



COUNTY JUDGE

Fort Bend County, Texas

Robert E. Hebert
County Judge

(281) 341-8608
Fax (281) 341-8609

May 12, 2011

Kul and Abhilasha Srivastva
28018 Bracken Hurst Drive
Katy, Texas 77494-5312

Reference: Account No. 1400-52-002-0241-907
Tax Year 2009, Precinct 3

Dear Mr. and Mrs. Srivastva:

The County has received your request to waive penalty and interest and collection fees totaling \$538.80 on property taxes for the referenced account for tax year 2009.

Commissioners Court is scheduled to consider your request on May 24, 2011, at 1:00 p.m., during regular session. The Commissioners Court is located at the William B. Travis Building, 301 Jackson Street, Suite 700, in Richmond, Texas.

Please contact your Commissioner, Andy Meyers, at telephone 281-238-1400 if you wish to discuss your request in further detail. Your presence is not mandatory for the Court to act upon your request.

Section 33.011 (a) (1) the Texas Tax Code provides Commissioners Court with authority to consider a waiver of penalty and interest on property taxes in situations where an error can be proved on the part of either the County Tax Office or the Central Appraisal District.

Sincerely,


Robert E. Hebert

/Enclosure

Copy: Commissioner Andy Meyers, Precinct 3

Section 33.011(a)(1) of the Texas Property Code states, "The governing body of a taxing unit: shall waive penalties and interest on a delinquent tax if an act or omission of an officer, employee, or agent of the taxing unit or the appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinquency."



COUNTY TAX ASSESSOR / COLLECTOR

Fort Bend County, Texas

Patsy Schultz, RTA
County Tax Assessor/Collector
1317 Eugene Heimann Circle
Richmond, TX 77469-3623

(281) 341-3710
Fax (281) 341-9267
Email: schulpat@co.fort-bend.tx.us
www.fortbendcountytax.com

DATE: May 4, 2011

TO: County Judge Robert E. Hebert
Commissioner Richard Morrison
Commissioner Grady Prestage
Commissioner Andy Meyers
Commissioner James Patterson
Roy Cordes, County Attorney

FROM: Tammy Staton *T.S.*
Tax Division Supervisor

RE: Waiver of Penalty and Interest –Srivastva2 Kul & Abhilasha: Acct#1400-52-002-0241-907
2009 Tax Year; Legal Description: Barrington Place Sec 5-B, Block 2, Lot 24, 33.330000%
Precinct 3

Kul Srivastva is requesting waiver of penalty and interest on the above referenced account for the 2009 tax year because he states he did not receive his tax statement.

Tax Office records indicate:

- Original deed #2007063991 was recorded on May 25, 2007 with the owner listed as Kul Srivastva and Abhilasha Srivastva, husband and wife, and Asha Srivastva, 13211 Georgetown, Sugar Land, TX 77478.
- May 28, 2009—2008 Supplement 21 created UDI Account. 2008 Statement Mailed per Supplement 21 to Srivastva, Asha, 13211 Georgetown Dr, Sugar Land, TX 77478-1833. June 4, 2009, Refund Transfer Letter with statement to use refund from account 1400-52-002-0240-907 to pay taxes on 1400-52-002-0241-907, faxed to Countrywide Homes Loans. June 29, 2009, received signed refund transfer letter.
- Original deed #2009122267 was recorded on November 20, 2009 to “grant, sell and convey an entire undivided interest unto Kul Srivastva and Abhilasha Srivastva,” 13211 Georgetown, Sugar Land, TX 77478.
- November 15, 2009 – 2009 Original Statement was mailed to Srivastva Asha, 13211 Georgetown Dr, Sugar Land, TX 77478-1833. **2009 Original Statement was not returned by the Post Office.**
- January 7, 2010—2009 December Name and Address change added Srivastva2 Kul & Abhilasha, 13211 Georgetown Dr, Sugar Land, TX 77478-1833, and a statement was mailed to same address. **2009 December Name and Address Statement was not returned by the Post Office.**
- March 3, 2010— 2009 Reminder Tax Statement was sent to Srivastva2 Kul & Abhilasha, 13211 Georgetown Dr, Sugar Land, TX 77478-1833. **2009 Reminder Tax Statement was not returned by the Post Office.**
- May 14, 2010—2009 33.07 Notice was sent to Srivastva2 Kul & Abhilasha, 13211 Georgetown Dr, Sugar Land, TX 77478-1833. **2009 33.07 Notice was not returned by the Post Office.**

- June 7, 2010—Mr Srivastva called our office about a statement he received from us. Balance was explained, and Mr. Srivastva informed us he would forward information to his mortgage company.
- July 27, 2010—Bank of America called our office for total remaining balance for 2009.
- Mr. Srivastva called our office about balance on December 14, 2010 and on January 21, 2011.

