

Nationwide Mutual Insurance Company vs. Chillura

Year: 2004

Court: Florida 2nd District Court of Appeal

Case Number: 2D04-4906

A building's foundation system is an integral component of any building. Accordingly, declaring a foundation system part of the "land" and not part of the building in order to deny coverage is misconstruing and misapplying both Florida Statute No.627.706 and related insurance policy provisions. In many or all property liability insurance contexts, (e.g., fire, windstorm, water, etc.), a property's infrastructure, internal, and its external components are examined to determine the full extent of damage or loss. There is no valid reason for treating sinkhole damaged property any differently.

UP's brief was prepared pro bono by Harold B. Klite Truppman, Esq. and Eli L. Samet, Esq.