enclosures: One

TOMMY BILYEU

P.O. BOX 334. OZARK, MISSOURI 65721 PHONE: 581-2440 - PHONE: 581-5509 HOME: 725-2165 - PAGER: 888-2848

June 12, 1996

Ken Eck 149 Lavender Lane Billings, Mo 65610

Dear Ken,

I have reviewed your property, read your apprasial, and I am still undecided what should be done.

In a case like this, I am advising you to appeal this to Board of Equalization, by calling the Clerk's Office, 581-6360. This gives you the right to a State Appeal. They meet in July, so I suggest you call right away.

I wish I could have been of further help. I have the house depreciated at 74% good.

Tommy Bilyeu

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Warketplace



owers fail to pa Building-code p

Third-class counties like Christian won't get a chance to seek construction rules.

By Traci Bauer

Christian County voters won't decide anytime soon whether new buildings should be inspected.

A bill that would have allowed third-class counties like Christian County to enact building codes didn't make it out of the state legis-

lature this session.
House Bill 879, sponsored by Rep. Jim Kreider, D-Nixa, would have allowed county elections on building

Codes currently exist only in first- and second-class counties, which account for only three coun-ties in southwest Missouri. The bill would have affected the rest of the

The idea for codes is appealing to many county officials, builders and residents who are eick of sloppy construction in places like Christian County, where new buildings are going up faster than at any time in history.
"I'm not necessarily for govern-

ment regulation," says builder Ron Middleton, who builds large cus-tom homes in soveral third-class countles and in Greene County. "But, I think we need standards,"

he says. "It's a disgrace to builders who want to do good work to have to compete with people who want to see how many corners they can cut."

Kreider says he sponsored the bill because he thinks residents should have the chance to decide dards in their community.

"Since I've been here, there has been a bill on building codes to some effect." Krelder says, "This is the first time it's gotten this far."

The bill passed the House and made it through a Senate committee, but the legislature's 6 p.m. Fri-day session deadline came before the till could get through, Kraider says, "It's one of those things, We'll bring it back in 1997."

Building codes could set standards for everything from the reliability of a structure's foundation to the size of bedroom windows:

Proponents say such codes would improve insurance rates for new buildings in rural areas.

"It assures the purchaser that at least minimal standards were met when their house was built," says Planning and Zoning Administraand Ozark already have building codes. But there's no regulation outside incorporated areas

"People are moving in from places like California, and they're used to a large number of regula-tions," Seboldt said. "They're almost stunned. They say, 'Oh, you

The county does have septic regu-lations and codes that regulate land use. Building codes, however, would mandata inspections during several phases of the building pro cess, Seboldi says.

What I'm disappointed in is that residents in third-class countles aren't even given the chance to make up their own minds about

building codes."

Sara Ray, a general contractor, says legislation such as Kreider's offers the best of both worlds bemerely allows countles to enact

"It seems so strange not to have any inspection of any kind," says Ray, who has done projects in Christian County. "As long as it was voted on by the people, I have no problem with it."

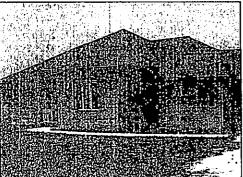
Ray and Middleton both say they build projects in third class counties to the same standards they'd have to meet in Greene County and Springfield.

Ray says while she favors code she bopes regulations would not be-

"I favor building codes and regu-lations — a certain amount is important for the safety of the customer," Ray says. "But I don't favor them becoming excessive to the point that it starts driving up to cost to the customer.



Darriene Eck gazes at a makeshift support beam running through her bedroom. "I feel better when the support beams are up, but they are still not safe," she says. She and her husband, Kenny, bought the house in 1993. 🙉 :



The Eck home looks line from the exterior. But beneath the back yard are sawage problems - such as the lack of a sewer line. The Ecks have filed lawsuits against the builders of the home and the inspector.

Class system

in sombwest Missouri Greene and Jasper are firstciass counties. Camden is a second-class county. All othe southwest Missouri counties are third class.
Classes are determined by

assessed valuations as E Class 1 counties: \$450

illion and over; ... Ill Class 2: \$300 million to

E Class 3: Less than \$300;

A Class 4: Counties that were class 2 before August

1988 and later fell below the required threshold are labeled Class 4 but are still treated as

Nightmare house has couple searching for nearest escape

Unsafe living conditions leave the Ecks wanting to run from their dream home.

By Richard J. Dalton Jr. '

When Darlens and Kenny Eck bought their \$156,000 home near Hillings 2% years ago, they looked forward to raising their son, Ausamong the solace of rolling hills and farms surrounding the Wildflower Hills subdivision.

The couple thought they walked into their dream home, where they would live and die.

Now they fear their home might

The Ecks listed 38 flaws in a now 2 year-old lawsuitagainst the builders, Terry and Cathy Owen, and the inspector, Randy Bayliff.
The Owens did not return phone

calls, Bayliff referred calls to his lawyer, who did not return calls.

Dariene Ecksays the floors could collapse because of shoddy con-struction. Shealso worries bad electrical wiring could cause a fire in the home, the only one built by the Owens in that subdivision.

Bok runs out of breath as she shows a reporter the problems in

Her breathlessness doesn't come from standing on tiptoe to point out a fake vent in a bedroom.

Or from walking up the stairs where she says 2%-year-old Austin —oranyone—could easily fall over because the bannister balances on one nail and a little glue in the places where it hasn't fallen apart.

Or from walking on some uneven floors from room to room to show more than a dozen 2 inch-by-4 inch support beams a structural engi-neer recommended to prevent the floors from collapsing. She's out of breath because she



The smell of sewage led the Ecks to rip open a floor in search of broken plumbing. What they found was the broken pipe and a structural support beam that. had been hacked to make space for pipes. The result a greatly: weakened support beam.

keeps talking - about flaw, after flaw, after flaw.

Building codes and county inspeciers would eliminate or reduce problems that plague her home, alse says. "I expected to be protected by the law when I'm buying a house this big and this expensive."

But the state of Missouri doesn't allow building codes in third-class

See MISHIMARE, Page 5D

Wightmare / The Ecks are stuck

Continued from 1D

counties such as Christian County.
House Bill 879, sponsored by Rep.
Jim Kreider, D-Nixa, would have changed that, allowing counties to put the issue to a vote. But the legislative session ended before the House-

Meanwhile, the Ecks are stuck. They are making large mortgage payments, so they can't move else, where, Darlene Eck says.

passed bill went to a Senate vote.

They also asked Terry Owen to buy back the home, but he refused, she says. "He wouldn't hear of it."

Darlene Eck is going public with ther problem to educate others and help them avoid a similar fate. "I'd hate for anyone else to go through what I'm going through."

"Your whole life is just in limbo," she says. "You're waiting and nobody cares."

In the meantime, the Ecks plan escape routes in case of a fire.

"We're going to tie my sheets together, tie it to the bed and go out the window," she says, pointing to a bedroom window close to the ground. "I've lain in bed thinking of what I should do."

Even turning on a light can mean a call to the fire department; she says.

Once, her cousin flipped a switch and—"Snap!"—the lights went out and black soot covered the switch.

"It blew one breaker, then it blew a main breaker," Darlene Eck says. "On the second snap, I decided to call the fire department."

Fire department officials told her the wires got wet from the rain, she says.

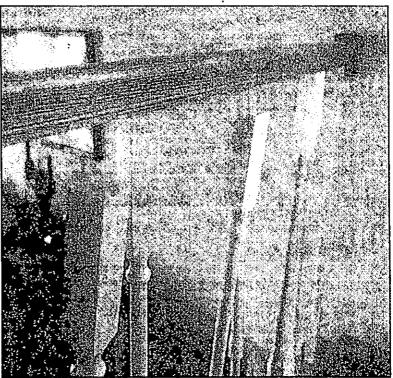
Once, Austin shocked himself after lifting up an electrical socket that wasn't secured to the floor, she says.

A light in the kitchen hangs not from a chain but from the electrical wire.

Outside, telephone and electrical wires lay exposed. She says static interferes with telephone conversations when it rains.

One day, while moving the lawn, Kenny Eck spied a white spot amidst the green. It was the sewer pipe.

'That wouldn't be a problem except that the pipe opens under the ground in the middle of their back yard. It continues eight feet away, but nothing connects the two parts. "There's



Steve J.P. Liang / News-Leader

This bannister has all but fallen apart, leaving toddler Austin Eck — or virtually anyone else — in danger, Darlene Eck says. The railing, or what remains of it, is held together with one nall and some glue.

"I don't know how the law works ... I just want things to be fair.

"And this isn't fair."

- Deriona Eck, distressed bemeavmer

nopipe," she says. "It's like: "Who forgot the pipe?" "

In the showers, the Ecks shiver upstairs from cold water. But downstairs, the water nearly scalds them, she says.

The washing machine has blown a fuse several times. And after running it, she must remember to flush out the sink. Otherwise, fumes from the septic tank can enter the house because the machine isn't vented.

In the downstairs bedroom, improperly sealed plumbing joints have leaked and left the room smelling like a sewer.

Kenny Eck reduced the smells by

installing a vent and replacing leaky pipes, Darlene Eck says.

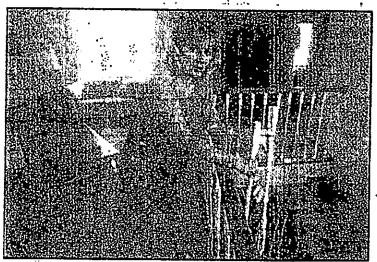
Looking back, she says the situation makes her feel naive, even stu-'pid. "I feel like that little old lady who got conned on the phone."

Sometimes, she just hopes that justice will prevail, through the lawsuit and a change in the law.

"Idon'tknowhow the law works... Ijust want things to be fair," she says. "And this isn't fair."

Other times, she just cries, then recovers.

"We've had our days of tears," she says. "And then we feel strong and try to go on."



. Steve J.P. Llang / News-Leader

Darlene Eck holds pieces of her broken bannister, which is held together by a nail and a little glue. The Ecks have filed lawsuits against the builders and inspector of their home near Billings.

Lack of building code hurts Ozarks family

From Our Staff

Only three southwest Missouri counties have building codes.

Darlene and Kenny Eck found that out the hard way after purchasing their \$156,000 home near Billings 21/2 years ago.

There are floors that could collapse, a bannister that balances on one nail and a little glue, and a dozen 2-inch-by-4-inch support beams suggested to prevent the floors from collapsing. .

A bill that would have allowed third-class counties to enact building codes didn't make it out of the state legislature this session.

