

**BUILDING AND STANDARDS COMMISSION  
STAFF REPORT**

**March 28, 2016**



**Case # 2165 – 600 E 29<sup>th</sup> Street**



**LEGAL DESCRIPTION:** Mitchell, Block 1, Lot 1 & 4-5

**STRUCTURE(S):**  single-family residence  
 accessory structure(s)

**PROPERTY OWNER(S):** Bush Michael T

**LIENHOLDER(S)/  
MORTGAGEE(S):** Reliance Tax Loans LLC

**ACTIVE UTILITIES:**  yes  no **DISCONNECTED ON:** 12/12/2013

**BRAZOS COUNTY APPRAISAL DISTRICT/TAX OFFICE INFORMATION:**

**PROPERTY ID:** 33263  
**IMPROVEMENT VALUE:** \$271,750  
**YEAR BUILT:** 1901  
**SF OF LIVING AREA:** 5,884  
**CURRENT OWNER SINCE:** 12/19/2008  
**PROPERTY TAXES OWED:** none

**BACKGROUND:**

- The property/structure is in a designated city historic preservation overlay district (Eastside Historic District) and is on the National Register of Historic Places as well as recognized by the State of Texas Historical Commission. The Astin family was a significant to Bryan's history and the family was involved in many businesses. The house is the earliest example of the neo-classical revival style built in Bryan and was built by Mrs. Onah W. Astin in 1902; she lived there until her death in 1944. Onah was James Astin's second wife and had the house built a few years after James died in 1897. The contractor was Charlie Jenkins.
- Permit History: City records show a building permit was obtained in October 2008 for exterior repairs, the inspections / work was never completed and this permit expired; a building permit was also obtained in December of 2007 for the same scope of work, and it too expired without inspections. These are the only permit records on file since at least 1998.
- In September 2008, Code Enforcement received a complaint about the condition of the property and violation notices were sent to the owner.
- On October 13, 2008, the owner and City discussed the scope of repairs underway.
- The City received another complaint about the condition of the property on March 30, 2010 after it had appeared the renovation work was abandoned.
- Staff photographed the exterior of the property on August 8, 2010 to document the condition and noted that the structure continued to fall further into a state of disrepair.
- On August 18, 2010, City staff met with the owner and discussed the condition of the home, the importance of finishing the exterior repairs, and violations of City ordinances.
- On August 24, 2010, a City Code Enforcement Officer sent a letter to the owner summarizing the discussion from August 18, 2010. The letter detailed that the owner needed to maintain and repair the property to comply with the "Demolition by neglect" provision in Section 130-24 of the City of

Bryan's Zoning Ordinance. Staff agreed to allow a time line for the owner to obtain permits and complete the exterior repairs according to a timeline.

- Staff contacted the owner multiple times in December 2010 and through the Spring of 2011. Work was not progressing as originally outlined and agreed to per previous deadlines, so on May 4, 2011 a citation was issued.
- In July 2011 City staff offered to meet with owner and discuss a revised timeline for exterior repairs. Exterior conditions were documented, and during a meeting between the owner and City staff the owner was not interested in discussing a new timeline for repairs.
- The City received new complaint about the condition of the property on October 28, 2015.
- A tree had fallen on the electrical service at some point and damaged the electrical weather head, meter, and main panel. Due to the condition and appearance of the house, the City placed a hold on utilities until an electrical permit was obtained by an electrician, with repairs and City inspections made in.
- A notice was sent to the owner on December 4, 2015 that a utility hold had been placed on the property and that the house needed repairs. City staff urged a meeting with the owner to discuss / inspect the house before releasing the utility hold and before issuing any permits.
- The owner called Development Services in response to letters sent about the condition of the property. He advised he did not want anyone in his house.
- The owner called back on December 18, 2015 and set up a meeting for December 29, 2015 on site at 10am. The owner later called and cancelled this meeting.
- The owner then called on January 4, 2016 and set up a new meeting to discuss the condition of the home on site for January 19, 2016. However the owner later called and again cancelled this meeting also.
- The Chief Building Official, Assistant Fire Marshal, and a Police Officer visited the property on February 2, 2016. The back door was found unlocked. Since the City had an administrative warrant, the structure and property were inspected.
- The Chief Building Official called and spoke with the owner on February 4, 2016 and went over repairs needed, why the structure was placed on the meeting agenda for consideration by the Building and Standards Commission, and discussed the building permit process. The owner asked to apply for his own electrical permit; however the owner does not currently reside at this location even though it is listed as his homestead in Brazos County Appraisal District records. The owner will need to hire a licensed electrician to pull permit and the licensed electrician will need to perform all electrical work.
- The Chief Building Official emailed the owner on February 4, 2016, advising that permits could not be issued until after the Building and Standards Commission hearing (see attachment). The owner was also notified that a licensed electrician would be required to do electrical repair work on the house.
- The Chief Building official emailed the owner a list of items needing repairs, estimates, etc. on February 6, 2016. A second email was also sent on the same day with the City handout for the "contractor's checklist for estimates" and "what to bring to the hearing". (see attachments)
- Notices that the property would be scheduled for consideration by the Building and Standards Commission was mailed to the property owner on February 1, 2016, and February 12, 2016.
- As of March 2, 2016, the owner has not contacted the City about the structures and the owner has not submitted any building permit applications, plans, estimates, or timeline.

