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Email: foresight9200@hotmail.com or Info@bestinspections.org

Phone (713) 661-9200

REPORT # 2XLGL-0707

DATE OF INSPECTION: XX/YY/20XX (10:00 AM)

ENGINEERING VISUAL INVESTIGATIVE REPORT

FOR
PROPERTY LOCATED AT

XXX BLVD., HOUSTON, TX 770XX



PREPARED FOR

MR. XXX (ATTORNEY-YYY LAW FIRM, PLLC)

BY:

JITENDRA M. VARMA, Licensed Professional Structural Engineer since 1975

WE, DO ENVIRONMENTAL (TRANSACTIONAL SCREENING, PHASE I & PHASE II ASSESSMENT) & ALL TYPES OF COMMERCIAL INSPECTIONS (NEW & EXISTING APARTMENT/CONDOMINIUM/TOWNHOUSE COMPLEXES, OFFICE/WAREHOUSE/FREE STANDING/RESTAURANT/CONVENIENT STORE BUILDINGS, STRIP/SHOPPING CENTERS AND INDUSTRIAL BUILDINGS). YES, WE DO, REGULAR HOME (STRUCTURAL & MECHANICAL INSPECTIONS, TERMITE INSPECTIONS, NEW CONSTRUCTION (PHASED), ELECTRO-MAGNETIC FIELD (EMF), EIFS (ARTIFICIAL STUCCO), THERMAL IMAGING (INFRARED), COMMERCIAL, ENVIRONMENTAL, POST-CATASTROPHIC EVALUATIONS, & MANY OTHER INSPECTIONS INCLUDING "NACA" INSPECTIONS. WE PROVIDE MANY OTHER INSPECTIONS & SPECIALIZED SERVICES ON REQUEST.

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ENGINEERING INVESTIGATIVE REPORT

Inspected for: Mr. XXX (Attorney-YYY Law Firm, PLLC)

Subject Property: XXX Blvd., Houston, TX 770XX

Foresight Engineering & Inspections, LLC. was furnished with some pictures of the stair at the subject property where from Mr. ZZZ fell to the ground floor on/ around MMM DD, 20XX. We were asked to review such furnished pictures and offer our expert opinion on the condition as it existed prior to repairs.

I conducted a limited specific visual condition survey of the balcony and stairs, parallel to XXX Blvd, at the subject property on MMM DD, 20XX at 10:00 a.m. The subject stair was repaired prior to my visit.

The purpose of the site visit was to observe the condition of the repaired stair and to render my professional opinion based on my observations and shed a light on other safety issues on the balcony and stairs.

Transmitted herewith is the property condition survey report exhibiting my subjective professional opinion. This report is based on visual field survey of the repaired stairs, based upon the education, experience & training of the author of this report.

WEATHER CONDITIONS:

Sunny at the time of investigation. Temp. 88 F.

DIRECTION DESIGNATIONS:

As facing the investigated property from the street **Front** **Right** **Rear** **Left**

INVESTIGATING INSPECTOR:

Jitendra M. Varma

PERSONS PRESENT:

Tenants

PROPERTY DESCRIPTION & LIMITATIONS:

The property was located in the City of Houston, TX. I was given to understand by Mr. XXX (Attorney) that Mr. ZZZ, lived in apartment #BB (an upstairs unit) of the subject property and, was making his way to the spiral the back spiral stair (addressed as Stair 1) in this report and as he made his way onto the landing of the stair, he fell on to ground floor.

The conducted survey was basically a fact-finding mission to investigate the condition of balcony floor & stair as it would have existed prior to the repairs and other safety issues, if any, and, as such, the report was limited to that end.

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ENGINEERING INVESTIGATIVE REPORT (Contd.)

GENERAL & DISCLAIMERS:

In the conduct of this work, Foresight Engineering & Inspections LLC. has acted as an engineering consultant to provide visual observations and opinions with regard to the visible conditions of the balcony floor and the stairs of this building. Recognizing that latent defects could exist which inherently may not be detected during an inspection of this type, Foresight Engineering & Inspections, LLC. does not represent that the observations described herein and their analysis thereof represent every structural condition that may exist. Any condition not apparent visually at the time of investigation or any component not readily accessible for investigation is not reported. Structural items not specifically noted as investigated in this report are not covered by this report and are not to be assumed good or bad by lack of notation.