Inside: Our report. 10

ion:10%

Abby 2G Calendar 2B Crossword 2G Deaths 48

Home 1E Markstplace 1D Movies 6G Opinion 6B

Ozarks 18 Real Estate 4E Sports 1C

Weather 2A Please RECYCLE. The News-Leader is printed

partially on recycled paper and is 100% recyclable. A Gannett Newspaper

Vol. 106, No. 140 ⁰1996, News-Leader

SHOW-ME 5

LOTTO 11-14-29-30-37-38

11-14-25-27-30

POWERBALL

2-7-8-28-33-15

J. JESCHKE APPRAISAL

118 W. Main • Branson, Missouri 65616 • (417) 334-3241 • FAX (417) 334-3419

State Certified

October 25, 1995

Mr. Bryan O. Wade Farrington & Curtis Law Offices 750 N. Jefferson Springfield, Missouri 65802-3799

Mr. Wade:

on the off

This is in reference to your letter of October 12, 1995, requesting a Real Estate Appraisal of the residence at 149 Lavender, Billings, Missouri. In accordance with your instructions, we have provided two values; the estimated value of the home as if it were without defects, and second, an "as is" value with the defects that presently exist in the property.

I have reviewed in detail the engineer's reports provided by you, which cites numerous construction deficiencies, as well as one report which provides estimated costs to correct the deficiencies. I inspected the property on October 16, 1995. In preparing an estimated value as if the home was without defects, I ignored the Engineer's Reports of deficiencies as well as my observation of defective areas. Based on comparable residential sales and on estimated reproduction costs of the improvements, my estimated value of the property is \$184,500.00. The appraisal report with my rationale for arriving at this value is at Enclosure 1.

Your question of value with the defects is more difficult. A standard Real Estate Appraisal would have included in the Cost Approach an estimated cost new of the improvements with allowances for physical, functional or external depreciation. This depreciation would embody all of the subject's deficiencies, superadequacies and obsolescence. In the Sales Comparison Approach, adjustments would be made to the comparable sales to account for these differences. My inspection, review of Engineer's Reports (See Enclosure 2), discussions with the owner and a review of over 100 photographs provided by the owner revealed defective areas of such an extensive nature that an estimated value based on standard depreciation techniques would be highly judgmental. I will not attempt to identify all of the defective areas in this letter, as they are well documented in the Engineer's Reports. I have included several photographs of deficiencies at Enclosure 3. A brief summary of my observations is as follows:

The residence exterior is brick, with an initial impression of an attractive, well designed residential home. However, a closer inspection reveals numerous defects of both structural and cosmetic nature, some of which result in unsafe living conditions. These include notches cut in the 2 x 12" floor joists for plumbing pipes, which measure up to 50% of the board width; no blocking between floor joists; inadequate strength of banister rail around stairwell opening resulting in an unsafe condition; sagging floor in living room and kitchen; beam shoring has been erected in the basement to support the ceiling; no plumbing vent stack; loose wiring; no junction boxes behind some light fixtures and electrical outlets; cracks in concrete; cracks in interior sheetrock; evidence of water leaks; inadequate venting in furnace room; window and door casing separation; hardwood floor separation; broken tile and loose tile grout; and separation of joints on some kitchen cabinets. Also, there is only one outside water faucet on the residence.

While I do not possess the technical expertise for a detailed structural analysis, the Engineer's Reports indicate other major deficiencies in such areas as floor support, plumbing and electrical wiring. Presently a back door has a drop of about ten feet to ground level. Landscaping was not completed, and a step from the front walkway to the front porch was not

constructed. These are only a few of the shortcomings and deficiencies. A detailed list is included with the Engineer's Reports. It should be noted that some of the deficiencies could not have been detected unless sections of sheet rock had been removed.

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The Engineer's Report (Enclosure 2) provides an estimate of costs to repair the residence. According to this report, the required repairs are extensive and will require replacing the entire flooring, stripping sheet rock from walls and ceiling, repairs to plumbing and electrical systems, replacing sheet rock, refinish of walls, etc. The total estimated costs for all areas of repairs and completion of unfinished areas is \$124,332.00. A case could be made that deducting these costs from the residence value if it were without defects (\$184,500.00) would indicate an "as is" value of \$60,168.00. However, this is not necessarily the market value. The estimated market value of the home as it stands is what a typical, well informed buyer in an open market would pay for the property if all of the defects were disclosed. Theoretically, this value could be estimated by comparing the subject with residential sales similar to the subject and having similar deficiencies as the subject. Our research of the market revealed no sales of this nature. The most logical buyer of the property would probably be one of two types of investors. One would be a buyer with experience as a building contractor. His interest would be to buy the property as defective, make necessary repairs and resell it at a profit. The other would be a homeowner who would purchase the property as defective and either pay for correcting all deficiencies, or for those defective areas affecting the safety and living integrity of the home, and be willing to accept other faults as uncorrected. However, if faults are uncorrected, the market value would be less due to items of physical or functional obsolescence.

After analyzing the various options, my judgment of the best indicator of market value is \$184,500.00 (value without defects) minus those costs of repairs which affect the real estate as well as any additional depreciation. The cost to restore the residence to a safe and livable condition is estimated at \$124,332.00. (See Enclosure 3.) These costs were prepared by Dressler Consulting Engineers, Incorporated, and I have no reason to question the validity of While the owner would be required to vacate the residence during the repair work, the cost of \$6,400.00 would not be attributable to the real estate. Deducting this cost leaves a total repair cost of \$117,932.00. I am a Real Estate Appraiser, not a building contractor or construction engineer, but I have no reason to believe that estimated demolition or repair costs are excessive or unnecessary. Also, in my opinion there is some external obsolescence, which is incurable. The residence was purchased as a new home, but now requires extensive repairs. Would a buyer pay the same price for the home if defects did not exist as he would pay after repairs are made? Probably not. An example is a new automobile, which is wrecked shortly after purchase. Repairs are made, restoring it to like new condition. However, the value is less. It is no longer a new automobile, but a new car which has been damaged and repaired. The principle for the subject residence is similar. It is faulted. The amount of depreciation is highly judgmental, and could range from 10 to 20% or higher. I have used The estimated property value without defects of \$184,500.00 minus repair costs of \$117,932.00 equals \$66,560.00. This value minus 10% (\$6,656.00) for external obsolescence provides a total estimated value of the property with the defects of \$59,904.00, rounded to \$60,000.00.

My final conclusion is that the value of the residence, shop building and 3.2 acres of land on which they are located, without the defects is \$184,500.00. The value with the defects is \$60,000.00.

Please contact our office if you have questions or if we can be of further service:

Suski Carlon RA001151

Appraiser

ENCLOSURE 1

J. JESCHKE APPRAISALS

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NO Section UNIT UMM RESIDENTIAL APPRAISAL REPURT FROM 95-160								
TAMATED SITE VALUE = \$ 20,000 Comments on Cost Approach (such as, source of cost estimate,								
ST MATED REPRODUCTION COST - NEW-OF IMPROVEMENTS: ##240								
BSMT 2,008 5qFt. 05 48.82 * 3 99.837 estimated remaining economic ble of the property): 58 YEARS.								
SHOP: DECK: PATIO, W. P. TUB. + 17.507 22.5 X 3.5 = 78.75								
croge/Carport 684Sq.Ft. 0.\$ 18.10 = 12.380 3.0 X 6.5 = 19.5								
tto Estimated Cost New =\$ 172,596 1.0 X 12.0 = 12.0								
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-		-			2 007	75 OR 2 008	SO FT	
NOCATED VALUE BY COST APPROACH = \$ 189,396 [G. L. A. 2,007,75 OR 2,008 SQ.FT.								
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coress BILLINGS		BILLINGS. MI		BILLINGS. MI	SSOURI	BILLINGS. MI		
rosmity to subject	breez were			ADJOINING PR		2 BLOCKS EAST		
icies Price Price/Gross Liv. Area		\$ 100.03	164,900	\$ 74.74©	156,950	\$ 01 200°	157,000	
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enfication Source	INSPECTION	SELLING RE	ALTOR	SELLING REA		SELLING RE	ALTOR	
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concessions		NONE	0	NONE	0	NONE	0	
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Quality of Construction	BRICK/AVG.	BRCK, VIN/AV		BRICK/AVG	0	BRICK/AVG.	Ö	
ige	2 YEARS	1 YEAR	0	NEW	0	NEW	0	
Condition	AVERAGE	AVERAGE	. 0	AVERAGE	0	AVERAGE	0	
bove Grade	Total Barnes Baths	Total Barns Baths		Total Barns Boths		Total Barns Baths		
Room Count	5 2 1.50	5 2 2	- 500	5 2 2	- 500	5 2 2	~ 500	
ross Living Area	2,0085qFt.	1,500 Sq.Fi.	+ 10,200	2,100 Sq.Ft.	- 1.800	2,200 Sq.Ft.	- 3,800	
Basement & Finished Rooms Below Grade	100% - 80% 3RMS.1BA.GAR	100% - 75%	+ 5,000	CRAWLSPACE NONE	+ 23,000	CRAWLSPACE NONE	+ 23,000	
unctional Utility	AVERAGE	AVERAGE	0	AVERAGE	+ 1.500 0	AVERAGE	+ 1,500	
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nergy Efficient flems		011777		9,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	, , ,	G 1.111		
Carage/Carport	S C.ATT.	2 C.ATT.	0	3 C.ATT.	- 3,000	S C.ATT.	0	
Porch, Polio, Deck,	PATIO, DECK	DECK	÷ 500	LARGE DECK	0	BOOS.F.DECK	- 1,000	
Fireplace(s), etc.	GAS LOG F.P.	FIREPLACE	0	FIREPLACE	0	FIREPLACE	0_	
Fence, Pool, etc.	MEMORILE DI DO	otion	. 0.500	HOND	. 0.500	MONE	1 0 500	
OUTBUILDINGS Net Adj (lolar)	MEIAL BLUG.	SHED	+ 8,500 19,700	300NE X	+ 8,500 27,700	NONE X) +	+ 8,500 27,700	
Adjusted Soles Price	55.0	HAT SEE	19.700	14	27.17.00		47.1744	
ої Сапраговіє		Gress × \$	184,600	Greate 1 1 5	184,650	Gross	184,700	
Comments on Soles Comp	orison (including the subje	et property's compatibil	ily to the neighborho	od, elc):	SEE COVER	LETTER AND	ADDEI:DUM.	
THIS REPORT	IS INVALID U	ILESS CONSIDE	RED WITH T	IE COVER LETT	T			
	ISE THAT THE.	RESIDENTIAL S	TRUCTURE IS	<u>s without def</u>	<u>ects as dis</u>	CUSSED IN TH	E COVER	
LETTER.			 		·····			
								