### **ATTACHMENTS:**

1. staff recommendation
2. pictures
3. dangerous structures survey reports

4. staff emails to property owner

**BUILDING AND STANDARDS COMMISSION  
STAFF RECOMMENDATION**



**March 28, 2016**

**Case #: 2165**

**Building Address: 600 E 29<sup>th</sup> Street**

**Record Owner(s): Bush Michael T**

**The City's Chief Building Official has requested this Commission hearing to discuss the building and one accessory structure on this property, and all legal notices of the hearing were provided to record owners, lienholders, and mortgagees. They were also notified that if they wanted to repair the building and/or accessory structure they needed to meet with City staff and come to the hearing with a detailed plan for repairs, including cost estimates. Based on the surveys, reports, photographs, and other evidence provided to the Commission, the City recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 subsection(s):**

- 1)  The building, structure, or any part thereof is likely to partially or fully collapse. **(accessory structure only)**
- 2)  The structure or any part thereof was constructed or maintained in violation of any provision of the City's Building Code, or any other applicable ordinance or law of the city, county, state or federal government.
- 3)  One or more walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third or its base. **(accessory structure only)**
- 4)  The foundation or the vertical or horizontal supporting members are twenty five percent (25%) or more damaged or deteriorated. **(accessory structure only)**
- 5)  The non supporting coverings of walls, ceilings, roofs, or floors are fifty percent (50%) or more damaged or deteriorated.
- 6)  The structure has improperly distributed loads upon the structural members, or they have insufficient strength to be reasonably safe for the purpose used. **(accessory structure only)**
- 7)  The structure or any part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety and welfare.
- 8)  The structure or any part thereof has inadequate means of egress as required by the City's Building Code.
- 9)  The structure does not have adequate light ventilation, or sanitation facilities as required by the City's Building Codes and Plumbing Code.

**The City further recommends that the Commission find that:**

- the building may feasibly be repaired so that it is no longer in violation of City ordinances.**
- the accessory building may not be feasibly repaired in compliance with City ordinances.**

**The City recommends that the Commission issue an order to the owner, lienholder, or mortgagee to:**

- demolish the accessory structure and remove the debris within 30 days.**

- repair the building within 180 days, in accordance with the schedule below:

<u>Deadline</u>	<u>Task</u>
by May 3, 2016	Submit required documents for exterior repairs as part of an application for approval of a Certificate of Appropriateness (CoA) for review and approval by the City's Historic Landmark Commission during its regularly scheduled meeting on May 25, 2016.
by May 26, 2016	Submit complete building permit application for exterior repairs
May 26, 2016	With prior CoA and building permit approval:  Begin exterior repairs.  Have roofing contractor obtain permit and repair roof.  Close all exterior openings in overhangs, soffits, eaves, etc.
by June 27, 2016	Have a licensed electrician obtain electrical permit for exterior and interior repairs, rebuild electrical service, and call for inspections and obtain green tag.  Complete repair and replacement of upper and lower railings and balustrades after repairing porch floors
by September 26, 2016	Complete all exterior repairs, exterior painting, repair finishes to interior walls where walls are open on first and second floor, seal all holes in exterior walls, floors, ceilings, attic area, etc. All windows including windows in attic to have broken glass replaced and sealed.  Repair/replace/paint all damaged/rotten wood trim, sills, windows, etc.  Refurbish the existing rain gutters and soffits.  Obtain new Certificate of Occupancy for the building.

