March 9 Court AGENDAITEM

17. COMMISSIONER, PCT. 3:

A. Take all appropriate action on request by Robert Stein, President of Humus Products of America, to waive penalty and interest, including attorney fees, for an amount totaling \$2,252.78 on property taxes for Tax Year 2008, Precinct 3.

Real Property Correction From CAD attached

From:

Andy Meyers Donna Ospina

To: Date:

3/9/2010 4:19 PM

Subject:

Re: Request for Waiver

Tax Office does make decisions. I will have my office foward a copy of the correction of value by the CAD

Andy

----Original Message-----From: Donna Ospina

To: Mandi Bronsell

bronsman@co.fort-bend.tx.us>

To: Delynn Davis <davisdel@co.fort-bend.tx.us>

To: Andy Meyers <meyersan@co.fort-bend.tx.us>

Sent: 3/9/2010 2:34:14 PM Subject: Request for Waiver

May I please get a copy of the updated information for this agenda item from today, the info I have reads tax office does not recommend:

Take all appropriate action on request by Robert Stein, President of Humus Products of America, to waive penalty and interest, including attorney fees, for an amount totaling \$2,252.78 on property taxes for Tax Year 2008, Precinct 3.

Thanks, Donna Marian

FORT BEND COUNTY FY 2010

COMMISSIONERS COURT AGENDA REQUEST FORM

RETURN TO: AGENDA COORD-COUNTY JUDGE'S OFFICE



DATE SUBMITTIED: Vehruary 3, 2010

SUBMITTED BY: Patry Schultz.

AGENDA DATE: January 2010 DEPARTMENT: Tax Assessor /Collector PHONE NO.: 281-341-3735

AGENDA MEM comm PCT 3

UMMARY OF FEEM; Waives 01; Tax Year 2008; Precinct #		Attorney Fees; Humus of America	Inc; Account: # 6445-00-006-0020
ENEWAL CONTRACT/AGED	REMENT:	(es() No()	
EVIEWED BY COUNTY A'TI	ORNEY'S OFFICE	VES() NO()	
AST SUPPORTING DOCUME	2.	Request for Waiver Recommendation from the Tax Col Tax Receipt	lector
INANCIAL SUMMARY:			
udgered frem:		YES 🗌 NO 🗍	
UNDING SOURCE:	rund:ag	GENCYORGANIZATI	ON:OBJECT:
REQUIRES AUDITOR TO	CERTIFY FUND	os: yes 🗌 no 🗍	
If by 16-Mail to ospindon	@co.fort-bend.tx.u	unty Judge's Office: Yes (x) If by Fax, send to numbe	ax to 281-341-8609 ers below
yes (x) Auditor	(281-341-3774)	yes (x) Comm. Pct. 1	(281-342-0587)
yes (x) Budget Officer	(281-344-3954)	yes (x) Comm. Pct. 2	(281-403-8009)
yes (x) County Attorney	(281-341-4557)	yes (x) Comm. Pet. 3	(281-242-9060)
yes () Parchasing Agent		- , ,	(281-980-9077)
yes (x) County Clerk	(281-341-8697)	yes () Facilities/Planning	g (281-633-7022)
lost vetions for submitting an	Agendu Request:		- 12- 4500.000
1. Completely fill out need	da form, incomplete fo	rms will not be processed.	
and adjusted by and and addition		all liack up information by Wednese	day at 2:00 p.ss. to
All house and accorded blockers		aunte Indon Office bu 1:80	Wadnasday
the departments listed a			weatenaky.
3. All original back-up ma	st he received in the Co	ouncy sunges office by 2.00 p.ia. on	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
	st be received in the Co	ounly sunges office by 2.00 p.ia. on	

Tax Assessor Collector Palsy Schultz I do not recommend waiver of penalty and interest & Attorney Fees D/201.341 2044



COUNTY JUDGE

Fort Bond County, Texas

Robert B. Hobert County Judge

(281) 344-8608 Fax (281) 341-8609

February 8, 2010

Mr. Robert Stein President Humus Products of America, Inc. 7319 North Park Drive Richmond, Texas 77407

Reference: Account Number 6445-00-006-0020-901; Tax Year 2008, Precinct 3

Dear Mr. Stein:

The County has received your request on behalf of Humus Products of America, Inc. to waive penalty and interest on Fort Bend County property taxes including attorney fees. Fort Bend County is also authorized by Lamar CISD and Harris/FB ESD #100 to act on their behalf, bringing the total amount requested to \$2,252.78 for the referenced account for tax year 2008.