ITEM	SUBJECT	COMPARA	LENO.1	COMPARABL	E NO. 2	COMPARABL	E NO. 3	
Ogle, Price and Data	11-93	NONE		NONE		NOW LISTED F	OR	
Source for prior scles	\$156,000					\$185,000 W/N	EW DECK	
within year of approisal		SELLING REA	**************************************	SELLING REA		AND 30X60' H		
	greement of sale, option, a							
THE APPRAISERS ARE NOT AWARE OF ANY CURRENT AGREEMENTS OF SALE, OPTIONS, OR LISTINGS OF THE SUBJECT OR COMPARABLES WITHIN THE PAST 12 MONTHS BEYOND THE INFORMATION SUPPLIED HEREIN.								
	COMPARABLES W SALES COMPARISON APP	_	I IS MONTH	S SETURD THE	INTURMATIO		184,500.00	
			rket Reat \$. N/A /Mo.	x Gross Rent Multipl		N/A	
DOCATED VALUE BY INCOME APPROACH (If applicable) Estimated Market Rent \$ N/A /Mo. x Gross Rent Multipler N/A \$ N/A The approad is made 1 "as is" subject to the repairs, atterations, inspections or conditions listed below subject to completion per plans and specifications.								
CONTROL SEE ADDENDUM. THE COST APPROACH WAS CONSTRUCTED WITH THE AID OF THE MARSHALL &								
TET RESIDENTIAL COST HANDBOOK & TEMPERED BY LOCAL CONDITIONS.								
ALTHOUGH THE COST APPROACH COULD BE CONSIDERED RELIABLE, MORE RELIANCE IS PLACED. THE MARKET DATA ANALYSIS WHICH REFLECTS PREVIOUS ACTIONS OF BUYERS AND SELLERS IN THE								
V MAKET PLACE.								
The purpose of this approach is to estimate the market value of the real property that is the subject of this report, based on the above conditions and the certification, conlingent								
THE purpose of this opproach is to estimate the market value of the real property that is the statical of this report, cased on the cooks conditions and the conditions and market value definition that are stated in the attached Freddie Mac Form 439/Formis Mae Form 10048 (Revised 6/93).								
	THE ESTIMATE THE MARKET VALUE, AS DEFINED OF THE REAL PROPERTY THAT IS THE SUBJECT OF THIS REPORT, AS OF COTOBER 16. 1995							
	OF INSPECTION AND THE		THIS REPORT) TO (BE \$	184.5	00.00		
OTHER OF	1	. 10 1	út c	PERVISORY APPRAISER	(1. /		_{ка} (Бік	
III.	MALA COM	ne ov	<u>51G</u>	NATURE \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	COVE		Did X Did Not pect Property	
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	PARA COLISI	51		ATE CERTIFICATION #	RA002005		STATE MO	
THE LEWIS CO.				STATE LICENSE #			STATE	
0 / 3		.00	DACE 2 of			- 1.11	e Form 1004 (693)	

CHO APPRAISALS

ADDENDUM

RE: 149 Lavender, Billings, Missouri

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The subject property is located in a small residential subdivision of about 15 homes, and is approximately 15 miles southwest of Springfield. Comparable #1 is 2.5 miles south of the subject, while #2 and #3 are both within the subject's subdivision. The subject and all three sales are on septic systems. The subject and Sales #2 and #3 are each on shared wells with two other homes. Comparable #1 has an individual well. All three sales have closed within the past year. Realtors in the area indicated that residential properties have not appreciated in 1995. There was significant appreciation in 1993 and early 1994, but it has leveled in 1995. Therefore, we made no appreciation adjustment to the comparable sales.

The subject owner purchased the property in November of 1993 for \$156,000.00. The present estimated value of \$184,500.00 indicates a total increased value of 15%. Also, a 1,447 square foot residence within one block of the subject, with full basement (75% finished), sold in April of 1993 for \$105,500.00, and resold in August, 1995 for \$132,500.00, for an increase in value of 20%. We did not use this as a comparable sale due to the size difference of improvements and land, and primarily due to its inferior quality of construction materials and amenities, resulting in the lower sale price. Both the builder and selling Real Estate Agent indicated that it was constructed as a less expensive home than other properties in the subdivision.

In addition to the above sales, a 2,300 square foot residence in the subject's subdivision and very similar to Sales #2 and #3 is presently listed for sale at \$169,900.00. It has a 3-car garage, but has no basement, and is on five acres of land.

Comparable #3, which sold in January of 1995 for \$157,000.00 is now re-listed for sale at \$185,000.00. Since the original sale, a large $10' \times 80'$ deck and a $30' \times 60'$ metal building have been added.

GENERAL WARRANTY DEED

THIS DEED, Made and entered into this 19 day of MOVEMBER , 19 (13), by and botwoon TERRY OWEN AND CATHY OWEN, HUSBAND AND WIFE

of the County of GREENE

, State of Missouri, party or parties of the first part, and

KEN ECK AND DARLENE ECK, HUSBAND AND WIFE

of the County of GREENE

, State of Missouri, party or parties of the second part,

Granteo's malling address:

RT 1 BILLINGS, MO

149 LAVENDER. 65610

WITNESSETH, that the said party or parties of the first part, for and in consideration of the sum of One Dollar and other valuable considerations paid by the said party or parties of the second part, the recoipt of which is hereby acknowledged, does or do by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto the said party or parties of the second part, the following described Real Estate, situated in the County of and State of Missourt, to-wit: CHRISTIAN

ALL OF LOT EIGHT (8) IN WILDFLOWER HILLS, A SUBDIVISION IN CHRISTIAN COUNTY, MISSOURI.

> ALSO 1/3 INTEREST IN THE WATER WELL AGREEMENT DATED 8-11-92, AS IS RECORDED IN BOOK 0.0000, PAGE 0.00000, CHRISTIAN COUNTY RECORDER'S OFFICE.

> > P. BRUCE HARRIS RECORDER OF DEEDS CHRESTIMY COUNTY

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND COVENANTS OF RECORD, IF ANY.

TO HAVE AND TO HOLD THE SAME, Together with all rights and appurtenances to the same belonging, unto the said party or parties forever.

The said party or parties of the first part covenanting that said party or parties and the heirs, executors, administrators and assigns of such party or parties, shall and will WARRANT AND DEFEND the title to the promise: unto the said party or parties of the second part, and to the noirs and assigns of such party or parties forever, against the lawful claims of all persons whomsoever, excepting however, the general taxes for the current calendar year, and thereafter, and special taxes becoming a lien after the date of this deed, and restrictions, easemonts and building set back lines of record if any, and zoning laws.

IN WITNESS WHEREOF, the said party or parties of the first part has or have hereunto set their hand or hands the day and year first above written.

> (SEAL) (SEAL) (SEAL)

> > (SEAL)

STATE OF MISSOURI.

County of

ACKNOWLEDGEMENT OF HUSBAND AND WIFE

NOVEMBE R19 93 19 day of

before me personally appeared TERRY CHEN and CATHY OWEN

GREERE

his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed,

IN TESTIMONY WHEREOF, I have become solymy hand and affixed my official real, SPRINGFIELD, MO at my office in the day and year first above written

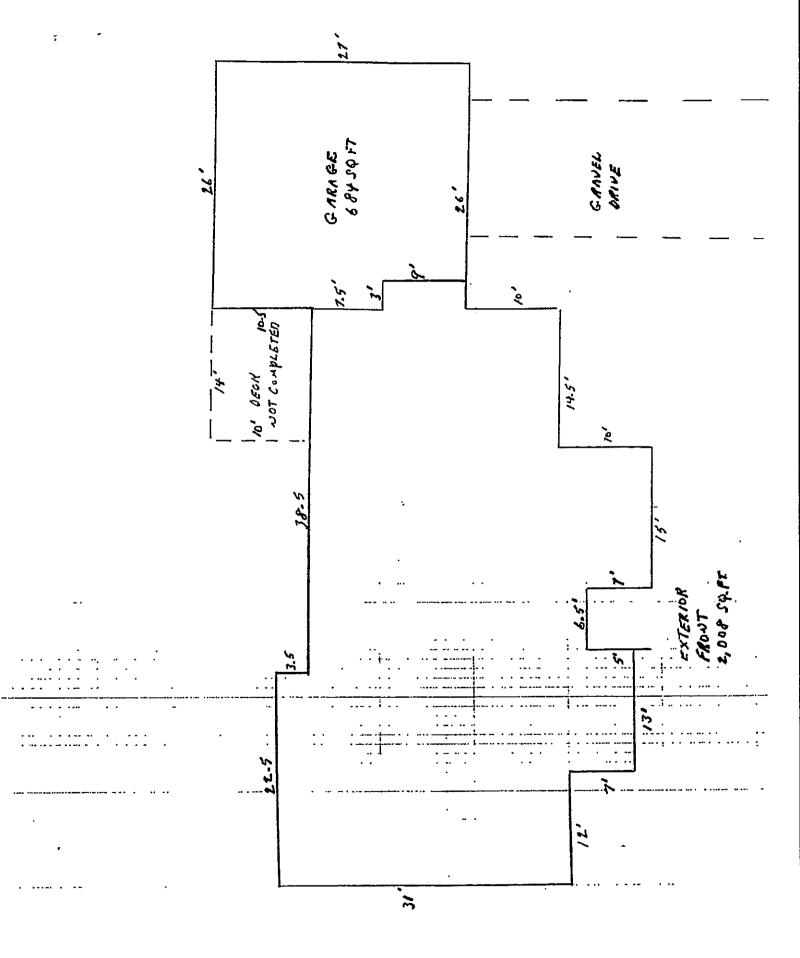
My term of office as a Notary Public will expire