- appear before the Commission during the June 2016 regularly scheduled meeting, to demonstrate compliance with the aforementioned repair schedule.

If the owner, lienholder, or mortgagee fails to comply with the Commission's order, the City recommends that the Commission orders that the City may

- disconnect water and electric utilities to the accessory structure; and
- demolish the accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances; and

- ensure the building is vacated and secure the building in accordance with Chapter 14 of the City of Bryan's Code of Ordinances; and**
- issue a citation under Bryan Code of Ordinances Section 14-219 for failing to comply with the Commission's order.**

**HISTORIC PHOTOS:**



**PICTURES:**



Front of structure from East 29<sup>th</sup> Street



State and National Historical Markers

### Astin Porter Home

Built for Onha (Ward) Astin (d. 1944). The wife of cotton planter James H. Astin (d. 1897), this house was designed by the Waco Firm of Howard Messer and S. Wemyss Smith, construction began in 1901 and was completed two years later. The exterior of the classical revival residence features a two story gallery with Corinthian columns. Hollan Porter, a planter, purchased the home in 1946, and addition were made to the structure during ownership. Recorded Texas Historic Landmark – 1980.



Side of home from Hill Street.



Attached carport, from Hill Street



Side of Home From Hill Street, construction debris on ground



Damaged soffits at overhangs, openings into attic



Paint has been removed from wood trim in some areas and left untreated (no protection from elements)



First floor porch floor damaged and missing boards



Paint removed from porch ceiling, missing boards



Openings at overhangs/fascia boards



Rotten wood, openings at outer edge of 2<sup>nd</sup> Floor exterior porch



Missing railings at second floor exterior porch



Missing railings, scaffolding in place



Paint removed from cornices, fascia. Openings to attic from missing boards/wood trim



Damaged electrical service, tree fell on service



Wall at electrical service. Openings into attic



Rear of attached carport



Rear corner of attached carport, damaged eaves



Rear corner of home from Hill Street



Construction debris under side porch



Kitchen ceiling missing panels



Front entryway



Damage at second floor bath ceiling from roof  
Leaks



Rear bedroom, sheetrock repairs not finished



Open electrical boxes, and loose light fixture



Renovations on second floor at rear bath – no permits file.



Floor of second floor rear bath



Openings to exterior in attic

**Detached accessory storage building:**



Detached storage building – rotten walls, out of plumb walls, damaged foundation



Door unsecured/blocked by vines, damaged siding



# Dangerous Structures Survey Report

Chief Building Official

Case #2165

A. PROPERTY ADDRESS: 600 E 29<sup>th</sup> Street, Mitchell, Block 1, Lot 1 & 4-5

B. SPECIFICATIONS: No. Rooms 15+/- No. Stories 3 No. structures 2

STRUCTURAL USE

CONSTRUCTION

OCCUPANCY

Residential/Single Family  
 Mixed Use  
 Commercial  
 Residential/Multi Family  
 Accessory Structure(s)

Box  
 Frame  
 Masonry  
 Mobile Home

Occupied  
 Vacant  
 Open

C. FINDINGS

01. The structure or a part thereof was constructed or maintained in violation of a provision of the City's building code, other applicable ordinance, state law, or federal law. Specifically, the following:

2009 IRC 2011 NEC  
 Main structure?  Accessory structure?

02. Any wall or other vertical structural members list, lean, or buckle to an extent that a plumbline passing through the center of gravity falls outside of the middle third of its base. Main structure?  Accessory structure?

03. The foundation or the vertical or horizontal supporting members are materially damaged or deteriorated. Main structure?  Accessory structure?

