

# **“Heads UP” Reminder for Black Forest Fire Survivors**

## **Deadlines and Decisions at the Two-Year Anniversary**

This is a reminder from UP to all homeowners impacted by the 2013 Black Forest Fire. The two-year anniversary of the devastating Black Forest Fire is approaching and there are important deadlines in insurance policies and Colorado law that may come up at the two year mark that will affect your claims and your rights. We’re rooting for your recovery and hope you’re progressing.

*Act now to avoid losing any important rights.*

### **Key deadlines you may be facing include:**

- The expiration of your additional living expense/loss of use benefits
- A firm deadline for suing your agent, broker or insurance company
- A deadline for collecting full replacement value on contents or dwelling
- A deadline for submitting proofs of loss, inventories, receipts and estimates

If you have not reached an acceptable insurance settlement, communicate with your insurer ASAP. Most insurers will grant extensions of deadlines for good cause but you must ask for them. UP offers [sample letters](#) that you can customize and send to your insurance company. Be sure to ask for extensions in advance of the deadline. If your insurer says no, contact [DORA](#).

### **Do your best to get written confirmation before the 2 year anniversary of the following:**

- Your insurance claim will remain open and payable past the two-year anniversary.
- Your insurer will continue to honor its obligation to pay all benefits owing, including replacement values, past the two-year anniversary.
- Your insurer agrees that it will NOT enforce any “suit against us” provision that may arise at the

two-year anniversary.

Courts enforce lawsuit deadlines strictly, so if you feel your insurer has acted unreasonably get a review of your situation from a [qualified CO bad faith attorney](#) well before the two-year anniversary.

### **“To do” before the anniversary:**

- [Communicate with your insurer in writing](#), and where needed, seek deadline extensions.
- Customize and send one of our [Colorado sample letters](#). Most insurers will grant extensions for good cause. If your insurer says no, contact [DORA](#).
- Organize and turn in receipts for reimbursement of ALE benefits.
- Request a complete claim summary of all amounts paid to date.
- Correct any errors in payments or allocations (to Coverage A, B, C, etc.)
- Re-read your policy and Declarations page and double-check the math: Were limits accurately adjusted for extended coverage endorsements and inflation protection?

### **Tips for personalizing extension request letters:**

- List the specific deadlines you’re worried about and the length of the extension(s) you’re seeking.
- List the relevant reasons why you need and should be granted the extension(s). Some examples include:
  - There is a shortage of qualified local contractors due to the many recent natural disasters in Colorado
  - Personal challenges related to preparing loss documentation
  - Delays that were out of your control and caused by others
  - The insurer failed to fairly and fully investigate the damages on your property or make you aware of the full coverage afforded by your policy.
  - Heat and smoke related damages were not immediately apparent
  - Personal life extenuating circumstances (illness, injury or death in family / military deployment / work travel duties, etc.)
- State that you are aware that any other carriers have been granted extensions and that the Department of Regulatory Agencies (“DORA”) has [issued a bulletin](#) that encourages insurers to grant deadline extensions to fire survivors.

**SPECIAL ALERT** – [Partial Loss/Damaged Homeowners](#)

- Check your home and personal property carefully for additional, secondary, or hidden damages and file the necessary documentation with your insurer to claim benefits for restoration or replacement well ahead of any deadlines. You will need time to secure estimates and recover any outstanding depreciation.
- Look over delicate items that were cleaned to see if they are exhibiting yellowing or deterioration from the residues or cleaning process itself. This is known as secondary damage and should be covered under most policies.
- Check exterior finishes for cracking and peeling caused by heat exposure from the fire or power washing to remediate the smoke and soot staining.