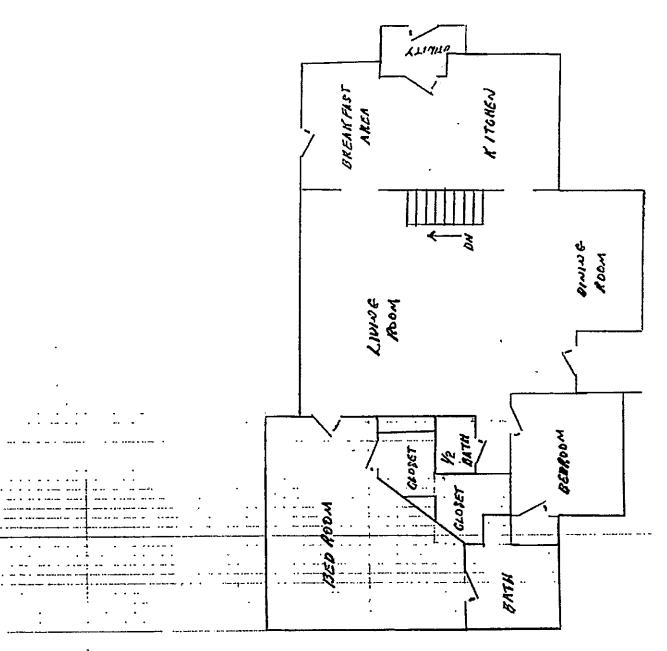
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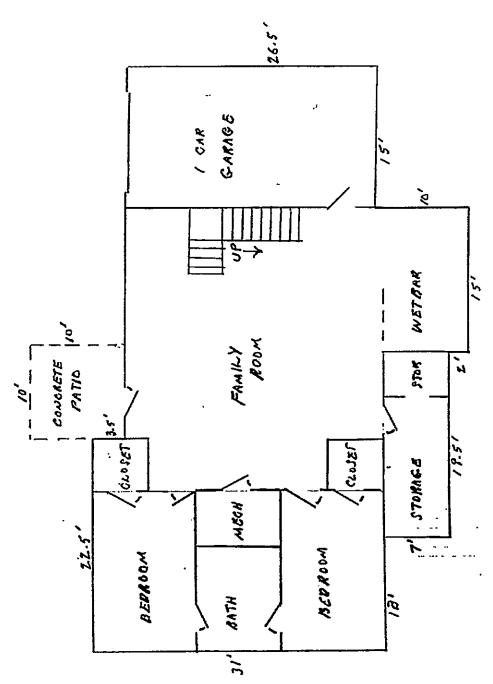
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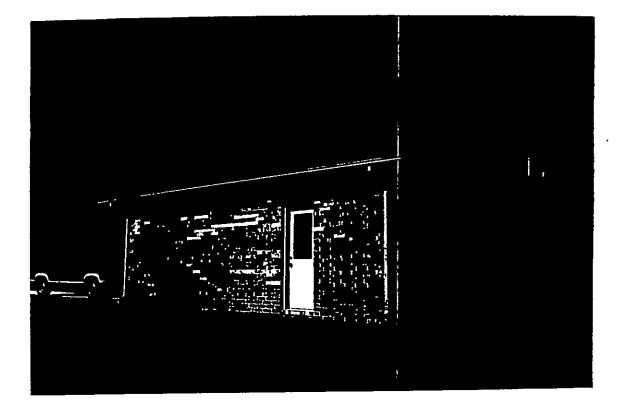


IST LEVEL INTERIOR

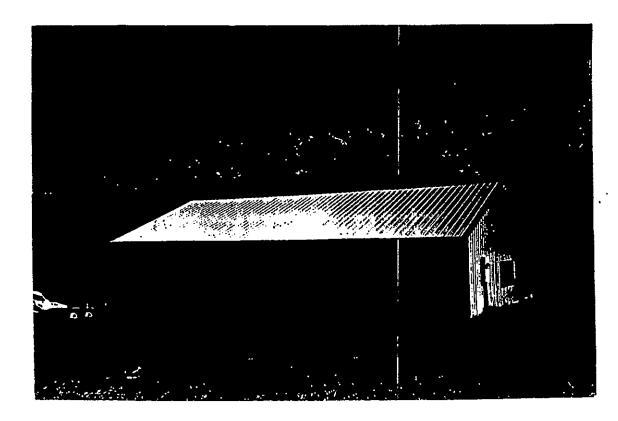


BASEMENT 2008 SOFT 1,611 SOFT FINISHED 397 SOFT CARAGE

Photographs of Subject Property

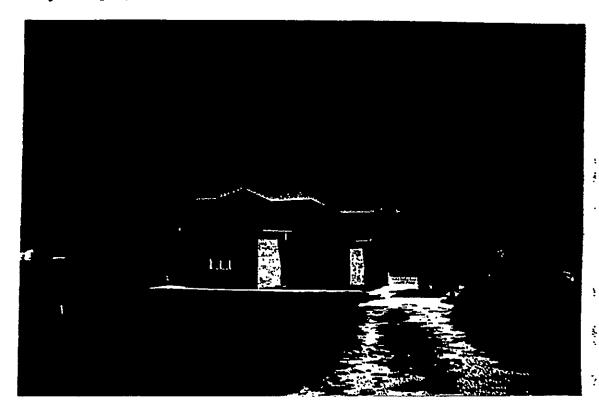


East End

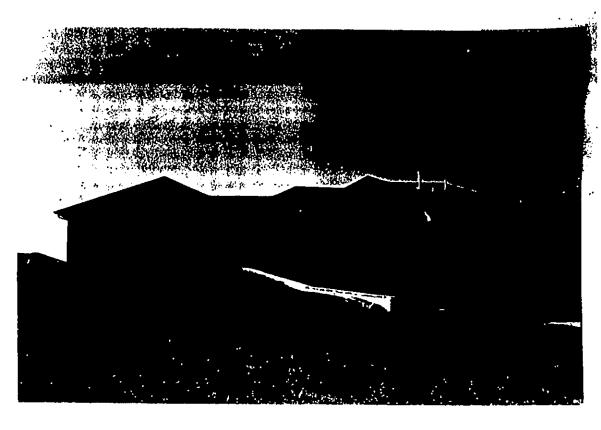


Metal Building

Photographs of Subject Property

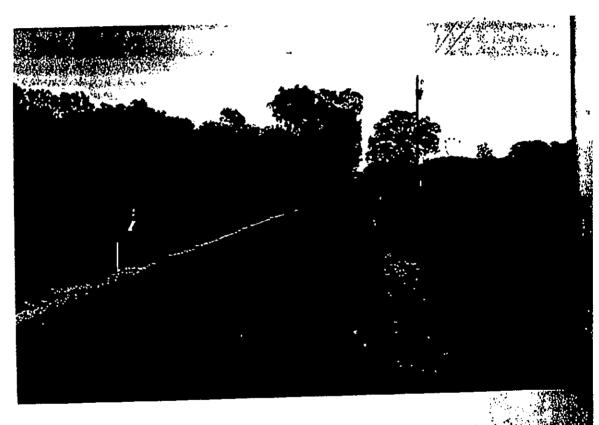


Front

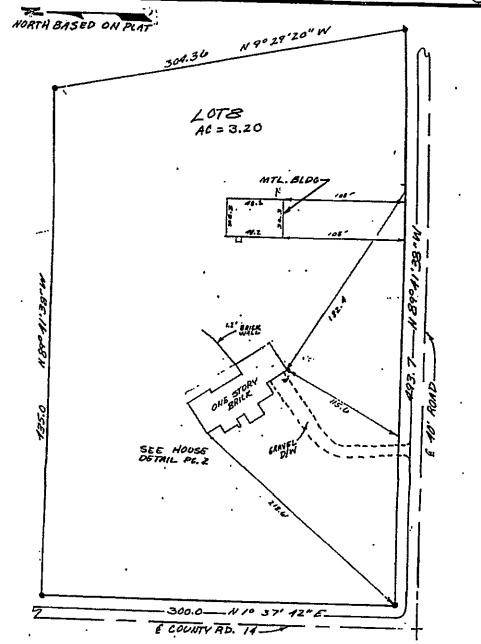


Rear

Photographs of Subject Property



Street Scene



THE FOLLOWING DEHENSIONS WERE REVISED ON 12/15/93, AS HETAL BUILDING WIDTH REVISED TO 32.3°, AND ACREAGE REVISED TO 3.20 ACRES. REVISED:

SURVEYORS CERTIFICATION

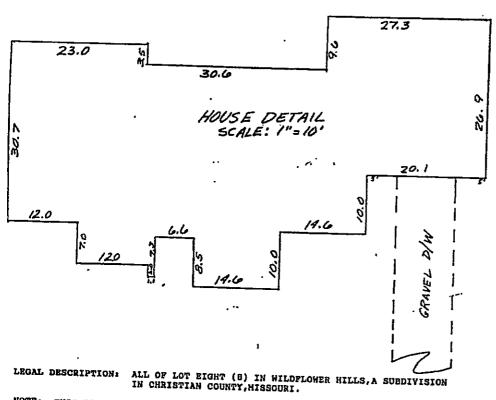
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SURVEYORS CENT PROPERTY.

I. Thomse E. Riddel, do hereby certify that I prepared this plat from an actual survey of the land herein described and that corner monuments shown were placed under any disect supervision. This survey was performed in accordance with the requirements of the standards for property surveys adopted by the Missouri Board for Architects, Professional Engineers and Land Surveyors and also meets Missouri minimum standards for property boundary surveys as specified by the Department of Natural Resources.

RIDDELL & ASSOCIATES SURVEYING, INC		ROUTE 4, BOX 2221 REPUBLIC, MIRSOUNI CRISS (417) 863-4747
CLENT CHOICE SSCROW	LEGEND EXISTING IRON PIN	CENTROPOR
RECORD GOURGE HOGAN LAND TITLE CO. COHNIT.#310528	O = 8ET 172* IRON PIN EXISTING STONE A = EXISTING STORE OD = DEEDED DIMENSION	THOMAS BANK
BGAL 1 1 501 0 25 50 100	(P) = PLATTED DIMENSION (M) = MEASURED DIMENSION	

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THIS PROPERTY DOES NOT PALL IN A FLOOD HAZARD ZONE ACCORDING TO MISSOURI FLOOD CONTROL MAP #290847 0002 A, PAGE 2 OF 8. MAP EFFECTIVE DATE: 19 APRIL, NOTE:

TERRY OWEN AND CATHY OWEN , OMNER:

WEYORS CERTIFICATION

WEYORS CERTIFICATION
ones E. Riddel, do hereby certify that I prepared this plat from an actual survey of the land herebt described and that corner monuments shown were placed under my
of supervision. This survey was performed in accordance with the requirements of the standards for property surveys adopted by the Missouri Board for Architects,
essional Engineers and Land Surveyors and also meets Missouri minimum standards for property boundary surveys as specified by the Department of Natural Resources.