The purpose of this investigation was to report any conditions which could be an indication that those components were either failing to perform the intended function or were in need of immediate repair. The items described in this report are the author's opinion of the visible conditions, as they existed at the time of investigation. The Client may rely on these opinions, only to the extent of the limitations used in their formulation. **It is entirely possible that another individual inspecting this property might have differing opinions than those cited in this report. Further, it is also the nature of residential construction in the greater Houston area for the condition of the building to change, often over a short period of time.** No verbal statements made at the time of the field investigation are to be considered a part of this investigation or this report. The information contained in this report takes precedence over any communications that might have occurred prior to issuing this report.

It is emphasized that the purpose of this report is to better inform you, as a client on the subject property, of conditions existing at the time of the investigation, with no representation or warranty as to the efficiency or future life of the structure, foundation or any component thereof.

Foresight Engineering & Inspections, LLC. does not assume any responsibility whatsoever for any action(s) that may or may not have been done as a result of information provided during the investigation, and for the existence of any latent defects that were not amenable to visual detection during this investigation, for items not specifically identified in this report as having been investigated, for changes that occur in items subsequent to this investigation, or opinions expressed by others that may differ from those expressed in this report. Finally, this report is written to satisfy the objectives of you, as our Client. **No warranty, either expressed or implied, is hereby made and the Client waves all warranties, except for such waivers or disclaimers that may be prohibited by law. Every user of this report is bound by this understanding of "No warranty &/or liability".**

In using this report, the Client further agrees, except as may be limited by law, that there are no other agreements or understandings concerning the standard, grade quality, or amount of services provided by Foresight Engineering & Inspections, LLC., other than what is contained in this report. Finally, no other representations &/or statements have been made that this report include rights, remedies or obligations which are not contained in these instruments. Neither the author of this report nor Foresight Engineering & Inspections, LLC. jointly or severally assumes any responsibility whatsoever for the use of this report, or the information contained herein, by any third party person.

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ENGINEERING INVESTIGATIVE REPORT (Contd.)

I was furnished with pictures of the Stair 1 by Mr. XXX. I will be using some of those furnished pictures (photo 01 through 03) as well as several photographs that I took in this report, and included some of them for reference purposes in Enclosure "A". **A photo not only reflects the condition in that particular location but may also be a representative of similar condition in other locations.**

The subject apartment complex comprises of a L-shaped building. There were two spiral stairs serving the apartment complex. I will address them as Stair 1 (where the falling mishap of Mr. ZZZ happened), for the apartment leg parallel to A Blvd, and the other Stair 2, perpendicular to XXX Blvd.

SPECIFIC OBSERVATIONS (STAIR 1)

Following are my specific observations on the furnished photos:

- Photo #ed 01 shows stair landing in the final position after it gave in and it was connected to the balcony board with three bolts (location circled in red).
- Photo #01 also depicts the rotted condition of supporting board near the bottom with the open (yielded) bolt holes. This location is circled in blue for easy identification.
- Another view of the stair landing with connecting bolts is shown in Photo #02.
- This view of the balcony in photo 03 displays rotted condition of the joist ends supporting the balcony. Location circled in green ink.

GENERAL OBSERVATIONS

Following were my specific observations of general condition of stair 1 and the nearby area of the balcony on MMM DD, 20XX:

- Photos #ed 04 and 05 Show repaired condition of the balcony and the stair landing.
- It should be noted here that new butting joists used were short pieces of wood. See photo 05.
- The open spacing on stair rails had a ladder affect. Such ladder effects are unsafe for small children as the children can climb such open areas and fall down &/or hurt themselves. See photos #ed 06 and 07.
- Balcony floor Supports were 6"x2" used as platform's walking surface. Some them rotting at ends. See photo #ed 08.

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ENGINEERING INVESTIGATIVE REPORT (Contd.)