If you have documented proof of an *error* on the part of the County Tax Office or the Central Appraisal District, you may present that documentation to the Commissioners Court on Tuesday, February 23, 2010 at 1:00 p.m., when your request will be considered. 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 (281) 494-9076 or by email at meyersan@co.fort-bend.tx.us if you wish to discuss your request in further detail

State law mandates that the Commissioners Court cannot approve a waiver of penalty and interest on property taxes unless an error can be proved on the part of either the County Tax Office or the Central Appraisal District.

Mary 10

Copy: Andy Meyers, Commissioner Precinct 3

Section 33 011(a)(1) of the Texas Property Code states, "The governing body of a taking 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 Assussor/Collector
1317 Kansom Road
Richmond, TX 77469

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

DATE: February 2, 2010

TO: County Judge Robert E. Hebert

Commissioner Richard Morrison Commissioner Grady Prestage Commissioner Andy Meyers Commissioner James Patterson Roy Cordes, County Attorney

FROM: Taining Staten

Tax Division Supervisor

RE: Waiver of Penalty and Interest --Humus of America, Inc. Acet #6445-00-006-0020-901

2008 Tax Year, Legal Description: Park Westheimer S/D, Block 6, Lot 2, Acres 1,3130

Precinct 3

Mr. Robert Stein, President of Humus Products of America Inc., is requesting waiver of penalty and interest on the above referenced account for the 2008 tax year. He stated that the Ft. Bend Central Appraisal District advised him to pay the same amount he paid for 2007. He also stated that the Appraisal District told him that his appraised value would be adjusted, either creating a refund or creating slightly higher taxes than the 2007 amount.

Tax Office records indicate:

- Original deed #9037045 was recorded on July 24, 1990 with the owner listed as Humus of America, Inc. 7319 North Park Drive, Richmond, TX 77469.
- Copy of letter dated July 11, 2008 from Fort Bend Central Appraisal District to Humus of America Inc 7319 N Park Dr Richmond, Texas 77469-9539; letter concerns the late filing of the 2008 protest and since the protest was received on June 27, 2008 the protest is invalid per Sec 1.08 (2) of the Texas Property Tax Code.
- November 5, 2008---2008 Original Tax Statement was mailed to Humus of America Inc, 7319 N Park Dr, Richmond, TX 77469-9539. (Original tax Statement was not returned by Post Office).
- 2608 Tax Roll lists the owner as Humus of America, Inc, 7319 N Park Dr, Richmond, TX 77469-9539.
- Copy of letter dated November 13, 2008 from Fort Bend Central Appraisal District to J.E. Riley & Company, Inc. Letter is explaining the Appraisal processing used in determining the value for 2008.
- May 26, 2009—Mr. Robert Stein called and spoke with a clerk in the Tax Research Department. He was inquiring if his 2008 value was decreased per a protest, the value is \$541,240.;He stated value should have lowered; Tax clerk related to Mr. Stein that there was nothing to indicate a value was lowered and suggested he confirm that with FBCAD.
- Copy of letter dated July 20, 2009 from Fort Bend Central Appraisal District to Mr. Robert Stein with Humas of America Inc 7319 N Park Dr Richmond TX 77407-9539; letter concerns that the protest was filed late and was considered invalid for 2008.