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RIDDELL & ASSOCIATES SURVEYING, INC		ROUTE 4, BOX 2181 REPUBLIC, MISSOURI 61726 (417) 863-4787
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ORD SOURCE HOGAN LAND TITLE CO. COMMIT. #310528 19 A PROPERTY	O = 8ET 1/2* IRON PIN = EXISTING STONE A = EXISTING RIGHT-OF-WAY MARKER (D) = DEEDED DIMENSION	V. 737 - 21829515 2.25
# 1 ¹ =10' 0 5 10 20	(P) - PLATTED DIMENSION (M) - MEASURED DIMENSION	Wano sales

MATIONAL FLOOD INSURANCE PROGRAM PANEL 2 OF 8
SEE WAS INDEX FOR PANELS NOT PRINTED) Federal Emergency Management Agency ZONE: -ZONE A -ZONE A :0 ZONE A--ZONE A

FLOOD HAZARD BDUNDARY MAP

CHRISTIAN COUNTY, MISSOURI UNINCORPORATED AREA

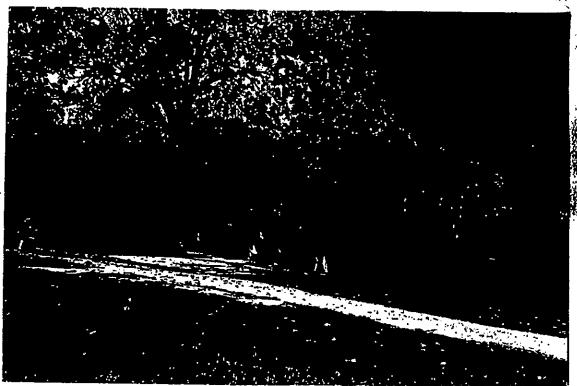
COMMUNITY-PANEL NUMBER 290847 0002 A

EFFECTIVE DATE:

APRIL 19, 1983

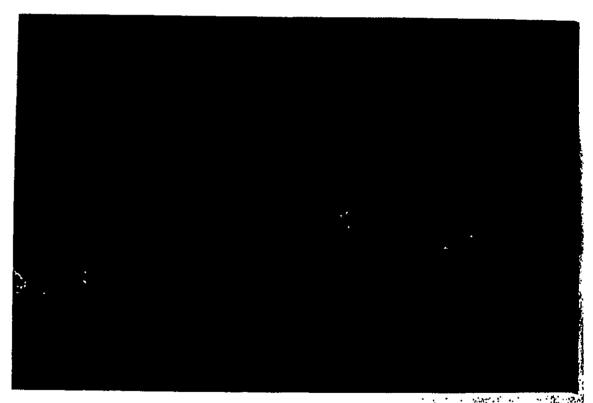


Comparable #1

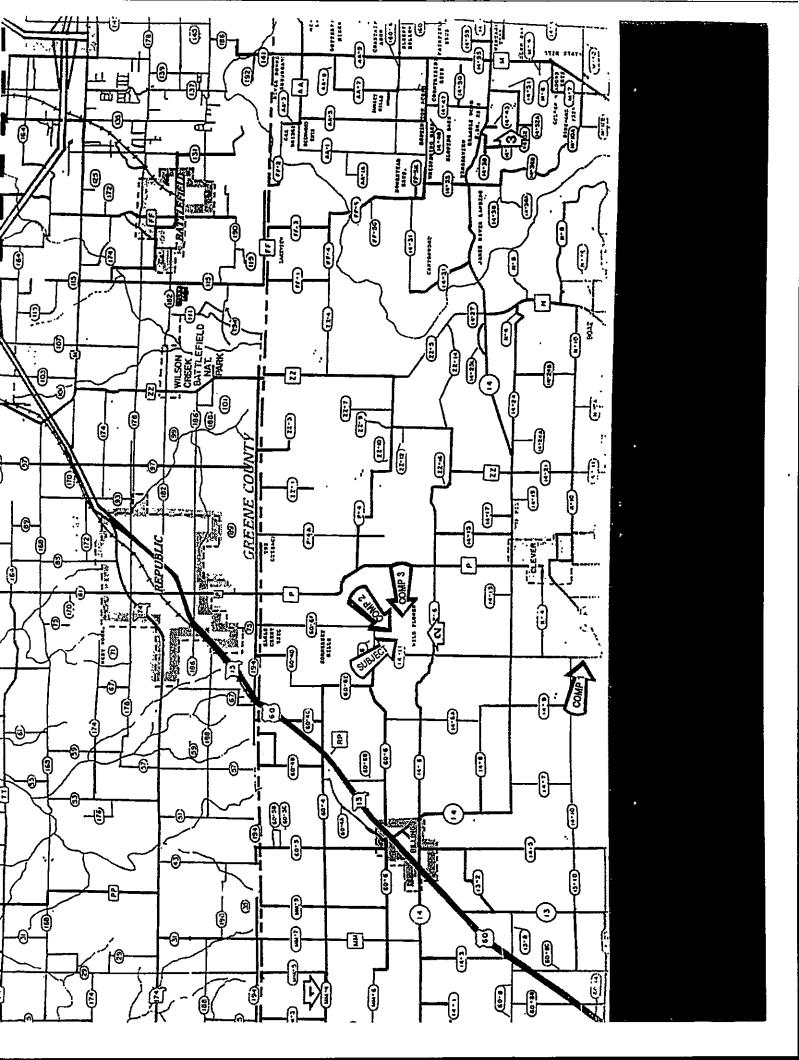


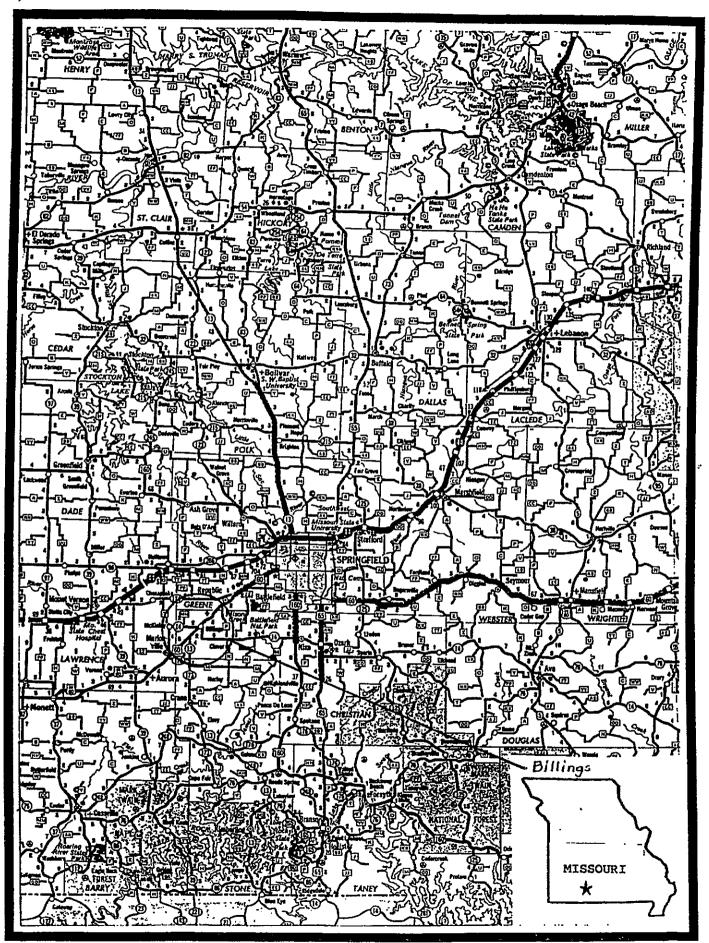
Comparable #2

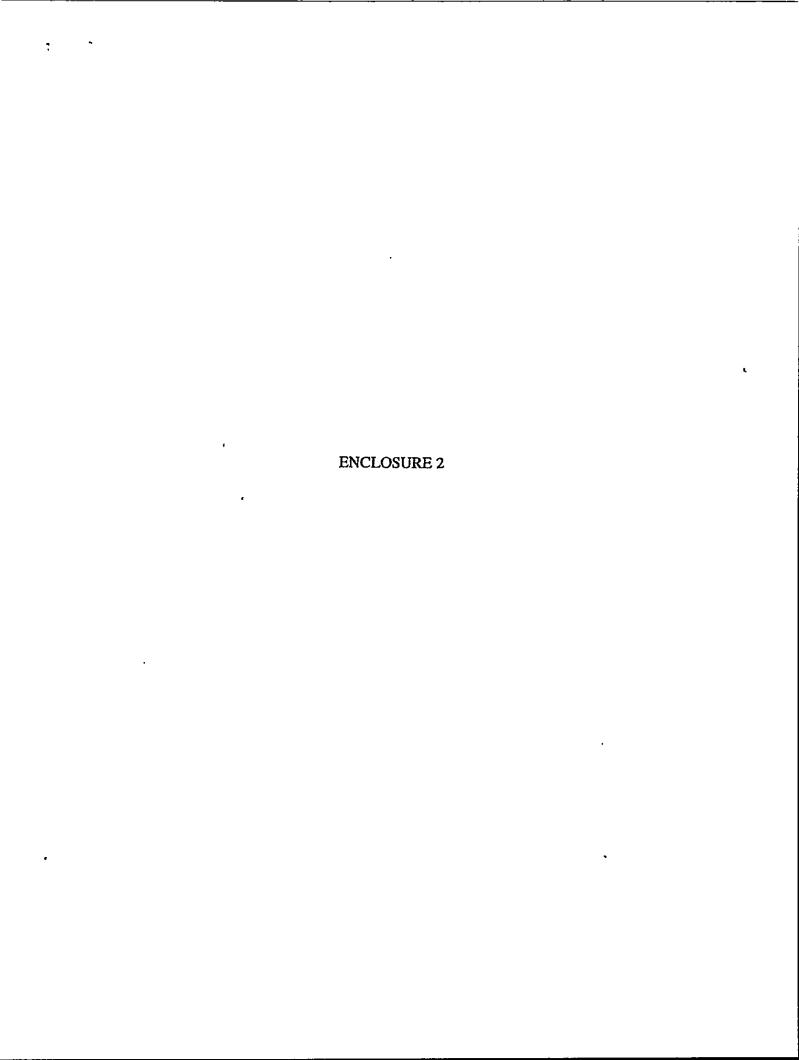
Photographs of Comparable Sales

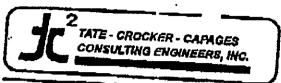


Comparable #3









Registered Professional Engineers

Raigh D. Tate, R.E., A. I.C.P. Patrick U. Crooker, P. E. Martin Capagoa, Jr. P. E.

Feb. 9, 1994

Mr. Ken Eck 149 Lavender Lane Billings, Mo. 65610

Ket House at 149 Lavender Lane

Mr. Eck:

At your request, on Feb. 8, 1994, I inspected the above referenced house. You stated you were concerned about several items.

There are several major appliances that are wired into the same circuit. When more than one appliance is operating at the same time the breaker cannot handle the lund. These appliances should have been wired to be on separate circuits in order to prevent the continual everloading of the breakers. The refrigerator and microwave even are on the same circuit. The television and washer also on the same circuit. These outlets should be rewired to be on separate circuits so the individual appliances can be operated at the same time without overloading the breakers.

In the electric panel box the door bell transformer is hanging by the wires. This should be mounted somewhere to take the strain off the wiring.

There are also several problems with the plumbing in the house. I noticed the following items on the sewer piping:

There are no plumbing sewer vents to the roof. Due to this fact, at times when large amounts of water is discharged to the sewer line, as when a tub or washer is drained, some traps are drained. This generates an open line to the septic system which allows applie gas and odors to back up into the house.

The unin sower lines in the house appear to be 1 1/2" diameter lines. Many of these lines sorve several appliances such as a washer, kitchen mink and dishwasher. These lines should be larger in order to handle the flow from all the sources without the possibility of backup.

I noticed the following items on the water piping:

**

The dichwasher is hooked to the cold water line. This should be sooked to the hot water line.