- There were large gaps (as much as 1 1/8"*) between some of the adjoining balcony boards as can be seen in photo 09.
- The stair risers were noticed to be more than a maximum height of 7 3/4" (8" observed on all steps and does not comply with current industry standards which presents an unsafe condition). See photo #ed 10.
- The open riser spacing between treads exceeded 4" (6 1/2" noticed). Such openings are unsafe for small children as they have a potential of getting their head stuck &/or falling in such open areas and hurting themselves. Maximum allowed spacing should not allow passage of an object four inches in diameter. See photo #ed 10.
- Intermediate baluster on guard rails exceeded 4" (4 1/8" discovered). See photo # 12. Such openings are unsafe for small children as they a potential of getting their head stuck in such open areas &/or hurting themselves. Maximum allowed spacing between intermediate balusters should not allow passage of an object four inches in diameter.
- Open space between bottom rails on guards and balcony floor should not be more than 4" (5 13/16" noticed). See photo #ed 12. Such openings are unsafe for small children as they a potential of getting their head stuck in such open areas &/or hurting themselves. Maximum allowed spacing between intermediate balusters should not allow passage of an object four inches in diameter.
- Non-grippable handrails on stairs. This is potentially an unsafe condition. Handrails should be round and the diameter should be between 1 1/4" to 2 5/8". See photo #ed 13.
- Illustrations, as photos #ed 14 through 18 depict some of the industry standards for stairs.

Following were my specific observations of general condition of the balcony and stair 2 on Mon dd, 20xx:

- Recently repaired landing connection to balcony on the other spiral stair. See photos #ed 19 & 20.
- Steel pan and angle on stair 2 were rusting on the landing as seen in these photos.
- Ceiling joist ends supporting landing on Stair 2 were rotting and split. See photos #ed 19 and 20. Location circled for of understanding.

* A space of 1/8" is recommended between boards to allow for expansion of boards. This prevents heels getting stuck in the gaps between boards.

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ENGINEERING INVESTIGATIVE REPORT (Contd.)

CONCLUSIONS

Based on my limited visual survey of the and Stair 1 and nearby balcony, following conclusions are derived from the above observations:

- ◇ Supporting wood, attached to balcony joists, was badly rotted at the bolt holes that it could not safely support the applied load and finally failed and let the landing fall.
- ◇ Connection of short mating joists attached to existing balcony joists were improper as creates a pinning effect.
- ◇ Gaps between walking wooden boards or board ends, wider than 1/4", are unsafe as any person walking with sharp shoe heels can have the heels catch between the gaps making the person loose balance and fall and possibly hurt.
- ◇ Badly rotted wood becomes very soft and can catch the shoe of the walking person and make the person to lose balance.
- ◇ While stair issues cited above could have met the building requirements when it was built, however, it fails the current safety standards and considered a safety issue.

Based on my limited visual survey of the and Stair 2, following conclusions are derived from the above observations:

- ◇ The repairs done on this stair are incomplete & appeared unsafe, and prone to failure in future.

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ENGINEERING INVESTIGATIVE REPORT

STATEMENT OF LIMITATIONS

The submitted opinions are based upon generally accepted criteria & practices, and the personal & professional knowledge and experiences of those involved. Such a survey cannot detect all existing or potential defects and it should therefore be understood that future conditions affecting items listed in this report cannot be predicted since they are subject to change.

The scope of this survey extends only to listed items related to the structural (and mechanical, if requested). This survey should not be considered a warranty or representation of any kind. Hence, the liability of Foresight Engineering & Inspections, LLC. extends only to the fee paid for the performance thereof at the time of our survey.

At this point, we are closing our file. We would again like to thank you for the opportunity to be of service. If Foresight Engineering & Inspections, LLC. could be of further assistance, please do not hesitate to contact us.

Respectfully submitted,

Foresight Engineering & Inspections, LLC.



Jitendra M. Varma, M.S.C. & U.E.

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ENGINEERING INVESTIGATIVE REPORT (Contd.)

