



Strategies for Settling

Roadmap to Recovery^(R) Webinar
2021 Marshall Wildfire
November 16, 2023

If you'd like to download and follow the slide deck

<https://uphelp.org/events/strategies-for-settling-marshall/>

EVENTS

[Home](#) » [Events](#) » [Strategies for Settling](#)

Strategies for Settling

 Thursday, November 16, 2023
6:00 p.m. MT

 Zoom

 All Marshall Fire survivors


[REGISTER](#)

This workshop, for survivors of the 2021 Marshall Fire, helps you track and understand what you've been paid on your insurance claim, and helps you collect what's owed to you.

SUBMIT A QUESTION

If you have a claim-related question or topic you would like covered during the webinar, please [submit your question using this form](#).

RESOURCES

 [Sample Letter Requesting
Claim Payment History](#)

[11-16-2023 R2R Marshall
Fire - Strategies for
Settling](#)

www.uphelp.org/events

Register for upcoming events. View recordings of past events and related resources.

About United Policyholders (UP)

- Reputable, established 501(c)3 not-for-profit charitable organization, Platinum GuideStar rating
- A trusted information resource and respected voice for insurance consumers in all 50 states
- A 32-year track record and subject matter expertise in insurance and disaster recovery
- Not for profit...not for sale
- Funded by donations and grants
- Assisting wildfire-impacted Colorado residents since 2014

Team UP

- Professional staff
- Government and nonprofit partners
- Volunteers
 - Team UP - previous catastrophic loss survivors paying it forward
 - Consumer oriented professionals
 - Damage and repair/rebuild cost estimators
 - Lawyers
 - Public Adjusters
 - Tax and Financial Planning experts
 - Construction and Real Estate professionals

Our three programs

Roadmap to Recovery[®]

- *Guidance on insurance, restoring assets and getting back home after a catastrophic loss*

Roadmap to Preparedness

- *Helping households and communities reduce risk and be resilient to disasters and adversity*

Advocacy and Action

- *Fighting for insurance consumer rights and protections*

2021 Marshall Fire Help Library

www.uphelp.org/MarshallFire

- Colorado Specific Resources with Step-by-Step Guidance
- One Click Links to Sign UP for Events And Email Notifications
- Links to Pro-consumer Professional Help
www.uphelp.org/findhelp
- Sample Letters & Claim Forms
www.uphelp.org/samples
- Survivors Speak Tips
www.uphelp.org/survivorsspeak
- Upcoming Workshops and Resources
www.uphelp.org/events

The screenshot displays the United Policyholders website's disaster recovery help page for the 2021 Marshall Wildfire. The page features a navigation bar with links for HOME, ABOUT, MEDIA, RECOVERY HELP, GET PREPARED, ADVOCACY, EVENTS, and SUPPORT UP. The main heading is "DISASTER RECOVERY HELP" and the sub-heading is "2021 Marshall Wildfire – Insurance and Recovery Help". The page content includes a search bar, a breadcrumb trail (Home >> Disasters >> 2021 Marshall Wildfire – Insurance and Recovery Help), and a main section titled "2021 Marshall Wildfire – Insurance and Recovery Help". This section contains text explaining the impact of the fire and providing guidance on how to access FEMA resources and the Disaster Assistance Center (DAC). A callout box encourages survivors to visit the DAC at 1755 South Public Road, in Lafayette, CO, from 9:00 a.m. to 5:00 p.m. (beginning 1/15/22). Below this, there are three paragraphs of text providing information about the Roadmap to Recovery program, the guidance available for property damage, and the comprehensive guidance issued by the Colorado Division of Insurance. The page also features a sidebar with "UPCOMING EVENTS" and "DISASTER UPDATES". The "UPCOMING EVENTS" section lists two events: "Insurance Town Hall – Partial Losses in the Boulder Fires & Straight Line Winds" on Wednesday, January 19, 2022, and "Wildfire Recovery Insurance Orientation" on Thursday, January 27, 2022. The "DISASTER UPDATES" section includes a form for "First Name" with a red asterisk indicating a required field.

United Policyholders

Search

HOME ABOUT MEDIA RECOVERY HELP GET PREPARED ADVOCACY EVENTS SUPPORT UP

DISASTER RECOVERY HELP

Home >> Disasters >> 2021 Marshall Wildfire – Insurance and Recovery Help

2021 Marshall Wildfire – Insurance and Recovery Help

The Marshall Fire has affected many Boulder County residents, leading Governor Polis to [declare a state of emergency](#). For the most current information from Boulder County on restrictions, evacuations, and other emergency messages, [click here](#). FEMA has declared the Marshall Fire as a Declared Disaster. *We urge all insured Disaster Survivors to [register with FEMA](#). You may find out you need additional assistance. **The deadline to register with FEMA is 3/2/22.***

We encourage all survivors to visit the Disaster Assistance Center at:
1755 South Public Road, in Lafayette, CO
The DAC will be open from 9:00 a.m. – 5:00 p.m. (beginning 1/15/22)
United Policyholders [resources](#) are available at the DAC.