Breakdown of Taxes Paid:

2009 Tax Year	<u>FBISD</u>	<u>City of Sugar Land</u>	<u>FBC</u>	<u>Total</u>
Base Tax	\$674.82	\$155.13	\$258.42	\$1,088.37
Penalty & Interest	\$170.94	\$39.30	\$65.45	\$275.69
Collection Fees	\$169.16	\$29.17	\$64.78	\$263.11
Total	\$1,014.92	\$223.60	\$388.65	\$1,627.17

Total Penalty & Interest and Collection Fees: \$538.80

I do not recommend waiver of penalty and interest. Property Tax Code Section 33.011 (a) (1). “The governing body of a taxing unit: shall waive penalties and may provide for the waiver of interest on a delinquent tax if an act or omission of an officer, employee, or agent of the taxing unit or the appraisal district in which the taxing unit participates caused or resulted in the taxpayer’s failure to pay the tax before delinquency...”

DUPLICATE TAX RECEIPT



PATSY SCHULTZ, RTA
FORT BEND COUNTY TAX ASSESSOR/ COLLECTOR
1317 EUGENE HEIMANN CIRCLE
RICHMOND, TEXAS 77469

Certified Owner:

SRIVASTVA2 KUL & ABHILASHA
13211 GEORGETOWN DR
SUGAR LAND, TX 77478-1833

Legal Description:

BARRINGTON PLACE SEC 5-B, BLOCK 2, LOT 2
4, 33.330000% UDI

Parcel Address: 13211 GEORGETOWN DR
Legal Acres: 0.0000

UDI/Exempt %: 0.333300

Remit Seq No: 18275924

Receipt Date: 02/28/2011

Deposit Date: 03/02/2011

Print Date: 04/21/2011

Deposit No: O110302AB1
Validation No: 900000021525695

Account No: **1400-52-002-0241-907**

Operator Code: ARLACHA

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2009	Fort Bend Isd	51,710	1.305000	452.56	113.15	113.15	678.86
2009	City Of Sugar Land	51,710	0.300000	104.03	26.01	19.51	149.55
2009	Fort Bend Co Drainage	51,710	0.020760	7.19	1.80	1.80	10.79
2009	Fort Bend Co Gen Fnd	51,710	0.479000	166.12	41.52	41.53	249.17
				\$729.90	\$182.48	\$175.99	\$1,088.37

Check Number(s):
113

PAYMENT TYPE:

Checks: \$1,088.37

Exemptions on this property:

Total Applied: \$1,088.37

Change Paid: \$0.00

ACCOUNT PAID IN FULL

PAYER:
KUL D SRIVASTVA
ABHILASHA SRIVASTAVA
28018 BRACKEN HURST DR
KATY, TX 77494-5312

(281) 341-3710

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DUPLICATE TAX RECEIPT



PATSY SCHULTZ, RTA
FORT BEND COUNTY TAX ASSESSOR/ COLLECTOR
1317 EUGENE HEIMANN CIRCLE
RICHMOND, TEXAS 77469

Certified Owner:

SRIVASTVA2 KUL & ABHILASHA
13211 GEORGETOWN DR
SUGAR LAND , TX 77478-1833

Legal Description:

BARRINGTON PLACE SEC 5-B, BLOCK 2, LOT 2
4, 33.330000% UDI

Parcel Address: 13211 GEORGETOWN DR
Legal Acres: 0.0000

UDI/Exempt %: 0.333300

Remit Seq No: 18424839

Receipt Date: 03/31/2011

Deposit Date: 04/05/2011

Print Date: 04/21/2011

Deposit No: T110405Y1
Validation No: 900000021772230

Account No: **1400-52-002-0241-907**

Operator Code: SANDYG

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2009	Fort Bend Isd	51,710	1.305000	222.26	57.79	56.01	336.06
2009	City Of Sugar Land	51,710	0.300000	51.10	13.29	9.66	74.05
2009	Fort Bend Co Drainage	51,710	0.020760	3.54	0.92	0.89	5.35
2009	Fort Bend Co Gen Fnd	51,710	0.479000	81.57	21.21	20.56	123.34
				\$358.47	\$93.21	\$87.12	\$538.80