There is a 1/2" diameter line form the entry to the water heater. This line should be larger.

The cold water line from the entry to the water heater branches off to serve the cold water for the whole house. There should be one line running to the water heater and the lines to serve the rest of the house should branch off after the water heater.

The water lines are not supported adequately.

There is a section of steel pipe at the basement tub that allows rust to form and flow into the tub.

The water heater has no piping from the pressure relief valve to a point close to the floor.

I also found that there is no seal between the kitchen sink and the counter. This allows water to seep between the sink and counter.

If you have any questions please contact me.

Tate Engineering Consultants

Ralph D. Tate, P.E.

SPRINGFIELD, MO 45806

417-863-9989

February 8, 1994

P.N. 94006

Mr. Ken Eck 149 Lavender Lane Billings, Missouri 65610

RE: Residence Structural Investigation

Dear Mr. Eck:

In accordance with your request, Wise Structural Engineers (WSE) has performed an investigation of the floor framing in your residence located at 149 Lavender Lane, Billings, Missouri. This letter will serve to summarize the findings by WSE following a visual examination of the structure on February 1, 1994, and a follow-up structural analysis.

Visual Examination

On February 1, 1994, I met with Mrs. Eck and yourself at your residence in order to visually examine the roof and floor framing. The roof framing was observed to be "stick framed", typical of home construction in this area, and appeared to be reasonably adequate, however deficiencies may be present which can be identified only by extensive field measurements and follow-up analysis. As your primary concern was the floor framing, no detailed study of the roof framing was performed.

The floor framing consists primarily of 2x12 #3 Surface Dry HemFir joists spaced at 16" on center and spanning up to 16'. It
appears that at many bearing locations, blocking between the
joists was omitted. This condition is highly undesireable as
blocking is required to prevent the joists from falling over
sideways, domino style, when heavily loaded. At the time of the
visual examination, the upper level living room was loaded very
lightly with minimal furniture present, when a level was placed
on the hardwood floor surface just south of the living room,
floor slopes of up to 1/2" in 2 feet were observed which is
highly abnormal and excessive. Notches measuring 4" tall were
observed to be cut in the bottom edge of 14 kitchen floor joists,
weaken the joists were notched at mid-span. The notches severely
fracture and collapse.

The bannister rail around the stairwell opening appears to be of inadequate strength.

At the middle of the upper level living room, the floor joists are supported by a W12x26 steel beam spanning north-south 27'-8".

Several cracks in the gypsum wall sheathing were observed as were doors with frames which appeared to racked out of square.

Follow-up Analysis

Ploor Joists:

Regarding the issue of spans, follow-up analysis indicates that for normal residential floor uniform loads of 15 psf dead load and 40 psf live load (40 psf live load is typically required for design by building codes), the joists have a safe allowable maximum span of 12'-11". When concentrated loads (walls, columns, etc.) are applied in addition to the uniform floor loads, the safe allowable joist span will be less than 12'-11".

The floor framing around the stairwell opening appears to be very inadequate. It appears there is only a single ply joist at each end and along the west edge of the stairwell opening. It is my recommendation that temporary shoring be immediately placed under the west edge of the opening until permanent strengthening measures can be installed.

The following table summarizes the results of the analysis of the floor joists for application of the full dead and live loads anticipated. Joists can be safely loaded only up to 100% of the safe allowable stress. When joists are loaded to more than 100% of the safe allowable stress, failure and collapse is possible.

Joist Location/Description	Span	Percentage of Safe Allow. Stress under Full Dead & Live Load
Over Garage	14'-7"	129%
Over Family Rm., East of Beam	13'-9"	1148
Single Joists @ Ends of Stairwell	13'-9"	324%
Single Joist @ West Egde of Stair	91-41	161%
Over Family Rm., West of Beam, Supporting Fireplace/Wall	14'-0"	163%
Over Family Rm., West of Beam, Supporting Ceiling "Truss" Reaction	14'-0"	261%
Over West Bedruoms	16'-0"	155%

411 1200

Mr. Ken Eck February 8, 1994 Page 3 of 3 P.N. 94006

Steel Beam:

Under full design floor loading, the W12x26 floor beam will be stressed to 127% of safe allowable stress, stated another way, the beam would be overstressed by 27%. The north end of the beam appears to bear on a wood stud wall; the adequacy of the wall to support the beam reaction is questionable.

Recommendations

The following temporary and permanent measures are recommended:

- 1. Place temporary shoring under the west edge of the stairwell opening and under the 5 kitchen floor joists which have been notched at mid-span.
- 2. If it is desired to maintain the present open span areas, remove basement ceiling material over: the family room west of the steel beam; the family room between the stairwell opening and the steel beam. If the presence of additional columns and beams can be tolerated, extensive removal of ceiling material may not be required. Remove interior wall finish material at location of north bearing of steel beam for examination of support.
- 3. After the ceiling material has been removed to permit access for thorough examination, retain the services of a qualified engineer to design measures to adequately strengthen and support the floor framing members, including repair of the notches cut in the kitchen floor joists.
- 4. Employ the services of a competent contractor to install the required repair measures. Have the completed repairs checked by a qualified engineer prior to covering the work.

I have appreciated the opportunity to be of service in this matter and hope this information will be of assistance to you. Please feel free to contact me should you have any questions.

Sincerely,

WISE STRUCTURAL ENGINEERS

Colt Wise, P.E.

cw: KE020894



1949 East Sunshine - Suite 100-E - Springfield, Missouri 65804 - (417) 888-2408 - FAX (913) 341-9127

April 20, 1995

Mr. Ken Eck 149 Lavender Lane Billings, Missouri 65610

Subject:

Professional Engineering Assessment of Contraction Defects in a

Residence

DCEI File:

630050

Dear Mr. Eck:

Under the direction of Randall Noon, Ph.D., P.E. the Eck residence was inspected by Frank Young, Regional Manager, of Dressler Consulting Engineers, Incorporated (DCEI). Review of various documents concerning the workmanship and construction of the residence was also performed. The emphasis of DCEI's examination was to identify safety concerns and problem areas. The information gathered was then used to prepare an estimate of repairs to fix and rehabilitate the subject residence to a livable condition. The report containing the estimate of repairsidentifies the major areas of concern.

This letter is intended to identify the dangers and risks that the previous workmanship and construction features presented to the occupants of the house. This letter also discusses the relative ease with which these items could have been identified by an inspector.

Collapse, fall, fire, and other heath risks are the primary concerns faced by the occupants of the house.

1. The baluster and stair hand rail are inadequate. This system was not properly constructed. The living room area requires a newel post to provide proper support. Newel posts are also required at direction changes. None are currently found where required. The stair risers were also constructed incorrectly. The height variance is greater than that permitted by national safety codes. The stair system is potentially unsafe and currently poses a risk for falls and trips.

DCEI P-2

2. The stair opening was framed incorrectly. Single headers were used when double thickens framing was necessary. This poor construction technique created an unstable floor system that is subject to collapse, especially when the floor is subject to various high load configurations. In this regard, temporary bracing was added to the house to secure the occupants.

- 3. Ceiling framing was also noted to be questionable. Tray ceilings and recessed ceiling framing were found to be inadequate. Areas that should have been double thickness joists were only single width. Excessive deflection and subsequent cracking would be the short term effect of this framing. A long term danger of falling debris is a possibility.
- 4. To make room for plumbing fixtures the floor joists were notched. The joists in some cases were notched as much as 50 percent of the joist depth. The notched joists are plainly visible in the floor framing above the basement shop/garage area. The kitchen is above this notched area. These notches, combined with the fact that the joists used were not adequate to span the distances between bearing points, significantly reduce the load carrying ability of the floor, and render it structurally inadequate, if not unsound. These notched joists were hidden by the ceilings in the other areas of the house. Inspection holes show the widespread use of this poor technique, which basically robs the joist of its intended structural strength
- 5. The risk of electrical fire was noted to be unacceptable. The difficulties began at the electrical panel found in the main vehicle garage. The supply cables were not cushioned or protected from the sharp edge of the panel box, which is a violation of the National Electric Code. The potential for these wires to lose insulation due to abrasive rubbing on the box edges poses a real fire threat. Additional problems were identified in the house wiring. Connections were found outside of the proper junction boxes. Incomplete terminations of live wires were also noted. These improper connections are also a fire risk.
- 6. The house was plumbed without vent stacks. Septic gas entered the house when the traps of the plumbing appliances were lost due to saction. The dishwasher was connected to the cold water line. The supply lines were under sized. The poor water line size could lead to the possibility of a scalding injury to the occupants of the house. Your tests of the water supply system showed that water stopped flowing when several valves were opened at the same time. This condition could lead to injury when the other valves are closed and the water flow resumes.

These are the major concerns existing at the house. Most, if not all of them could have been identified during a walk-through inspection of the house by a knowledgeable inspector.

Mr. Randy Bayliff conducted an inspection of the house. His check list "Residential Building Inspection" dated October 20, 1993, however, checked only for the presence of finish materials. Good, Fair, and Poor were the only evaluation categories. Plumbing received a consistent good mark. No comments as to the safety concerns regarding the water

DCEI

F-3

supply, stairway, floor framing, or electrical panel were made. The inspection check list comments about the plumbing do not indicate the inadequate size of the supply line for the number of fixtures and their locations.

We believe that Mr. Rayliff should have noticed the ceiling height in the basement as being unusual. No areas of lowered ceilings were present. Normally a soffit is used to hide plumbing and heating ducts. No such soffit was noted. Soffit for the heating ducts was present however the upper pluming fixtures had no such soffit work. The notched joists under the kitchen were very visible.

Had Mr. Bayliff looked at the roof, we believe that he surely would have noted the lack of vent tube penetrating the roof. Even a short walk around the house, while looking at the roof, would have revealed these missing vent tubes. According to Mr. Eck, Mr. Bayliff entered and examined the attic space. In this location, he would have easily been able to notice the missing vent tubes extending upwards to the roof deck.

No comment was made by Mr. Bayliff in his check list regarding the stairway and its lack of integrity.

Overall, we note that the building inspection performed by Mr. Bayliff simply identified the presence of walls, floors, and coilings in the various rooms of the house, but not their condition with respect to codes, standards, practice, etc.

Additional Items

As directed by Mr. Eck the following items were researched and sized.

Mr. Eck reported that the furnace ran for long periods of time. The size of the heater and the air conditioning load was calculated. The heat input required to heat the house was determined to range between 137,000 Btu and 147,000 Btu input. The furnace at the house is rated at 100,000 litu. It is apparently undersized, based on the temperature of the Springfield winters and the size of the house. In real terms this means that on the coldest days the installed furnace may not be large enough to maintain the heat of the house. On normal days, the furnace will have to operate for longer periods to maintain household temperatures. Over time, this will shorten the expected life of the blower and related equipment due to the increased operating hours per year.