04. The non-supporting coverings of walls, ceilings, roofs, or floors are materially damaged or deteriorated. Main structure?  Accessory structure?

05. The structure has improperly distributed loads upon the structural members, or they have insufficient strength to be reasonably safe for the purpose used. Main structure?  Accessory structure?

06. The structure or any part thereof has inadequate means of egress as required by the city's building code. Main structure?  Accessory structure?

07. The structure is unsanitary, unfit for human habitation, or likely to cause sickness due to damage, deterioration, or inadequate design/construction. Specifically the structure does not meet the city's requirements for:

light  
 ventilation  
 sanitation facilities  
 Main structure?  Accessory structure?

08. Injury to persons or damage to property will result because portion, member or appurtenance is likely to fail, become detached or dislodged, or collapse.  
Main structure?  Accessory structure?
09. Unable to give reasonable protection to any occupants from weather elements or danger of collapse because of:  
 Holes or cracks in the floor, exterior wall or roof  
 Loose, rotten, warped or protruding boards  
Main structure?  Accessory structure?
10. Is manifestly unsafe for the purpose for which it is being used or so as not to give reasonable protection from danger of collapse or fire because of:  
 Defective materials  
 Structural deterioration  
 Interior walls or ceilings with holes, cracks or loose plaster  
Main structure?  Accessory structure?
11. The building, structure, or a part thereof, is unsecured and open.  
Main structure?  Accessory structure?

COMMENTS: Back door was unlocked on main house on day of inspection, accessory structure door is ajar with bushes/vines growing into open door way. Accessory structure: older garage with damaged siding, entry doors, not feasible for repairs. Main structure: a two story with 3<sup>rd</sup> floor floored attic historic structure - has missing boards on exterior at ceilings/eaves/roof overhangs/ etc. allowing rain water into the structure. The exterior has aluminum siding with decorative wood trim, overhangs, eaves, window trim, and columns. The exterior needs painting. He roof may need repairs but could not be inspected due to height. There are broken attic windows and openings into attic. There is evidence of roof leaks on interior. The second floor balcony / porch railings are in need of repair. The first floor wood porch and second floor wood porch / balconies are in need of repairs.

