



**Texas Residential
Construction Commission**
Quality Construction for Texans

**STATE-SPC SORED INSPECTION AND
DISPUTE RESOLUTION PROCESS (SIRP)
Third-Party Inspection Form**

2009 AUG 10 AM 10:42

This form to be completed by a commission certified Third-Party Inspector only.

Date of Report: August 5, 2009

Section 1: GENERAL INFORMATION

Name of Third Party Inspector: **Christopher Grose**

Inspector ID # **98418**

SIRP File # **2299**

Date of Inspection: **July 8, 2009 @ 10:00 am**

Homeowner Name: **Ron and Carol Hemphill**

Address of Home: **240 Canterbury Drive, Austin, TX. 78737**

Builder/Remodeler Name: **Willis John Taylor**

List name and titles of those present during inspection: **Ron and Carol Hemphill (Homeowners) / June Melton P.E. (Homeowner's Engineer)/ Charles Cain (Homebuilder Attorney) / Bart Koonse (Homebuilder Representative) / Christopher Copeland P.E. (Homebuilder's Engineer)**

Type of complaint: **Structural**

Unless the homeowner and builder agreed otherwise in writing, pursuant to commission rules, only alleged defects listed in the SIRP request were inspected and no effort was made to determine the existence of other possible defects not listed in the SIRP request, unless a defect affecting the health or safety of the occupant is noted. The standards selected and recommendations listed in section 5 of this report are solely that of the inspector based upon the statutes and commission rules that apply to the SIRP and the inspector's professional judgment.

Signature (Inspector):

Section 2: BACKGROUND

Describe residence as relevant to the inspection.

The subject property is a two story single family house with attached garage. The house consists of a wood frame structure supported by a concrete slab-on-grade foundation. The exterior is chopped stone veneer. The roof is composite shingle. Interior walls are sheetrock.

Warranty: Home of Texas

Standards: IRC, Usual and Customary Construction Practices (UCP)

Section 3: INTERVIEW COMMENTS

Describe any findings relevant to the inspection reported and/or indicated by the parties present during the interview.

Item specific comments are included in Section 5 under the respective items.

Section 4: ADDITIONAL INFORMATION

List or identify additional information, attachments, description of references or enclosed documents considered in making the report and recommendations.

HO- homeowner HB- homebuilder UCP- Usual and customary residential construction practice W&M – workmanship and materials n/a – not applicable TPI- Third Party Inspector (Grose) IRC- International Residential Code NEC- National Electrical Code

Convention regarding directions: Front faces the street, left and right are as seen from the street facing the house. Back-right indicates back side, right end. Right-back indicates right side, back end. Right (facing) indicates right hand while facing, disregarding right side of house.

The following is from TRCC 304.2

(2) Repair of a construction defect. Any repair shall be performed in a manner and using such materials and methods as recommended by the third-party inspector in accordance with the inspector's duties under §313.14 of this title and consistent with the Code, the performance standard or in accordance with §304.2(a). In the event a third-party inspector determines that a construction defect is present but the inspector does not make a recommendation as to the procedure or method of repair, then the repair shall be in accordance with usual and customary building practices or as agreed by the parties. If the third-party inspector's report is appealed, then any repairs shall be performed in a manner and using such materials and methods as recommended by the appellate panel. If the appellate panel does not make a recommendation as to the procedure or method of repair, then the repair shall be made in accordance with the usual and customary business practices or as agreed by the parties.

(3) Repair Condition. In connection with a repair of a construction defect, any repairs performed by the builder will include those components of the home that have to be removed or altered in order to repair the construction defect. Repair shall be made so that the condition is returned to its condition as it existed at the time immediately preceding the construction defect.

(4) Finish. Surfaces altered incident to any repair will be finished or touched up to match the surrounding area as closely as practical. In connection with the repair of finish or surface material, such as paint, wallpaper, flooring or a hard surface, the builder will match the standard and grade as closely as reasonably possible. Builder will attempt to match the finish, but will not be responsible for discontinued patterns or materials, color variations or shade variations. When the surface finish material must be replaced and the original material has been discontinued, the builder is responsible for installing replacement material substantially similar in appearance to the original material.

SECTION 5 ORGANIZATION

Item # 1 Alleged Defect: Separation of stairs – hollow sounding @ Stairway
TRCC Direction to TPI: Do not inspect item for reason: “Past the 2 year Date of Discovery”.

Item # 2 Alleged Defect: Subfloor is loose & hollow @ Upstairs hall
TRCC Direction to TPI: Do not inspect item for reason: “Past the 2 year Date of Discovery”.