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Check Number(s):
000120

PAYMENT TYPE:

Checks: \$538.80

Exemptions on this property:

Total Applied: \$538.80

Change Paid: \$0.00

ACCOUNT PAID IN FULL

PAYER:

KUL D SRIVASTVA
ABHILASHA SRIVASTAVE
28018 BRACKEN HURST DR
KATY , TX 77494-5312

(281) 341-3710

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February 25, 2011
Attn: Patsy Schultz R.T.A
Fort Bend County Tax Assessor

Subject: Account # 1400520020241907

To Whom It May Concern:

This is regarding delinquent taxes for Account No: 1400520020241907 on the property 13211 Georgetown, Sugarland TX 77478. I am the former property owner. I have handled all payment (mortgage/insurance/taxes) matters related to this property since we purchased it in 2001 then sold it in August 2010. My taxes and insurance were always escrowed through the mortgage company and paid on time.

I have contacted Patsy Schultz's offices, my previous mortgage company (Bank of America Home loans), FBCAD, and the law offices from which I am receiving letters from (LineBarger Goggan Blair & Sampson) regarding this matter. To summarize the order of events to explain these delinquent taxes:

- 1) My mother purchased the property back in 2001. The note, deed, and title all belonged to her. The note was in Countrywide Home Loans in her name only. All taxes and insurance were escrowed through Countrywide. Again I handled all payments/taxes on this home since it was a home for me.
- 2) Somewhere a few years later Bank of America assumed Countrywide. All taxes and insurance were still escrowed. A refinance also did occur with Countrywide/Bank of America. Ownership was still 100% in my mother's name.
- 3) I was able to get me and my wife onto the deed, title and note a few years ago (somewhere between 2007-2009 I don't recall exactly) by going through an "assumption" process with Bank of America. The property was split 3 ways (UDI) equally between me, my wife and my mother.
- 4) Me and my wife assumed full control of the property (title, deed, and note) sometime in 2009 or 2010. My mother was removed from the note, deed, and title completely. I again went through a similar "assumption" process with Bank of America.
- 5) We sold the property (closing Aug 31 2010). We had a HAR realtor and so did the buyer. We went through Advantage Title for closing. The sale of our house was a normal real estate transaction. I assumed all taxes were current and handled during closing. Not being a real estate expert I could only assume that mounds of paperwork required in the closing of our house was accurate and up to date.
- 6) I started receiving letters from attorney's offices regarding delinquent taxes shortly after the sale of our house. Obviously confused since we always escrowed our taxes and paid on time I called numerous people (Law offices, Bank of America, Patsy Schultz, and FBCAD) trying to get an explanation.
- 7) What I was told was that a 1/3 portion of taxes in 2009 that tax statement was not provided to Bank of America. I have no idea why. I communicated all changes to my mortgage company while transferring ownership from my mother to me, my wife and my mother, and then only to me and my wife later. I couldn't have made these changes without proper documentation provided to my mortgage company.

This was not my mistake! A tax statement was not collected or provided for in a particular year. All other years were collected just fine. Because of this there are unpaid for taxes in 2009. Of course I am willing to pay for the unpaid taxes I am responsible for. Had the statement been provided on time I would have paid it on time like all other taxes through my escrow account. **I DO NOT feel I should be penalized over \$500 since I didn't even receive notices until after the sale of our house.** I've been given the run around between Bank of America, FB Tax Assessor's office, the law offices, and FBCAD on who is

to blame for that tax statement that year not being collected for. Essentially no one is assuming responsibility here.

I have provided a check for the undue taxes of \$1088.37. **And now having first hand experienced the mishandling of my property taxes (like so many others I have heard before from other people) I am now NOT escrowing my taxes at my new property.** I intend to handle them directly myself to insure no errors like this in the future.

Feel free to contact me directly at 7134195663 or kds721@yahoo.com regarding this matter.

Regards,

A handwritten signature in black ink, appearing to read 'Kul Srivastva', with a stylized, cursive script.

Kul Srivastva