I certify that I personally performed a limited visual investigation of the stairs and balcony near Stair 1 at the subject property on the stated date. I have properly reported my findings and conclusions based on my observations and experience. I further certify that the information contained in this report is based solely on the visible evidence and that no attempt was made to investigate any latent defects not readily detectable from visual observations. Foresight Engineering and Inspections, LLC. &/or the investigating engineer assume no responsibility &/or liability for events that occur subsequent to the date and time of inspection &/or submission of this report. No warranty, either expressed or implied, is hereby made. Every user of this report is bound by this understanding & agreement of "NO WARRANTY &/OR NO LIABILITY".

Thank you for choosing Foresight Engineering on this important assignment. We appreciate your business and look forward to working for you in future.



MMM DD, 20XX

Digitally signed by **Jitendra M. Varma**

F-4647

MSC & UE, CPI, CRT, CRMI, EIFSIP, EAC, PI, EIFSH, ESC, LRA, PE.

Licensed Professional Structural Engineer

IMPORTANT NOTE: The seal appearing above was authorized by Jitendra M. Varma, P.E. 38703 on July YY, 20XX. Alteration of a sealed document without written approval of the responsible engineer is a criminal offence under the Texas Engineering Practice Act. The signature on this document & this document can be validated by contacting Foresight Engineering & Inspections, LLC. The signature and subsequently this document are no longer valid if any unauthorized modifications are made to it.

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THIS REPORT SHALL NOT BE REPRODUCED BY ANY MEANS (DIGITAL, MECHANICAL, ELECTRONICAL OR COMBINATION THERE OF).

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ENCLOSURE “A”