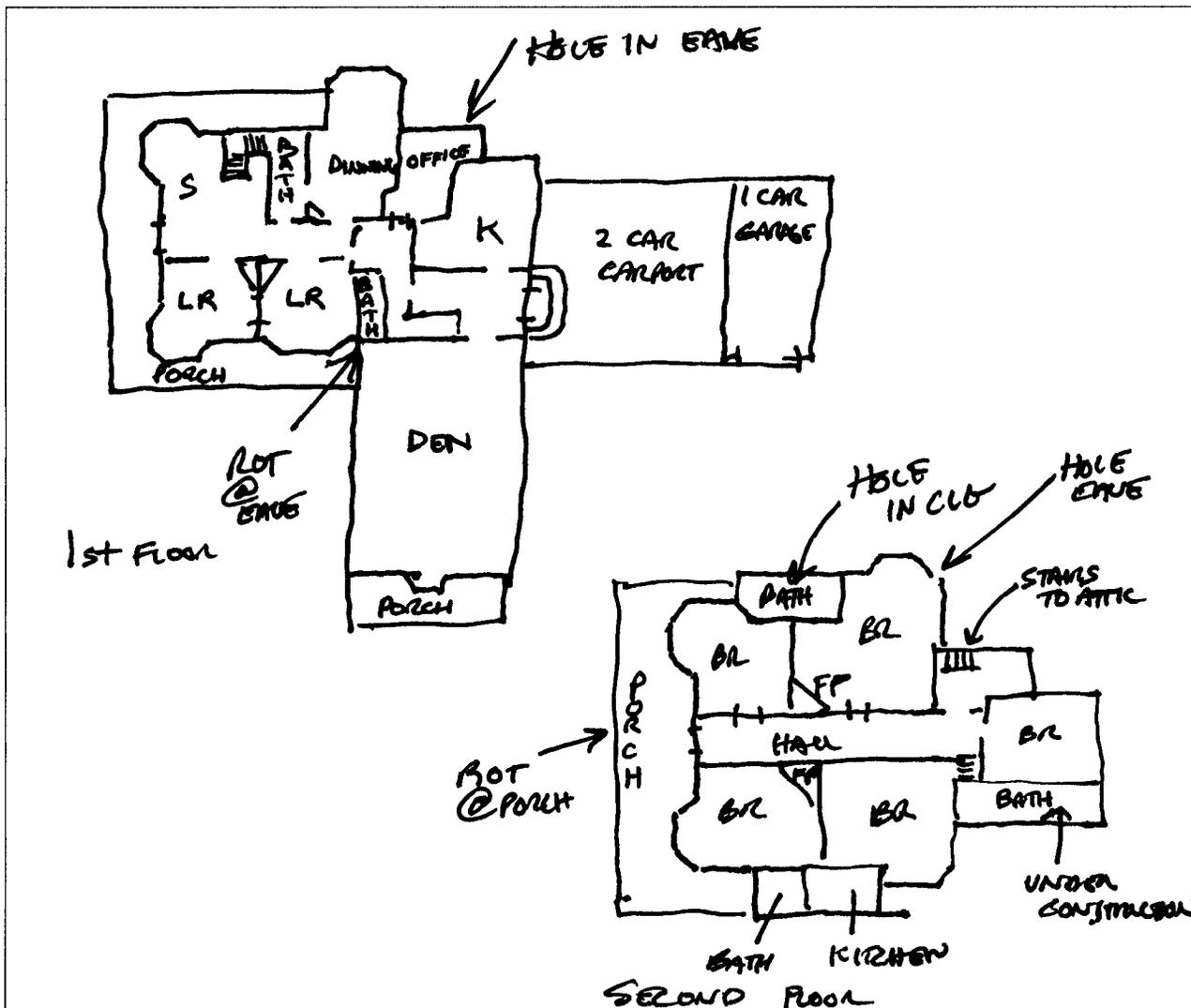
There are areas on second floor where construction/remodeling was started but never finished, such as the North East second floor bath room, first floor kitchen, The Northwest second floor bath room has a hole/rotten areas in ceiling from roof leaks. The house is currently without power, due to a tree falling on the electrical service and damaging the electrical meter can and weather head. There are various locations where there is exposed electrical wires, covers removed from outlets and switch boxes, etc. There are open electrical boxes in the attic.

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D. FLOOR PLAN (if necessary)



E. DETERMINATION

- X   1. It has been determined upon inspection and investigation that the MAIN RESIDENTIAL structure is dangerous, unsafe, or a hazard to public health and must be secured and:
- A.    Be vacated OR   X   remain unoccupied; and
  - B.   X   Be repaired OR    be demolished.
2. It has been determined upon inspection and investigation that the structure is not dangerous, unsafe, or a hazard to public health as defined by the City's Code of Ordinances.

3. It has been determined upon inspection and investigation that the Accessory Storage Structure structure is dangerous, unsafe, or a hazard to public health and must be secured and:

C.  Be vacated OR  remain unoccupied; and

D.  Be repaired OR  be demolished.

  
Signature

GREGORY S. COX  
Printed Name

2-4-16  
Date



CITY OF BRYAN  
The Good Life, Texas Style.

# Dangerous Structures Survey Report

Fire Marshal

Case #2165

A. PROPERTY ADDRESS: 600 E 29<sup>th</sup> Street, Mitchell, Block 1, Lot 1 & 4-5

B. SPECIFICATIONS: No. Rooms \_\_\_\_\_ No. Stories 2 1/2 No. Structures 1

STRUCTURAL USE

CONSTRUCTION

OCCUPANCY

- Residential/Single Family
- Mixed Use
- Commercial
- Residential/Multi Family
- Accessory Structure