Through our Roadmap to Recovery[®] program you can access free, trustworthy help navigating the process of returning to a wildfire damaged area, repairing and replacing damaged and destroyed property, and collecting all available insurance funds.

If your property is damaged or destroyed, our guidance will help you get started on the road to recovery, make good decisions and keep moving forward. United Policyholders is non-profit and has expertise based on nearly three decades of assisting in communities hit by wildfires. Our staff, disaster veteran and professional volunteers and our partnerships with public, private and non-profit agencies and organizations will help lighten your load. We're rooting for you and here to help. No strings attached.

We encourage you to take advantage of wildfire recovery help that is available through the Colorado Division of Insurance. They have issued comprehensive guidance for those impacted by the fires – [click here](#) to access those resources. You can find updates from the Colorado Division of Insurance at the bottom of this page.

The following are selected items from the extensive library of resources we offer. Through our Roadmap to Recovery[®] program you can access tips, tools and the straight scoop on insurance, clean up, contractors, lawyers, adjusters, avoiding rip-offs and mistakes, your legal rights and emotional support from people who genuinely care about helping you navigate successfully.

UPCOMING EVENTS >

Insurance Town Hall – Partial Losses in the Boulder Fires & Straight Line Winds

📅 Wednesday, January 19, 2022
5:30 p.m. MT

📍 Zoom - registration required

👤 2021 Marshall Fire Survivors

[VIEW +](#)

Wildfire Recovery Insurance Orientation

📅 Thursday, January 27, 2022
6:00 pm MT

📍 Zoom - registration required

👤 2021 Marshall Fire Survivors

[VIEW +](#)

DISASTER UPDATES

First Name *

The Fine Print

- This workshop is intended to be general guidance only, not legal advice.
- We don't endorse or warrant any of the sponsors listed at www.uphelp.org or speakers at our workshops.
- If you have a specific legal question, we recommend you consult an experienced attorney
- Our speakers are volunteering their time as educators.
- We are not creating a professional/client relationship with any individual.



UP staff

Amy Bach, Executive Director

Annie Barbour, California UP Program Liaison

Lisa Hughes, Colorado UP Program Liaison

Professional volunteer expert panel

Angela Cirignano, Consumer Services, DORA, Colorado Division of Insurance

Katherine Goodrich, MoGo Law, LLC, Winter Park/Denver, CO

Natascha O'Flaherty, Never Summer Law, Inc. LLC, Granby, CO

Amy Bach, Esq.



- **Dedicated to advancing the interests of insurance policyholders since 1984**
- **Published author, experienced trial and regulatory attorney**
- **Co-founder, UP**
- **Official consumer representative to NAIC since 2009**
- **Member, Federal Advisory Committee on Insurance (US Treasury)**



Annie Barbour

California UP Program Liaison
2017 Tubbs Wildfire Survivor

Lisa Hughes
Colorado UP Program Liaison
2021 Marshall Wildfire Survivor



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Katherine Goodrich



- Founding partner at MoGo LLC.
- Specializing in assisting clients on insurance matters
- Extensive experience counseling and representing property owners impacted by the 2020 East Troublesome and 2021 Marshall wildfires
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Natascha O'Flaherty



- Principal, Never Summer Law, Inc. LLC, Granby, CO
- Represents clients on insurance matters
- Extensive experience counseling and representing property owners impacted by the 2020 East Troublesome and 2021 Marshall wildfires
- (970) 557-3755, (303) 520-5000

Today's Topics

- General strategies
- Pre-submitted questions
- The laws and regulations in your state that give you ***settlement leverage***
- Options for resolving disputes:
 - Negotiation
 - Mediation
 - Appraisal
 - Professional help
 - Litigation
- Helpful resources

When interacting with an adjuster
or insurance company rep

Two words describe the approach most likely
to get you what you need:

POLITE
ASSERTIVENESS

Knowing Your Rights

There are three primary sources that dictate how your insurance company must behave regarding claim handling:

1. Your State's Insurance Laws (Statutes and Case Laws that relate to fair/unfair claim handling)
2. Your State's Regulations, Bulletins and Notices (often more specific than laws)
3. The language in your specific policy (including endorsements, exclusions and declarations)
4. The Covenant of Good Faith and Fair Dealing (read into insurance policies)



INSURANCE RESOURCES FOR COLORADO

SELF-HELP TIPS

- > [A Simplified Guide to Your Homeowners Policy](#)
- > [Insurance Consumer Rights in Colorado \(2021\)](#)
- > [Advocacy Win! New Rights for Colorado Insurance Consumers \(HB 22-1111\)](#)
- > [Frequently Asked Questions About Property Damage Insurance Claims in Colorado](#)
- > [Survivors Speak: Getting an Insurer to Pay Penalty Interest \(Colorado\)](#)
- > [Speak UP: How to communicate with your insurance company](#)
- > [Sample Letters and Claim Documents](#)
- > [Storm Recovery Resources for Residents](#)
- > [Flood Clean-up and Mold Prevention](#)
- > [Underinsurance 101](#)
- > [Sample Letter Requesting Extensions of Policy Deadlines](#)
- > [Colorado Homeowners Insurance Reform Act of 2013](#)
- > [2020 Home Insurance Shopping and Wildfire Preparedness](#)

PROFESSIONAL HELP

Journaling and a good paper trail

Your communications with insurer should:

- Confirm you are cooperating
- Tell them what you need/want and why
- Ask what they need from you to resolve your claim
- Point out specific things they have/haven't done that are holding up resolution of your claim
- Politely remind them about your challenging situation
- Give them a specific time frame to reply/comply
- Follow up...follow up...follow up again...