PHOTOS

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PHOTO 01

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PHOTO 02

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PHOTO 03

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PHOTO 04



PHOTO 05

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PHOTO 06



PHOTO 07

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PHOTO 08



PHOTO 09

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PHOTO 10



PHOTO 11

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PHOTO 12



PHOTO 13

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Code Check

Handrail & Guard Openings



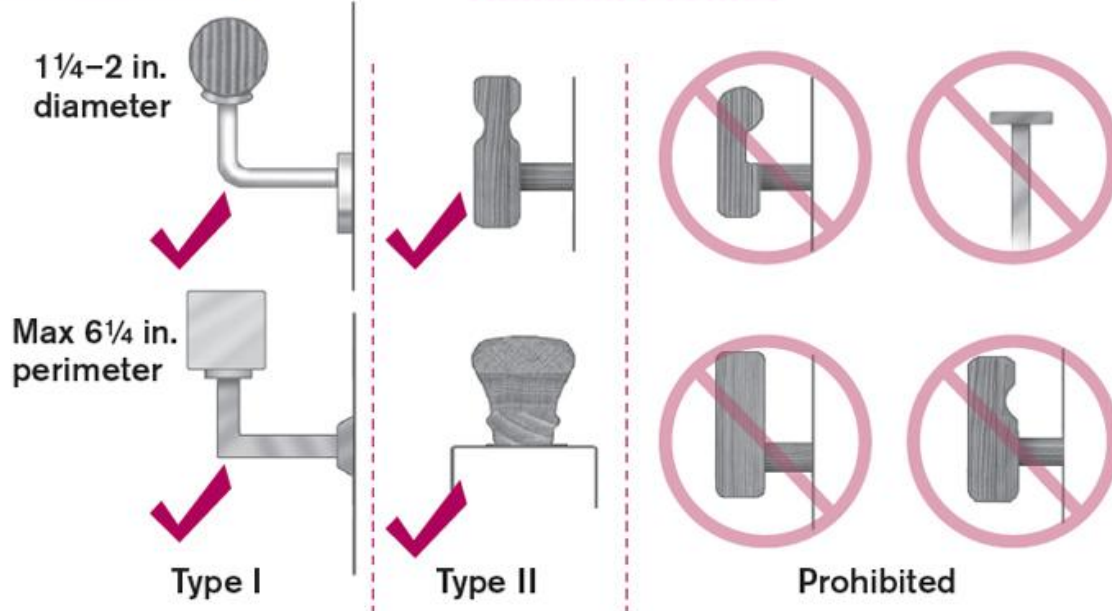
©2021 Code Check

Photo 14

Code Check

Handrail Profiles

©2016 Code Check



Type II handrails must have graspable finger recess on both sides

Photo 15

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Code Check

Stair Rise & Run

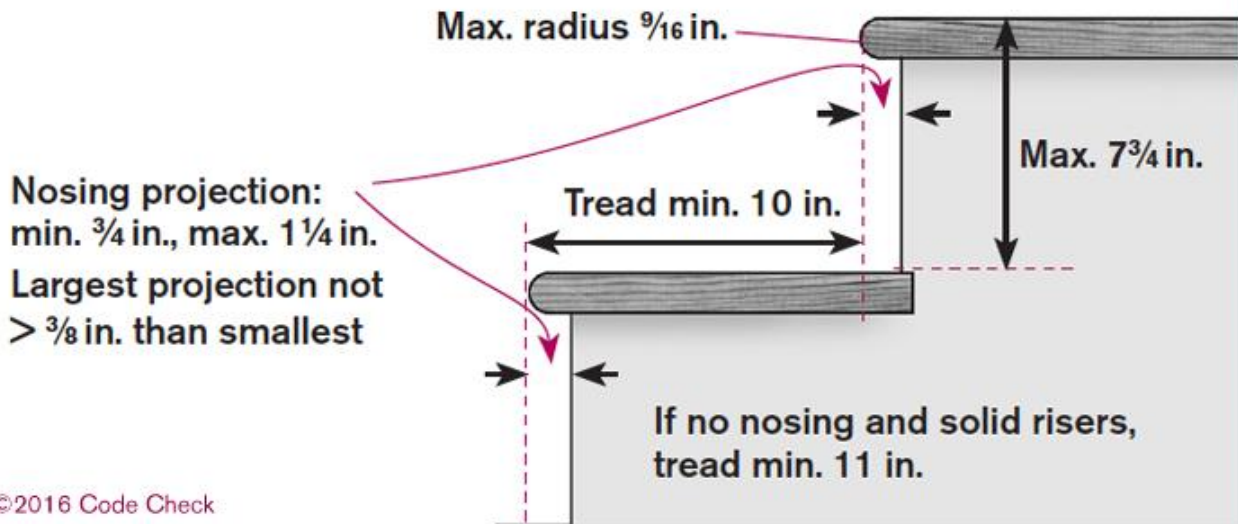


Photo 16

Code Check

Stair Width & Height

34–38 in. from top
of handrail to line
connecting nosings

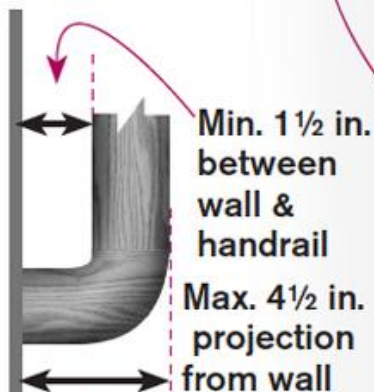


Photo 17

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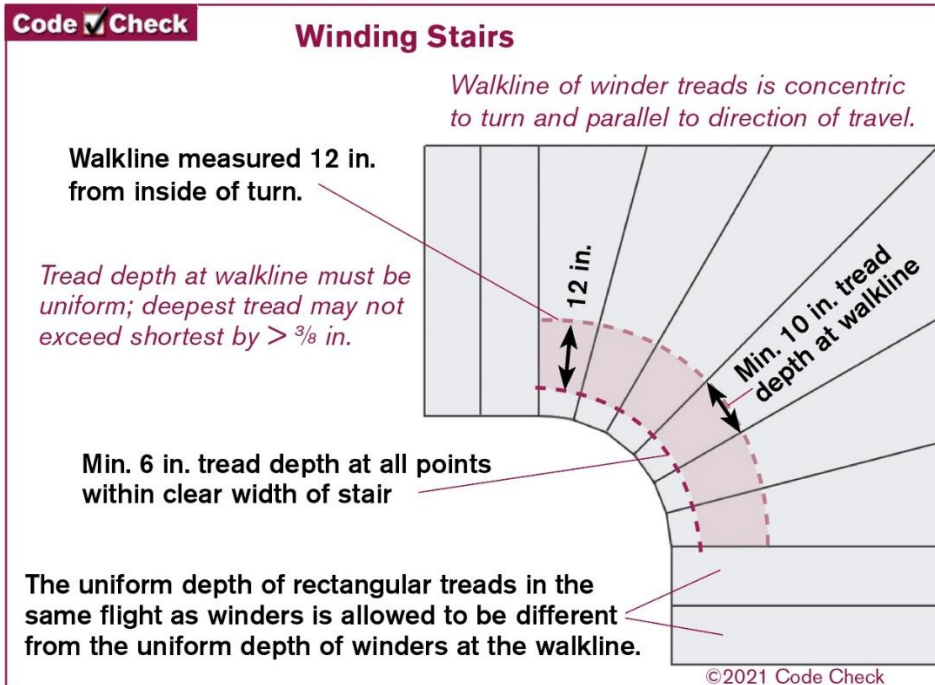