The cooling load was calculated to be 5.8 tons. Rounded to the closest tonnage, this is six tons. The present compressor has a rating below this size. Due to the large size of the living areas, a better concept would have been to utilize zoned heating and cooling. Two smaller units could have been installed to condition the areas as needed. This would allow for local temperature variations, and would reduce utility costs when the heating/cooling loads are light.

DCEI

P-4

The water system pressure vessel was large enough for the house and occupant load. The water pressure was maintained between 36 and 52 psig. The installation of an adequately sized supply system will improve water pressure at fixtures.

The two main ceiling beams were sized. The beam across the vehicle garage and the beam over the dinning room area were analyzed. The garage beam spans 26'-4". The dinning room span is 22'-5" The configurations were determined to be adequate for ceiling loads.

Conclusions

Based upon the above cited information and analysis, it is the opinion of DCEI that:

- 1. The builder's workmanship and construction methods indicate that he had limited knowledge of the fundamental concepts and practices of building construction. The builder's construction methods and technique have resulted in the direct endangerment of the occupants of the house.
- 2. The attached estimate report shows the costs that would likely be incurred to remedy the problems in the house.
- 3. Mr. Bayliff's building inspection did not identify any of the safety problems or construction shortcomings that existed in the house.

DRESSLER CONSULTING ENGINEERS, INCORPORATED

Frank Young, B.S.C.M. Regional Manager

Randall Noon, Ph.D., P.E. Director
Engineering Services



1949 East Sunshine • Suite 100-E • Springfield, Missouri 65804 • (417) 888-2408 • FAX (913) 341-9127

Estimate of Repairs:
Ken & Darlene Eck Residence
Billings, Missouri



1949 Fast Sunshine + Suite 100-E + Springfield, Missouri 65804 + (417) 888-2408 + FAX (913) 341-9127

April 20, 1995

Mr. Ken Eck Billings, MO

Subject:

Estimate of Repairs -- Eck Residence

Date of

Construction:

Fall 1992

DCEI File:

630050

1. PURPOSE

The purpose of this estimate is to identify the costs required to repair the Eck residence.

II. BACKGROUND

Construction errors and omissions in the original building have required major repair work to the structure. This estimate will serve as a guide for repair of these errors and omissions.

The estimate was prepared based upon the Means Building Construction Cost Data Manual dated 1994 and the Means Repair & Remodeling Cost Data Manual dated 1994. Some local suppliers and contractors were contacted for local price information.

III. ESTIMATE

A. Demolition

Remove cabinets and trim/relinish cabinets	9,290.00
(lacquer and paint)	7,2.70.017

Removal of Interior fixtures, wall plates, etc. 240.
--

2

DCEI

Remove floor finishes	1,217.00
Strip sheetrock from walls and ceilings.	5,548.00
Remove floor subbase	1,814.00
Demolition of pluming drain lines and water lines, demolition of slab lines	1,280.00
Remove Concrete Slabs; garage, patio, shop	5,900.00
Debris removal (labor)	820.00
Debris disposal	2,800.00
Total Demolition	\$35,309.00
B. Repairs	
Earthwork and waterproofing	\$3,300.00
Temporary shoring and bracing	3,000.00
Removal of floor beam	250.00
New beam and installation	790.00
New floor joists, hangers, and blocking	4,262.00
Rough in plumbing	4,910.00
Roof repairs due to penetrations	650.00
Install copper water distribution	940.00
Repairs to electrical system, including service entrance.	2,380.00
New Subfloor	2,016.00
New Concrete floors and slabs	2,400.00
Remove and replace lintel and brick over lower entry. Repair trick ledges at windows; install brick step at entry	4,200.00

3

DCEL

Repairs to stairs, new stringers 135.00 Adjustments and reseating windows 475.00 Increase size of attic access and pull down 1,350.00 access in garage. Attach Insulation in wall cavities 370.00 New Sheetrock 9,307.00 Ceiling Insulation (Hown in) 3,924.00 Wall finishes. Paint and paper (allowance) 12,000.00 Flooring, carpeting 3,333.00 Flooring, Vinyl 1,620.00 Plooring, wood 1,225.00 Flooring, tile 1,200.00 Install trim and cabinets, correct stairway. 2,550.00 Raised panel cabinet doors for lower level 990.00 / Wood deck at rear of kitchen w/ stair 1,750.00 **HVAC Service Call** 350.00 Total \$69,677.00

C. Site Work

	•	Total	\$9,191.00
4	Landscape, top soil & seed (2 acres)		8,300.00
	Front walk remove and replace		\$891.00

DCEI

4

D. Shop Building

	Total	\$10,155.00
Reinstall roofing material repairs as needed		3,570.00
install additional wood trusses		3,015.00
Strip off roofing materials and store	;	\$3,570.00

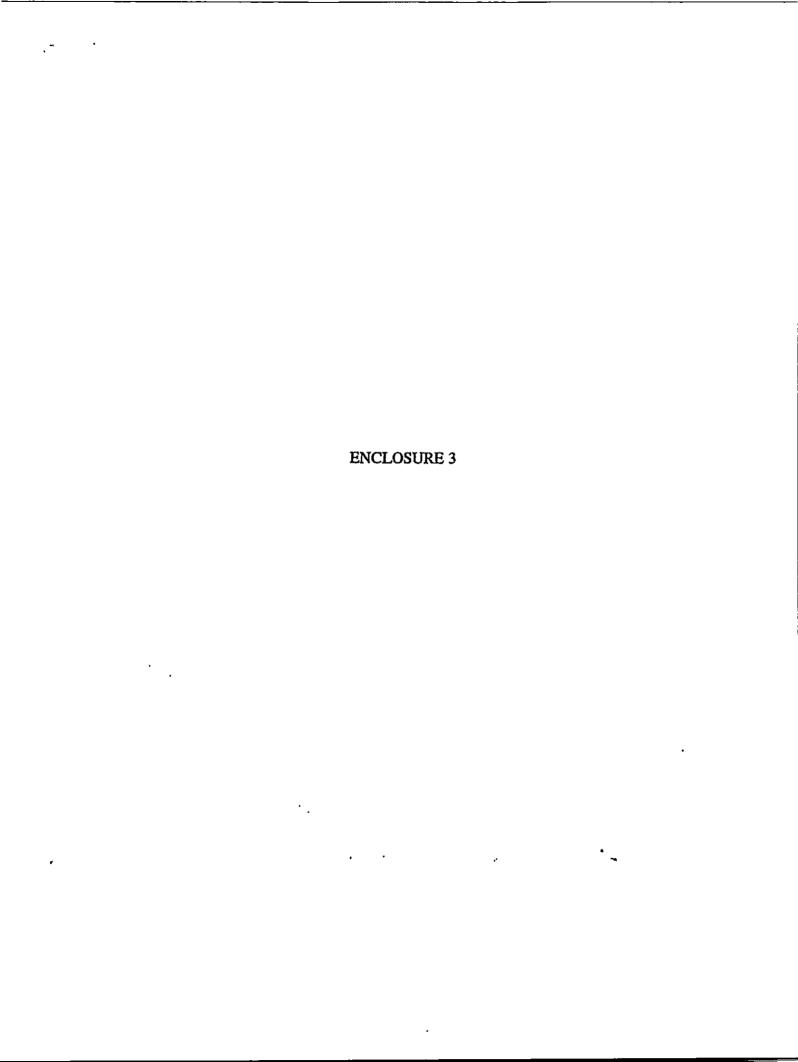
This work will restore the house to a safe and livable condition. The overall estimated total for all areas of work is \$ 124,332.00.

DRESSLER CONSULTING ENGINEERS, INCORPORATED

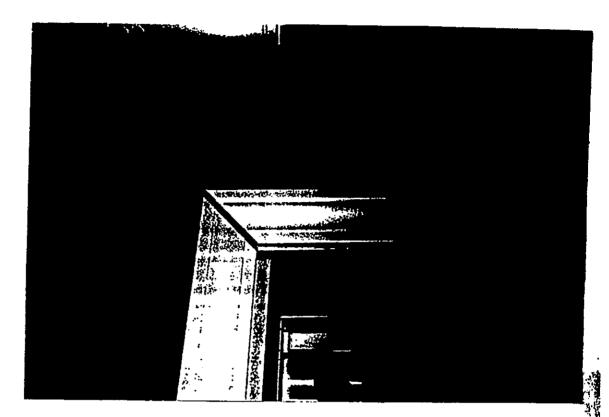
Frank Young, B.S.C M. Regional Managor

Randall Noon, Ph.D., P.E. Director

Engineering Services



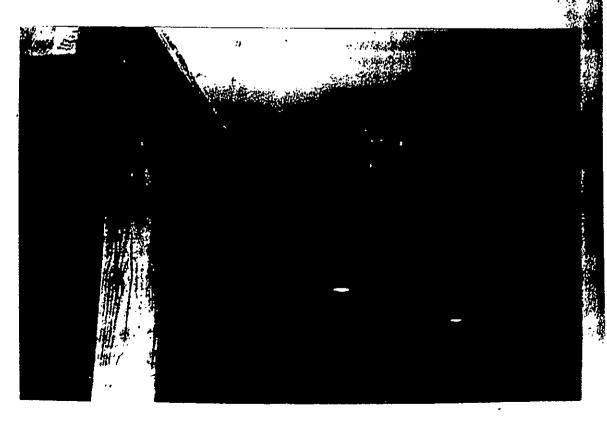
Photographs of Defective Areas and Shortcomings



#1

Photographs of Defective Areas and Shortcomings

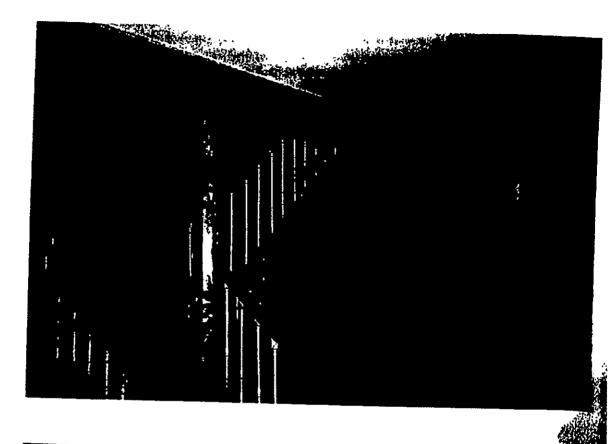


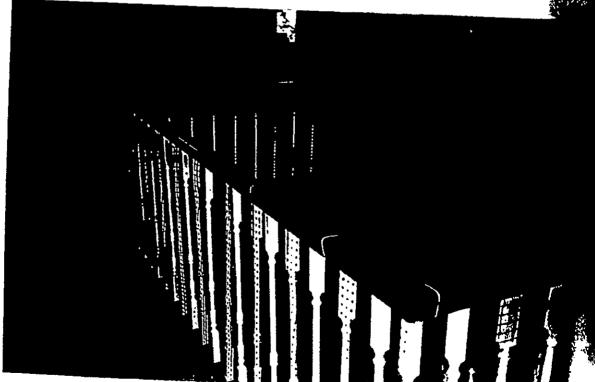


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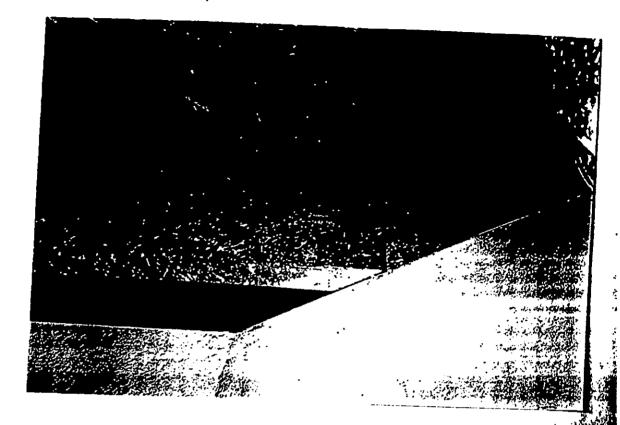
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Photographs of Defective Areas and Shortcomings