- Box
- Frame
- Masonry
- Mobile Home

- Occupied
- Vacant
- Open

C. FINDINGS

- 01. The structure or a part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety, and welfare.  
I estimate that 40% of the main structure is considered a loss.  
I estimate that —% of the accessory structure is considered a loss.
- 02. The structure or a part thereof has deteriorated to such an extent that it has become dangerous to the public health, safety, and welfare.  
Main Structure?  Accessory Structure?
- 03. The structure or a part thereof does not have adequate means of egress as required by the City's building code, and poses a danger in case of fire or panic.  
Main Structure?  Accessory Structure?
- 04. The structure or a part thereof lacks necessary fire-resistive construction, and the threat of a fire in the structure poses a risk to inhabitants, neighboring structures, and fire department personnel.  
Main Structure?  Accessory Structure?
- 05. Obsolete, damaged, or deteriorated electric wiring, gas connections, heating apparatus, or other mechanical infrastructure present a risk of fire.  
Main Structure?  Accessory Structure?
- 06. The proximity of the structure or a part thereof to other structures on this or neighboring properties constitutes a fire hazard for the other structures.  
Main Structure?  Accessory Structure?
- 07. The structure or a part thereof is in violation of the City's fire code.  
Main Structure?  Accessory Structure?

- 08. The building, structure, or a part thereof is being used by criminals, vagrants, or squatters for the purpose of suspected illegal activity.  
Main Structure?  Accessory Structure?
- 09. The building, structure, or a part thereof presents an attractive nuisance to children.  
Main Structure?  Accessory Structure?

COMMENTS soft floor in area by 1<sup>st</sup> floor kitchen  
open wiring in various places  
possible unpermitted remodel  
Blocked hall ways  
NO smoke detectors  
Rotten porches  
Rotten open soffits

**D. DETERMINATION**

- 1. It has been determined upon inspection and investigation that the structure is dangerous, unsafe, or a hazard to public health and must be secured and:
  - A.  Be vacated OR  remain unoccupied; and
  - B.  Be repaired OR  be demolished.
- 2. It has been determined upon inspection and investigation that the structure is not dangerous, unsafe, or a hazard to public health as defined by the City's Code of Ordinances.

 FRED TAYLOR / DFM 2-3-16  
 Signature Printed Name/Title Date

**From:** [Cox, Gregory](#)  
**To:** ["mb31454@gmail.com"](mailto:mb31454@gmail.com)  
**Subject:** 600 E 29th Street  
**Date:** Thursday, February 04, 2016 10:59:36 AM

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Mr. Bush,

Thanks for talking with me today. I will send my notes to you today or tomorrow.

Speaking with others here at the city, we are going to hold all permits until the March 28<sup>th</sup> building and standards hearing, until the repair order is issued by the commission after estimates, plans, and timeline is approved. This is typical for all cases that go before the commission. This means structural, final finish, and electrical repairs need to wait, however, you obviously need to do what is needed to protect the structure from taking on more water damage from the open overhangs/siding/eaves. If there are areas involving structural framing repairs from the exterior, those will need to be covered by a permit and inspected before covering. These areas could be temporarily protected until permits can be issued.

I will also be researching the homestead requirements for you to obtain your own electrical permit.

Please call or email if any questions.

Sincerely,

**Gregory S. Cox, CBO**

Chief Building Official

Development Services, City of Bryan

[www.bryantx.gov](http://www.bryantx.gov)

[gcox@bryantx.gov](mailto:gcox@bryantx.gov)

979-209-5031 office

979-209-5035 fax

**From:** [Cox, Gregory](mailto:Cox_Gregory)  
**To:** [mb31454@gmail.com](mailto:mb31454@gmail.com)  
**Subject:** 600 E 29th Street  
**Date:** Saturday, February 06, 2016 8:26:05 AM

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Mr. Bush,

Here is a quick list on things needing repairs, estimates, etc.:

Main Structure:

Exterior:

1. Repair open all roof/eaves/overhangs (replace missing wood fascia/trim, etc.) – exterior needs to be sealed to prevent water damage to structure and interior– repair structural framing as needed where rotten and damaged.
2. Have a roofing contractor evaluate the roof for repairs
3. First floor/second floor porch floors – repair/replace wood porch floor – repair structural framing as needed where rotten and damaged.
4. Repair damaged wood windows, trim, and sills
5. Porch ceilings – replace/replace missing ceiling finishes
6. Front of porch over main entry – check for structural damage before replacing wood finishes
7. Railings at first and second floor porches – repair/replace as needed
8. Preparing/prim/painting all exterior wood surfaces / trim / ceilings/ railings/ capitals/ columns, etc.
9. Electrical service repair