- August 17, 2009—Mr. Stein called and spoke with a tax clerk in the Research Department and
 questioned why the 2008 value was not lowered. He stated be spoke with Ralph Anders with CAD and
 he was told that the protest was past deadline and it became invalid,
- December 18, 2009—Mr. Stein called and spoke with tax clerk about the property value for 2008 and that it was incorrect per CAD. CAD related to him that he would be receiving letter from the office of Linebarger, etc (tax attorneys) regarding tax sale on his property. He stated that Mr. Anders with FBCAD is giving him the runaround by not changing value per their conversations-referred him to speak with Harris Watson, Deputy Chief Appraiser with the FBCAD.
- January 4, 2010—Mr. Stein called and spoke with tax clerk about the delinquent taxes due for 2008. He stated that he had hired a company to protest value in 2008 but it was not done. He stated he spoke with Ralph Anders with CAD. In the conversation he stated that Mr. Anders told him he would correct the value and he was told to pay the 2007 tax amount and he also was told that he might owe or have a credit. He paid the 2008 taxes with penalty & interest. Tax Clerk explained the waiver protest to Mr. Stein.
- January 26, 2010—Mr. Glen Whitehead, Chief Appraiser with Bend Central Appraisal District, send an email stating that the agent for Humus of America, Inc. filed a protest for 2008 & 2009. The 2008 protest by law is invalid since the taxes are delinquent. If they do not pay the 2009 taxes before February 1, 2010 then the protest will also be invalid. Mr. Whitehead stated that he spoke with Ralph Anders with the Appraisal District and he did not state the P&I would be waived. He advised them to file the protest for the 2009 tax year.
- Lamar CISD & Harris/Fort Bend ESD #100 has authorized Fort Bend County Tax Office to handle the
 processing of the waiver of penalty, interest and attorney fees and allow the Fort Bend County
 Commissioners Court to make the determination based on 33.011 of the State Property Tax Code.
- There is no evidence of an error by the Ft Bend Central Appraisal District or the Ft Bend County Tax Office.

Breakdown of Taxes Paid:

2008Tax Your	LCISD	Harrls/FB ESD#100	FBC	Total
Base Tax	\$ 7,023.40	\$ 512.72	\$ 2,704.90	\$10,241.02
Penalty & Interest	759.83	55.47	292.63	1,107.93
Attorney Fees	785.15	57.32	302.38	1,144.85
Total	\$ 8,568.38	\$ 625.51	\$ 3,299.91	\$12,493.80

Total Penalty & Interest: \$2,252.78

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** (281) 341-3710

Certified Owner:

HUMUS OF AMERICA INC 7319 N PARK DR RICHMOND, TX 77407-9539 Legal Description:

PARK WESTHEIMER S/D, BLOCK 6, LOT 2, AC

KES 1.313

Parcel Address: 7319 N PARK DR

Legal Acres: 1.3130

> Remit Seq No: 15323588

01/14/2010

Receipt Date: Deposit Date: 01/19/2010

Print Date: 01/20/2010

Deposit No: Vulldeffan No: 0100119301 900000018703101

Account No: Operator Code: JENNIFFRG

6445-00-006-0020-901

Year	Tax Unit Name	Tax Value	Tax Rate	Levy Pold	P&1	Atty Paid	Total
2 6 00	Lamar C 1 S D. Openning Fund	541,240	1.297650	3,165.94	759.83	785.15	4,710.92
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2008	Fort Band Co Dramage	541,240	0.016000	39 04	9.37	9.68	58.09
5008	Fort Bend Co Gen Fad	541,240	0.483760	1,180.24	283.26	292.70	1,756.20
				\$4,616.34	S1,107.93	\$1,144.85	\$6,869,12

S -- .. Cherk Kumber(s); 20685

PAYMENT TYPE: PARTIAL PAYMENT

Checks:

\$6,869.12

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Ecropatons on this property:

Total Applied;

\$6,869.12

Change Pald.