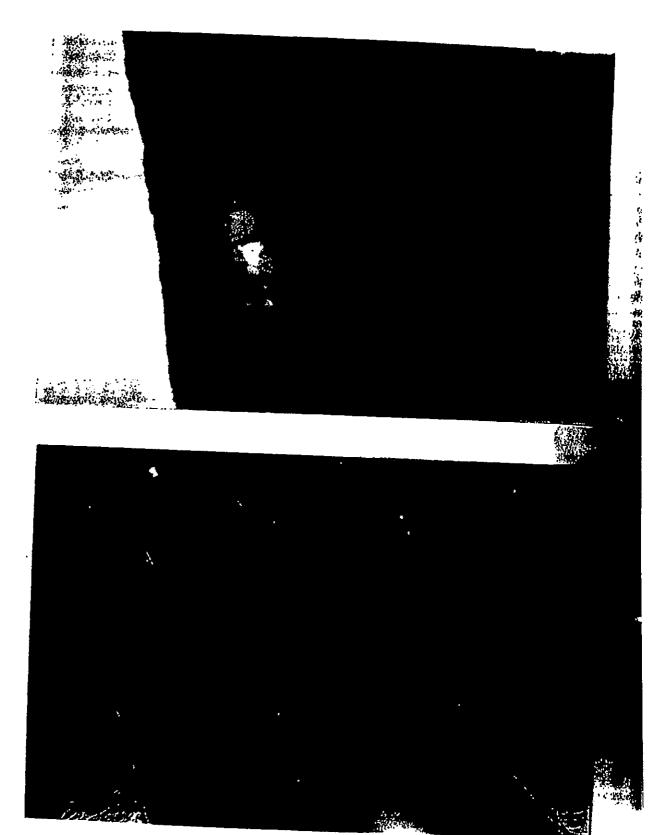


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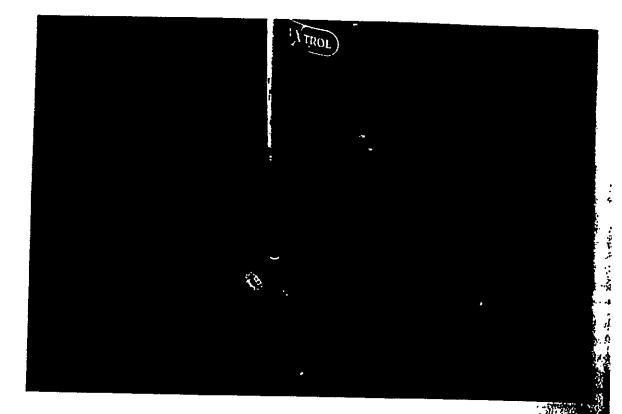


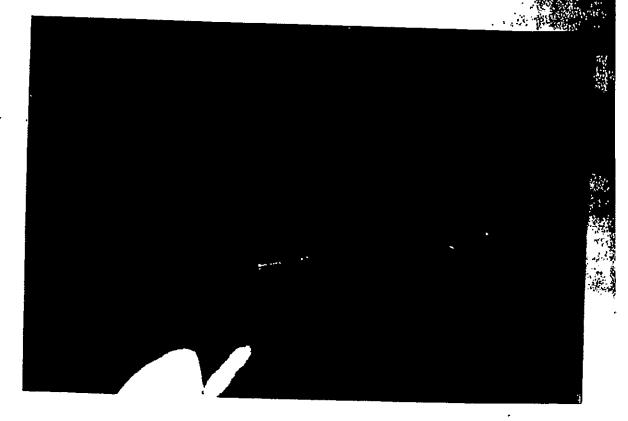


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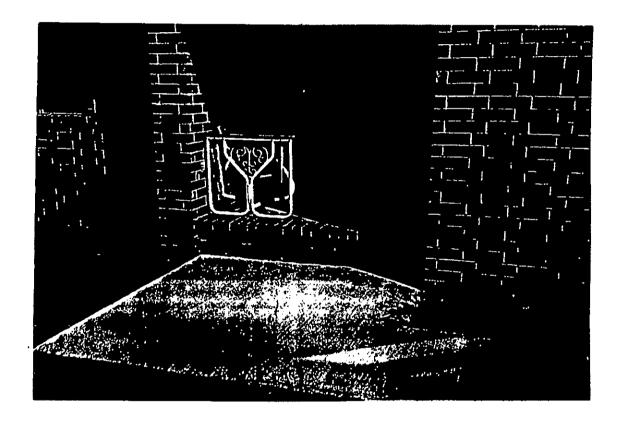


#10





· #12



DEFINITION AND CERTIFICATION

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised and each acting in what he considers his own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area: these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession, but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF LIMITING CONDITIONS AND APPRAISER'S CERTIFICATION

CONTINGENT AND LIMITING CONDITIONS: The appraiser's certification that appears in the appraisal report is subject to the following conditions:

- 1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- 2. The appraiser has provided a sketch in the appraisal report to show approximate dimensions of the improvements and the sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size.
- 3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- 4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- 5. The appraiser has estimated the value of the land in the cost approach at its highest and best use and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used.

CONTINGENT AND LIMITING CONDITIONS, Continued

- 6. The appraiser has noted in the appraisal report any adverse conditions (such as, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property or adverse environmental conditions (including the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- 7. The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- 8. The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice.
- 9. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that completion of the improvements will be performed in a workmanlike manner.
- 10. The appraiser must provide his or her written consent before the lender/client specified in the appraisal report can distribute the appraisal report (including conclusions about the property value, the appraiser's identity and professional designations, and references to any professional appraisal organizations or the firm with which the appraiser is associated) to anyone other than the borrower; the mortgagee or its successors and assigns; the mortgage insurer; consultants; professional appraisal organizations; any state or federally approved financial institution; or any department, agency, or instrumentality of the United States or any state or the District of Columbia; except that the lender/client may distribute the property description section of the report only to data collection or reporting service(s) without having to obtain the appraiser's prior written consent. The appraiser's written consent and approval must also be obtained before the appraisal can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

1. I have researched the subject market area and have selected a minimum of three recent sales of properties most similar and proximate to the subject property for consideration in the sales comparison analysis and have made a dollar adjustment when appropriate to reflect the market reaction to those items of significant variation. If a significant item in a comparable property is superior to, or more favorable than, the subject property, I have made a negative adjustment to reduce the adjusted sales price of the comparable and, if a significant item in a comparable property is inferior to, or less favorable than the subject property, I have made a positive adjustment to increase the adjusted sales price of the comparable.

APPRAISER'S CERTIFICATION, Continued

- 2. I have taken into consideration the factors that have an impact on value in my development of the estimate of market value in the appraisal report. I have not knowingly withheld any significant information from the appraisal report and I believe, to the best of my knowledge, that all statements and information in the appraisal report are true and correct.
- 3. I stated in the appraisal report only my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the contingent and limiting conditions specified in this form.
- 4. I have no present or prospective interest in the property that is the subject to this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or the estimate of market value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property.
- 5. I have no present or contemplated future interest in the subject property, and neither my current or future employment nor my compensation for performing this appraisal is contingent on the appraised value of the property.
- 6. I was not required to report a predetermined value or direction in value that favors the cause of the client or any related party, the amount of the value estimate, the attainment of a specific result, or the occurrence of a subsequent event in order to receive my compensation and/or employment for performing the appraisal. I did not base the appraisal report on a requested minimum valuation, a specific valuation, or the need to approve a specific mortgage loan.
- 7. I performed this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place as of the effective date of this appraisal, with the exception of the departure provision of those Standards, which does not apply. I acknowledge that an estimate of a reasonable time for exposure in the open market is a condition in the definition of market value and the estimate I developed is consistent with the marketing time noted in the neighborhood section of this report, unless I have otherwise stated in the reconciliation section.
- 8. I have personally inspected the interior and exterior areas of the subject property and the exterior of all properties listed as comparables in the appraisal report. I further certify that I have noted any apparent or known adverse conditions in my analysis of the property value to the extent that I had market evidence to support them. I have also commented about the effect of the adverse conditions on the marketability of the subject property.
- 9. I personally prepared all conclusions and opinions about the real estate that were set forth in the appraisal report. If I relied on significant professional assistance from any individual or individuals in the performance of the appraisal or the preparation of the appraisal report, I have named such individual(s) and disclosed the specific tasks performed by them in the reconciliation section of this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in the report; therefore, if an unauthorized change is made to the appraisal report, I will take no responsibility for it.

APPRAISER'S CERTIFICATION, Continued

SUPERVISORY APPRAISER'S CERTIFICATION: If a supervisory appraiser signed the appraisal report, he or she certifies and agrees that: I directly supervise the appraiser who prepared the appraisal report, have reviewed the appraisal report, agree with the statements and conclusions of the appraiser, agree to be bound by the appraiser's certifications numbered 4 through 7 above, and am taking full responsibility for the appraisal and the appraisal report.

ADDRESS OF PROPERTY APPRAISED: 149 Lavender, Billings, Missouri

APPRAISER:

Signature: Signature: Signature: Signature: Date Signed: Date Signed: Date Signed: 11-2-95

Name: Gerald Curbow Missouri State Certification #: RA001151 Expiration Date of Certification: 6/30/98

Did Did Not Inspect Property

This appraisal report has been prepared for the exclusive benefit of Mr. Bryan Wade, of Farrington & Curtis Law Offices, Springfield, Missouri, and can not be used or relied upon by any other party. Any party who uses or relies upon any information in this report, without the preparer's written consent, does so at his own risk.

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