Interior:

10. Electrical repair / clean up (trough out, and on second floor and attic where electrical fixtures/devices are damaged, open boxes, etc.)
11. Repairs to floor in rear entry hallway
12. Repairs to second floor bath room currently under demolition (we spoke about how this could come in a future phase since there are other working bath rooms in the structure, but it would be good to list the repair estimate as well)

13. Repair first floor kitchen ceiling
14. Repair second floor front bath room ceiling where roof has leaked
15. Replace broken glass (attic windows)
16. Seal attic from exterior – this should be taken care of when the exterior roof overhangs, eaves, etc. are repaired.
17. Repair / seal nay other areas where finishes are damaged allowing openings to exterior, crawlspace, or attic

Detached Accessory garage/storage:

18. The door to this structure was blocked by vines, etc. Structure appears to have a lot of rot/issues. It may not be feasible to repair and may need to be demolished. You may provide estimates to repair all rotten wood, siding, and roof finishes.

Please call or email if any questions.

Sincerely,

**Gregory S. Cox, CBO**

Chief Building Official

Development Services, City of Bryan

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[gcox@bryantx.gov](mailto:gcox@bryantx.gov)

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---

**From:** Cox, Gregory  
**Sent:** Thursday, February 04, 2016 11:00 AM  
**To:** 'mb31454@gmail.com'  
**Subject:** 600 E 29th Street

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Sincerely,

**Gregory S. Cox, CBO**

Chief Building Official

Development Services, City of Bryan

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979-209-5031 office

979-209-5035 fax

Michael T. Bush  
600 East 29<sup>th</sup> Street  
Bryan, TX 77803-4035

March 14, 2016

Greg Cox  
Chief Building Official  
City of Bryan  
Case 2165

Dear Mr. Cox,

Enclosed is the plan of repair and timeline

Kind regards,

A handwritten signature in black ink, appearing to read "M.T. Bush". The signature is written in a cursive style with a large, sweeping initial "M" and a long, horizontal tail.

Michael Bush  
600 East 29<sup>th</sup> Street  
Bryan, TX 77803

#### Plan of repair and time line

##### Soffit and fascia repair

Repair estimate, three weeks, with lift (weather dependent)

These are overhang structures and do not allow rain water into the structure.

##### Painting

The body of the house is metal siding and will be pressure washed as the soffit and fascia are repaired.

Repair estimate, three weeks with lift (weather dependent)

##### Broken windows

One in the attic and one sash on the first floor.

Repair estimate, three days (weather dependent)

##### Evidence of roof leaks in the interior

Roof is in good shape (40 year shingles), but in a few spots, flashing should be sealed (ie around dormers)

Repair estimate, one week (weather dependent)

##### First floor porch

Problem is, 1" offset tongue and groove flooring is not available commercially and has to be custom made. Most, if not all homes in the historic district use ½" readily available tongue and groove.

Previous owner did the same, shimmed ½" to fit.

Replacement, two weeks (weather dependent)

##### Second floor balcony and railing

Repair estimate: This work has been ongoing and is nearing completion. Note: Original framing was without treated lumber and the replacement is treated, so as to extend life.

## Miscellaneous notes pointed out

### a) Electrical outlets without covers

I sheet rocked the second floor (there was none at the purchase). When you sheet rock, you remove electrical plates and smoke detectors and replace following painting. Three rooms remain to be painted out of the 8 rooms on the second floor (two days/room).

b) Hole in the ceiling in one of the three second floor bathrooms. It's a 6000 square foot structure and I don't visit every room every day. The area of concern is a 2' area below a flat roof, that was punctured by a tree limb.

Repair estimate: Done, tree removed, puncture repaired, ceiling painted.

### c) Blocked hallways

Sheet rock work and painting require the removal of any and all furniture in the rooms being worked on and you simply move it to the hall or in my case, down to the first floor game room.