Item # 3 Alleged Defect: Subfloor loose – deflection in floors @ Game room
TRCC Direction to TPI: Do not inspect item for reason: “Past the 2 year Date of Discovery”.

Item # 4 Alleged Defect: Unlevel floors @ Upstairs hall
TRCC Direction to TPI: Do not inspect item for reason: “Past the 2 year Date of Discovery”.

Item # 5 Alleged Defect: Separation of walls & ceilings @ Game room
TRCC Direction to TPI: Do not inspect item for reason: “Past the 2 year Date of Discovery”.

Item # 6 Alleged Defect: Separation of walls & ceilings @ Upstairs bath
TRCC Direction to TPI: Do not inspect item for reason: “Items filed under previous SIRP #1497”.

Item # 7 Alleged Defect: Separation of walls & ceilings @ Upstairs closet
TRCC Direction to TPI: Do not inspect item for reason: “Items filed under previous SIRP #1497”.

Item # 8 Alleged Defect: 2 walls bowed @ Den

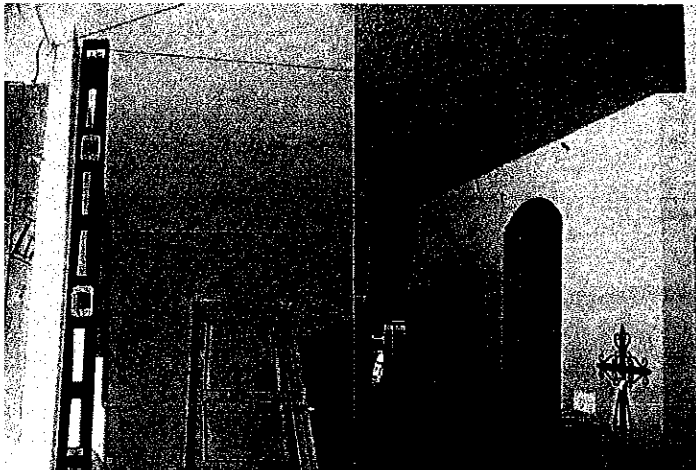
Observations/Tests Performed: As pointed out by the homeowner there is a bow in the wall near the stairs. The bow is in the top two 2' of the wall and tends to bow inward toward the front of the house approximately 1/2" over approximately 24". All indications are that the wall was built this way and bowing did not occur over time or due to

structural weakness. This appears to be a workmanship issue and not a strength issue regarding wall bracing or construction.

The second area pointed out by the homeowner was over the arch opening in the living room against the right side wall. There is a hump in the sheetrock approximately 3/8" out from the wall over 32" measurement parallel along the wall. All indications are that the wall was built this way and bowing did not occur over time or due to structural weakness. This appears to be a workmanship issue and not a strength issue regarding wall bracing or construction.

Since this is a workmanship and materials issue it will not be considered a structural item to be inspected.

TPI: Excluded from inspection for reason: Item is a workmanship and materials issue and out of warranty period for inspection as a construction defect.



Item # 9 Alleged Defect: Deflection in ceilings ~ 3/4" + @ Den & kitchen

Observations/Tests Performed: Measurements of the ceiling deflection were recorded. These measurements were taken without the influence of a live load from occupants in game room above. At the greatest deflection measured the floor trusses are bowing down 1/2"-3/4" over 19' diagonal measurement. After taking into account construction tolerances the deflection is within the guidelines of accepted criteria for floor systems of L/240 without the influence of a live load. However, when under normal human traffic the floor may be deflecting to beyond the code allowed L/360 limit and above for live load deflection. This may be complicated by the still unrepaired roof truss and its influence on the floor system.

Applicable standard(s): IRC R301.1

Finding: Out of Compliance – Structural

Repair recommendation(s): Allow the builder to make repairs as described in MLAW letter of May 25, 2007. After repairs are made builder shall have the original design

engineer analyze the as built condition of the manufactured trusses and other structural elements to certify that the total floor system was installed to the manufacturer prescriptive methods. If damages to finish surfaces continue after repairs; Additional analysis of the live load deflection may be required and repairs or strengthening may be warranted to floor trusses and associated structural members.

Item # 10 Alleged Defect: Door frames separating & showing stress @ Throughout house

TRCC Direction to TPI: Do not inspect item for reason: "Past the 2 year Date of Discovery".

Item # 11 Alleged Defect: Finger joints in door frames separating, nails showing @ Throughout house

TRCC Direction to TPI: Do not inspect item for reason: "Past the 2 year Date of Discovery".