\$0.00

REMAINING BALANCE

PAYER:____ HUMUS OF AMERICA INC 7319 N PARK DR RICHMOND, TX 77407-9539

(281) 341-3710

Page 1 of 1 21.1.105

DUPLICATE TAX RECEIPT



PATSY SCHULTZ, RTA FORT BEND COUNTY TAX ASSESSOR/ COLLECTOR 1317 EUGENE HEIMANN CIRCLE RICHMOND, TEXAS 77469 (281) 341-3710

Certified Owner:

HUMUS OF AMERICA INC 7319 N PARK DR RICIIMOND, TX 77469-9539 Legal Description:

PARK WESTHEIMER S/D, BLOCK 6, LOT 2, AC

RES 1.313

Parcel Address: 7319 N PARK DR Legal Acres:

1.31.40

Remit Seq No: 13429649 Receipt Detc: 01/29/2009

Deposit Date:

01/29/2009

Print Date:

01/20/2010

Deposit No: **Yelidation No:** O90129AJ1 900000016214457

Account No:

6445-00-006-0020-901

Operator Code:

DENITAR

Year	Tax Unit Neme	Tax Value	Tax Rate	Levy Paid	P&I	Atty Paid	Tatet
2008	Lamar C I S D- Operating Fund	511,240	1.297650	3,857.46	0 00	0.00	3,857.46
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2008	Fort Bend Co Durinage	541,240	0.016000	47.56	0 00	0,00	47.56
2008	Fort Bend Co Gen End	541,240	0 483760	1,438 06	0 00	0 00	1,438.06
				\$5,624.68	\$0.00	30.00	\$5,624.68

Check Number(4): 20262

PAYMENT TYPE: PARTIAL PAYMENT

Checky:

\$5,621.68

Exemptions on this property:

Total Applied:

\$5,674.68

Change Pulo:

50 00

REMAINING BALANCE

LAYER:___ HUMUS OF AMERICA INC **7319 N PARK DR** RICHMOND, TX 77469-9539

(281) 341-3740

Pege Loft

21.1,105



HUMUS PRODUCTS OF AMERICA, INC.

7319 North Park Drive & Richmond, Texas 77407 (281) 341-5(M5 Fax: (281) 232-9987

> COUNTY JUDGE RECEIVED JAN 15 2010

01/14/10

County Judge Robert E. Hebert 301 Jackson, Suite 719 Richmond, TX 77459

Re 2008 Tax Year. Acct No: 6445000060020901

Dear Judge Hebert,

I am having a horrible time with my taxes. In 2008 my property tax increased 78% (that is not a typo). Naturally, I protested as there was obviously an error. Properties in this area have been decreasing in value recently, not increasing, and a 78% increase on my property in one year was an obvious mistake on the part of the appraisal district.

I hired J.E Riley Tax Service to protest for me, and they did. However, they missed the protest deadline and was therefore deemed invalid. Naturally I called the appraisal district as I needed to have an accurate appraisal done on my property. I spoke with Mr. Ralph Anders of the FBCAD and he did confirm that J.E. Riley's protest was late, but advised me that since there was more than a 30% error, the appraisal could still be changed.

Mr. Ralph Anders instructed me to pay the same amount of tax that I paid in 2007, and he would have the appraisal adjusted. He told me I would most likely be receiving a refund for overpayment, but I might owe slightly more that I did in 2007. I did what he instructed and I personally went down to the tax office and paid my taxes. I did tell them at that point that I would be expecting a slight refund as it is highly likely that my property lost some of it's value over that year.

Your Honor, I assumed it was all taken care of because I didn't hear anything about it for 5 months. Then, in May of 2009 I received a letter saying I was delinquent on past due tax and there was interest accumulating for each of those months. I called the tax office and explained the situation. They instructed me to call Ralph Anders and have him send over the documentation stating the appraisal had been changed. So I did. I called Mr. Anders and it went to his voice mail. I left him a message stating that the tax office had not yet received the adjustment to my appraisal, and would you please send it to them as soon as possible. If you have any questions, please call me at 281-341-5045.