PHOTO 18



PHOTO 19

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PROFILE

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JITENDRA (VICTOR) M. VARMA

MSC & UE, PI, EAC, LREB, CRT, EIFSIP, LRA, ESC, EIFSII, CRMI, CPI, PE

LICENSES & CERTIFICATIONS

- ◆ Licensed Professional Structural Engineer
- ◆ Licensed Professional Real Estate Inspector (# 3864)
- ◆ Licensed Wood Destroying Insects Inspector
- ◆ Licensed Environmental Lead Risk Inspector (exp.)
- ◆ Licensed Environmental Lead Risk Assessor (exp.)
- ◆ Certified Home Buyers Warranty Engineer (New Homes)
- ◆ Licensed Real Estate Broker
- ◆ Licensed Air Conditioning & Heating Rep. Contractor (exp.)
- ◆ Certified Home Buyers Warranty Inspector (New Homes)
- ◆ Certified Max Worldwide Home Assistance Program
- ◆ Certified Environmental Assessment Consultant
- ◆ Certified Environmental Screening Consultant
- ◆ Certified EIFS (Synthetic Stucco) Industry Professional
- ◆ Certified EIFS (Synthetic Stucco) Independent Inspector
- ◆ Certified Residential Mold Inspector (IESO)
- ◆ Certified Mold & Healthy Home Inspector (Home Test Labs)
- ◆ Third Party Structural Inspector (TRCC)
- ◆ Appointed Wind Code Inspector (Texas Dept. of Insurance)(exp.)
- ◆ Appointed Wind Code Engineer (Texas Dept. of Insurance)
- ◆ Level 1 inspector (Post Tensioning Institute)
- ◆ Certified Residential Thermographer

EDUCATION

- ◆ Masters of Science, Civil & Urban Engineering-University of Pennsylvania (Ivy League School)
- ◆ Bachelor of Science, Civil Engineering (India)

EXPERIENCE

- ◆ Over 35 Years Engineering and Inspection Experience in Commercial, Residential & Industrial Construction; Forensic Studies & Engineering; Construction Issues and Expert Testimony Work

AFFILIATIONS

(Past & Present)

- ◆ Secretary & Director of Houston Real Estate Inspectors (H.A.R.E.I.)
- ◆ Board Member of Foundation Performance Association
- ◆ American Institute of Steel Construction
- ◆ American Society of Civil Engineers
- ◆ American Society of Construction Analysts
- ◆ Structural Engineers Organization of Texas
- ◆ American Concrete Institute
- ◆ International Association of Certified home Inspectors (InterNACHI)
- ◆ Texas Association of Real Estate Inspectors
- ◆ Houston Inventors Association
- ◆ National Association of Realtors
- ◆ Texas Association of Realtors
- ◆ Southern Council of Prof. Building Inspectors
- ◆ Houston Association of Realtors
- ◆ National Society of Environmental Consultants
- ◆ Better Business Bureau
- ◆ Indoor Environmental Standards Organization
- ◆ Environmental Solutions Association
- ◆ Southern Building Code Congress International
- ◆ International Code council
- ◆ Texas Professional Real Estate Inspectors Association
- ◆ Foundation Performance Association
- ◆ Forensic Expert Witness Association