Item # 12 Alleged Defect: Doors will not close properly – door frames (illegible) @ Throughout house

TRCC Direction to TPI: Do not inspect item for reason: "Items filed under previous SIRP #1497".

Item # 13 Alleged Defect: Cracks & bulging on ceiling around load bearing walls @ Den

TRCC Direction to TPI: Do not inspect item for reason: "Items filed under previous SIRP #1497".

Item # 14 Alleged Defect: Cracks & bulging on ceiling around load bearing walls @ MBR

TRCC Direction to TPI: Do not inspect item for reason: "Items filed under previous SIRP #1497".

Item # 15 Alleged Defect: Concrete front porch & post & stairs sunk @ Exterior

TRCC Direction to TPI: Do not inspect item for reason: "Past the 2 year Date of Discovery".

Item # 16 Alleged Defect: Cracks in driveway & garage @ Exterior

16 A:Cracks in driveway:

Observations/Tests Performed: There is a diagonal crack in the concrete driveway near the garage door. The crack has separated less than amount required for repair.

Applicable standard(s): TRCC 304.10 (c)(2)

Finding: In Compliance

16B: Cracks in garage:

Observations/Tests Performed: There are several hairline cracks in the garage floor. the cracks appear to be non structural and typical of shrinkage cracking.

Applicable standard(s): TRCC 304.10 (b)(1)

Finding: In Compliance

Item # 17 **Alleged Defect: Possible foundation issue discovered – no hard point @ Kitchen / den**

TRCC Direction to TPI: Do not inspect item for reason: “This item is not a construction defect”.

Item # 18 **Alleged Defect: Vertical blinds unlevel @ Kitchen**

TRCC Direction to TPI: Do not inspect item for reason: “This item is considered Workmanship & Materials and warranty has expired”.

Item # 19 **Alleged Defect: Low point measured w/ waterlevel. Previous engineering contours show a low – possible sinking point in kitchen / den. This issue was raised in several engineering reports, most recently the Amstar report (attached) on page 7, #14. @ Kitchen / den**

Observations/Tests Performed: From observations and measurements no excessive deflection indicating a problem was found in the foundation. There are no associated signs of distress indicating there is a foundation problem or excessive movement in the foundation.

Applicable standard(s): TRCC 304.100(a) (1)

Finding: In Compliance

Item # 20 **Alleged Defect: Findings in Amstar report indicating problems with the floor trusses and girders.**

Observations/Tests Performed: The effect of the roof truss system on the floor trusses has been analyzed by the builder's engineer and repair recommendations have been made (MLAW letter of May 25, 2007). TPI concurs with previous repair proposal as submitted by builder.

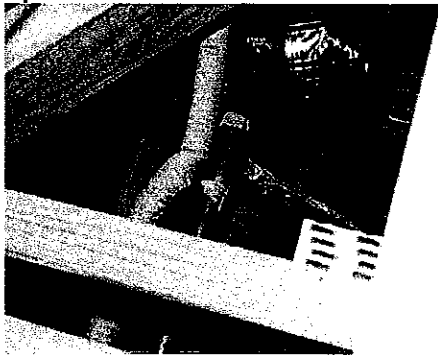
TPI opinion is that since the original designer used manufactured elements with prescribed assembly methods the original designer should be responsible for certifying that the structural members as a whole are assembled as specified. From my observations and experience, there is relatively little damage that could be attributable to significant problems with the floor system and related structural elements.

Applicable standard(s): IRC R301.1

Finding: Out of Compliance – Structural

Repair recommendation(s): Allow the builder to make repairs as described in MLAW letter of May 25, 2007. After repairs are made builder shall have the original design engineer analyze the as built condition of the manufactured trusses and other structural elements to certify that the total floor system was installed to the manufacturer prescriptive methods. If damages to finish surfaces continue after repairs; Additional analysis of the live load deflection may be required and repairs or strengthening may be warranted to floor trusses and associated structural members.

Added item for Homeowner safety: Gas line is damaged kinked in floor truss space.



Observations/Tests Performed: There is a gas line visible that is kinked and potentially a source of a future leak.

Applicable standard(s): UCP, TRCC 304.2.(a) Builder Responsibilities for Compliance with Performance Standards and Repair Obligations.(5)Manufactured Products. The builder shall install all manufactured products in accordance with the manufacturer's instructions and specifications.

Finding: Out of Compliance – W&M

Repair recommendation(s): Repair with manufacturer approved coupling or replacement to appropriate limits as required by manufacturer.