I never heard from Mr. Anders, so again I assumed it was taken care of. Then in June, I receive another letter from the tax office stating that even more interest is being added to

I thank you in advance for your help with the penalties and interest. Also, if there's anything you can do to ensure we have an accurate appraisal, I would be forever in your debt. I've since fired I.E. Riley from representing us, and have hired Robert's Tax Survice. Collect Roberts is requesting a hearing so that we can finally get this resolved. Until that happens, I appreciate anything you can do to assist us.

Sincerely,

Robert Stein President

Humus Products of America, Inc.

County Appraisal District

Real Property Correction Request/Motion

Account Number 2 MISHORT BEND C.A.D.

25.25RP (08/09)

INSTRUCTIONS: Complete all applicable parts of this form and submit to the Marrie County Appraisal District, Information and Assistance

Division, P. O. Box 922004, He to attach all relevant docum			, please contact this office	at (713) 957-7800. IMF	ORIANI: Be sure
Part I – Owner and Property		<u></u>			
Property Owner's Name HUMGS CT A	merciel 120		Daytime Telephone Number	er	
		**************************************	City, State, ZIP + 4		
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2. Correction Type (mark ap	opropriate box)		MUN TO 19	11 500 7500	At hearthan
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f. Property does not exist			_	—	ed?
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error. or an error that results in the appraiser or ARB intended it to restimates or square footage estimates or square footage estimates a mathematical error in calcular Your motion must be filed prior 6. Payment of Taxes (mail Yes No Property with Sec	the appraisal roll not reflect effect. Measurement errors imate ARE NOT derical e liation. To the delinquency date rk appropriate box / taxes due for each y ction 42.08 of the Texa	ting what the chief s such as inventory mors unless there	vacancy rate and income demolition permits, tax return reports, asset listings, or other reports asset listings are other to the come delinquent ode and has not forfeited the come delinquent ode and has not forfeited the come delinquent ode and has not forfeited the come delinquent odes.	statements, lease agreements, bills of sale, photographs, in information relevant to your and the property owner the right to appeal for no	nts, construction contracts nsurance reports, appraisal request.
	1				be corrected.
iax year	City, State, ZIP + 4	2008	2009		
a. Land				43570	43570
b. Improvement				156,43	2 14.4.76
c. Total (a + b)				300,00	
d. Agriculture, Timber or Restricted Value				766,66)60,00
e. Homestead Limitation					
f. Exempt Value					
g. Manufactured Housing					
Part III - Property Owner/Rep	resentative Signatur	е		<u> </u>	
I affirm under penalty of law Review Board (ARB) schedd Review Board send notice c understand that if the chief a appeal or review by the ARB	of the time date and		to conject the end, in the	appraisal roll. I reques	t that the Appraisal
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	سنتزح		Date / 24/5		

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85,790

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6445-00-006-0020-901	1		New Inspection Reason Assessed Value	Assessed Value		Comments	
PARK WESTHEIMER S/D , BLOCK 6, LOT 2, ACRES 1.313	7.2,	7319 N Park DR Richmond,TX 77407-9539		\$405,000			

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Type Description Table ST Col HS Meth Area Unit Price Flunc % Econ % Adj % CP Commercial Primary A-6445-00-02 F1 N A 1.3130 65,340,00 100 100 NBH% 100 EFF, ACRES 3.7570 TOTAL 1.3130 TOTAL	* * *	TOTAL
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Type CP NBH%	Description Commercial Primary	100
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NBH% 115

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Ag Unit Pr 0.00

Ag Tbi

Market Value 43,570 TOTAL

43,570

Property ID and Legal Description	Owner Information	Last Inspected	Market Value	Card Printed Card #	Sard #	Map IO
R108171 Tax Year. 2009	Tax Year: 2009 Humus of America INC (00249679)	02/06/2009 (MO)	\$405,000	02/12/2010	<u> </u>	Z-030
6445-00-006-0020-901			- 1			
	7319 N Park DR	Next inspection/Reason	Assessed Value		Comments	ments
PARK WESTHEIMER S/D , BLOCK 6, LOT 2, ACRES 1.313	Richmond, TX 77407-9539		\$405,000			

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Price State		Book I mathument 2228	1167
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	Func %	100	
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