

LET'S SEE NOW, WHEN YOUR TREE FALLS ON MY PROPERTY

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Written By Lornet Turnbull

Power outages, caved-in roofs and fallen trees are the most visible signs of Hurricane Kate's visit to Tallahassee.

Almost a week later, though, many residents are grappling with a less-visible problem: Who pays when a neighbor's tree falls onto another's property causing damage?

Michelle McLawhorn, a spokesman for the state insurance commissioner's office, said Tuesday that her office has been deluged with inquiries about insurance coverage.

"We have had hundreds of calls since the hurricane, mostly about fallen trees, spoiled goods and about repairs," she said.

Some of the complaints were simple insurance questions that are probably spelled out in insurance policies, she said.

Others were more complicated, resulting in matters for a lawyer, not an insurance company, McLawhorn said.

One of the most common complaints McLawhorn said her office has received dealt with trees falling from one neighbor's property onto another.

She said a homeowner with a "healthy and well-maintained tree" that toppled onto a neighbor's home during the hurricane would not be held liable for the property damage.

However, owners of an unhealthy tree would be required to pay for damage the fallen tree caused by Kate's winds.

McLawhorn said insurance adjusters will inspect the tree to determine who should pay for any damages incurred.

Roger Sherman, manager of AAA Insurance Bureau Inc., says some policies include a "good-neighbor clause."

"If your tree falls on your neighbor's house and you feel you are responsible, the policy will cover up to \$250 of the damage," he said. It is up to the policyholder, Sherman said.

McLawhorn advised homeowners to check their insurance policies and consult their agents about such questions because policies vary.

“This is an excellent time to pull out your policy and look at what your coverage involves, re-evaluate what kind of coverage you will need,” she said.

McLawhorn said callers also inquired about coverage for the removal of fallen trees from properties.

Most often, homeowners must pay to have trees and other debris hauled away from their yards, she said. However, some policies will cover the removal.

People also inquired about reimbursement for items spoiled because of the power outage.

“If, let’s say, a tree falls on your (electric) box and you (but not the entire neighborhood) are without power for some time, then there are some policies that would reimburse you for spoiled items,” McLawhorn said.

She said few policies cover spoilage if a power outage is more widespread, as has occurred in the Big Bend as a result of Kate’s destructive winds.

Kate’s visit forced some residents to move to local hotels and motels because they were left with no electricity. Many displaced residents want to know if their insurance companies will cover the cost of their temporary home.

McLawhorn said only those policyholders whose homes aren’t inhabitable will be eligible for extended living expenses.

“People should be careful to document all emergency repairs made,” McLawhorn said. “They should wait until an adjuster has come out to make sure they will be reimbursed for the repairs they make. They should be sure to take before and after pictures of damage to property.”

She stressed that homeowners should consider hiring only reputable companies when having repairs done.

“Be wary of those companies that come into town temporarily to make such repairs. Then a week later when your roof caves in, you can’t find them.”