



THE
HERNANDEZ
LEGAL GROUP

FILING A PROPERTY CLAIM

HOMEOWNER'S GUIDE



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WELCOME

INTRODUCTION

OVERVIEW

Disaster can strike at any moment. Whether it be a hurricane, a broken pipe in the kitchen, or a sudden leak in your roof, our homes and businesses are susceptible to unexpected damages at any time. When that moment comes many homeowners feel confident that, in exchange for the tens of thousands of dollars in premiums they have paid over the years, the insurance company will make good on its promise to cover the damage. The unfortunate reality, though, is that just because you pay for home insurance does not mean your insurance company will willingly pay you for your damaged property when you sustain a loss.

From the instant that you file an insurance claim, the insurance company assigns experienced adjusters and lawyers whose goal is to limit, reduce, or outright deny coverage. While we understand that many homeowners are not in the “business” of insurance, keep reading below to find out some of the things you can do prior to, and during the claims process, that will maximize your chances of recovery and assist you in obtaining all the benefits you are entitled to under your policy.

FILING A HOMEOWNER'S
PROPERTY CLAIM



BEFORE FILING A CLAIM

AN INSURANCE POLICY IS A CONTRACT

It is important to understand that an insurance policy is a contract. And, just like any other contract, each party has duties, responsibilities, and obligations. Most homeowners are familiar with their duty to timely pay their premium; however, you may not be aware that other duties exist. Without limitation, these duties may include the duty to promptly notify your insurance company of a loss, the duty to permit the insurance company to make repairs at your home, the duty to submit documentation to the insurance company, and the duty to permit the insurance company the ability to inspect the damages to your home. If you fail to comply with these, or any other duties imposed upon you by your policy, the insurance company may use this as a reason to deny your claim.

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COVERAGE LIMITS, DEDUCTIBLES, AND ENDORSEMENTS

Within the first few pages of your policy you will find your Declarations page, which lists your policy's applicable coverage limits and deductibles. Most homeowners' policies will provide coverage for dwelling, other structures, personal property, loss of use, personal liability, and medical payments, however, each policy is unique in that it has different coverage limits, deductibles, and endorsements. No two policies are alike, so it is important that you understand your coverage limits, deductibles, and endorsements, so that you are aware what is, and is not, covered under your policy.

AFTER YOU SUSTAIN A LOSS

PROVIDE PROMPT NOTICE

Many insurance policies will require that you give your insurer prompt notice of your loss. Although "prompt notice" is not typically defined in insurance policies, the phrase generally means notice given within a reasonable time in view of all the facts and circumstances of a particular case. Whether it's a few days or a few months, whether your notice is deemed "prompt" will be specific to the facts of your claim.

RETAIN DAMAGED PROPERTY

You should retain all damaged property until such time as the insurance company has had the opportunity to inspect your home. This is especially true if your loss is caused by a broken or damaged pipe or line—do not discard the damaged pipe or line. If you are unable to retain damaged property, please notify the insurance company before discarding such property and ensure that you keep proper documentation regarding the damaged property. It is important to have pictures documenting the condition of your damaged property before, during, and after a loss, so that the insurance company can visually see what damages you sustained as a result of your loss.

KEEP ACCURATE RECORD OF REPAIR EXPENSES

You should keep all documents, invoices, receipts, estimates, photographs, and any other items that in any way relate to your loss. It is even good practice to keep a log with the date and time of every conversation you have with your insurance company, adjusters, repairmen, and water mitigation companies. Following a loss, you should make a list of all damages you observe to your home, including damage to floors, baseboards, walls, and ceilings, and even damages to personal property items such as clothes and furniture. You should advise the insurance company of these damages when you report the claim, and once again present these damages to the insurance company, in writing, when they inspect your home. The more documents you can provide to the insurance company to justify your loss, the better position your claim will be in.

PROTECT PROPERTY FROM FURTHER DAMAGE

After a loss you must mitigate your damages. While your policy may have limitations regarding which third parties you call to repair or mitigate your damages, you, as a homeowner, should do what you can to protect your property from further damage. This includes, for example, using towels and mops to dry out standing water, shutting off the main water supply valve in the event of a leak, placing buckets underneath a leak in the ceiling, and moving furniture around to prevent it from being directly and continuously damaged. At all times, your safety is paramount, so make sure you mind your surroundings, especially around items that may cause electrical surges or that are considered flammable. You should document and take pictures of all mitigation efforts undertaken following a loss, and ensure you carefully review your policy before contacting a third party to perform repairs or restoration work at your home.



ONCE YOU MAKE A CLAIM

ALLOW THE INSURANCE COMPANY TO INSPECT

After you report your claim, the insurance company will coordinate an inspection of your home to evaluate your damages. The inspection will be conducted by an adjuster, and the average inspection lasts about 1 hour. During the inspection the adjuster's job is to document all your damages. Similarly, make sure you point out to the adjuster all the damaged areas. If the adjuster refuses to document damages you have pointed out or refuses to inspect certain areas of the interior or exterior of the property where you have suffered damages, then make a note of such refusal and document this with the insurance company.v

PROVIDE A RECORDED STATEMENT

Many adjusters will try and obtain a recorded statement from you during the inspection. Although the policy may require you to provide one, your policy likely does not require that you provide one during the inspection. If you are not prepared or simply do not feel comfortable giving a recorded statement during the inspection, then politely decline and coordinate a mutually convenient time with the adjuster.

Remember, from the moment you file a claim with an insurance company, they immediately assign experienced adjusters and attorneys whose goal is to limit, reduce, or outright deny coverage. Let us fight for you.

COOPERATE WITH THE INSURANCE COMPANY

Your policy will require you to do many things after a loss. In addition to the items addressed above, your policy may require you to submit to an examination under oath, execute a sworn proof of loss, or attend mandatory arbitration. Many of these requirements have strict time limits, so be mindful of your policy's language. You must ensure that you satisfy your obligations to your insurance company. If you do not comply with these obligations, you could forfeit coverage for an otherwise covered loss.

CONTACT THE HERNANDEZ LEGAL GROUP

We know that the insurance claims process can be a daunting task, but you do not have to face it alone. If you find yourself in need of professional assistance after you sustain a loss, contact the Hernandez Legal Group for a risk-free consultation and case evaluation. At our firm we aggressively handle our claims, tactfully litigate our lawsuits, and obtain excellent results for our clients. It's why our firm has recovered tens of millions of dollars for our clients since we first opened our doors. So call us today and let the attorneys at the Hernandez Legal Group help bring you peace of mind when dealing with your insurance company.



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We aggressively handle our claims, tactfully litigate our lawsuits, and obtain excellent results for our clients.

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