Negotiation - Best Practices

- Keep it professional
- Be concise and specific
- Bold or bullet point your requests
- Avoid long paragraphs
- Use good grammar and punctuation
- Promptly respond to reasonable requests
- Confirm your willingness to cooperate, explain why you can't fulfill an unreasonable request
- Avoid venting frustrations and emotions

Your personal leverage

- Sudden tragedy turned your life upside down
- You're doing your best with the MANY details
- Special circumstances (senior citizen, commuting worker, working parent, young kids, business owner, disabled/illness, etc.)
- You lost a lifetime of possessions and memories
- Good help is extra hard to find now, labor and material prices are high
- Records are all gone and painstaking to recreate
- Insurers have made concessions to others

Go “up the chain” ... to get attention and results

- If you are unable to resolve an issue with your adjuster, go above their head
- The higher you go...the greater your chances of success in resolving your dispute
- At the same time, open a complaint w/ CO DOI
- Vague threats to sue are rarely effective

Filing a complaint with CO DOI boosts your leverage

Elevates your situation, you become more of a “squeaky wheel” that requires attention

It is bad faith if your insurer tries to punish you for registering a complaint

Insurers are subject to fines and penalties, Market Conduct Exams



COLORADO
Department of
Regulatory Agencies
Division of Insurance

Colorado Division Of Insurance

To File a Complaint Online: www.doi.colorado.gov

By Email: dora_insurance@state.co.us

Or Call: (303)894-7499

COLORADO
Department of
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Search

Division of Insurance Home For Consumers > Insurance Products > Insurance Industry >

Statutes, Regulations & Bulletins> Newsroom & Announcements DORA Home

File a Complaint

Health Insurance

Homeowners & Renters Insurance

Auto Insurance

Life Insurance & Annuities

Welcome to the Colorado Division of Insurance

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Formal methods

Appraisal

Litigation

Mediation

Negotiated Settlement

Trial/Verdict

Appeal

Final outcome

Deep Breath



PRESUBMITTED QUESTIONS

How long does my insurer have to make payments?

I know that 60 days is given to respond to contents. How long for other payments such as O&L or Other Structures does it take before it is considered delay of claim in Colorado? (BH)

AC, KG

Is there anything to do to make insurance company respond in a timely manner?

Why is the claim process for the final insurance buckets so complicated? Submit claim (like code updates or landscaping)-Wait a long time-Insurance company asks for more information-We respond in a day. Wait a long time again-Insurance company asks for more information-We respond in a day. And it repeats. Is there anything legally we do as far as response time on the claim? This process is absurd.(LH)

NO, AC

Accounting of insurance funds paid

Our public adjuster has been asking for months for a plain-English explanation of payments we have received to date so that we can reconcile with our receipts, invoices, and estimates. We have had at least 3 payments ranging from just over \$1,000 to nearly \$100,000 with no settlement summary documentation. We don't know what has been paid for what - neither in RCV or ACV. Our insurer will not answer the requests. (KR)

UP resources: <https://uphelp.org/claim-guidance-publications/insurance-accounting-spreadsheet/>

AC, KG

How do I fix the draws from the insurer and mortgage company to line up with my actual rebuild?

Both my insurer (all building code upgrades, 10%) and lender (25%) are holding rebuild funds until the dwelling is completed. How am I supposed to finish building without those funds? (AL)

Resources:

UP tip: <https://uphelp.org/claim-guidance-publications/what-to-do-with-checks-from-your-insurance-company/>

UP sample letter for requesting lender to release funds: <https://uphelp.org/claim-guidance-publications/mortgage-company-release-request-2/>

AC, NO

Insurer rejecting items on contents list

One of the many things that State Farm is denying on our PC claim are things they are putting in the "Auto" category (e.g., roof racks for bikes/skis, extra set of tires (winter), spare keys, toolbox w/ tools that we took on long trips or when going in the back country, etc.). And yet, since these things were not on our vehicles at the time of the fire (and our vehicles were not damaged because my husband and I were both at work), there is no auto claim we can make either. This seems extremely duplicitous on their part. (J&BL)

AC/NO

Collecting maximum available ALE

The rebuild of our house is almost finished, and we will have money left in our ALE account. How do I go about getting ALL of the funds back to us. (SW)

AC/NO

Proper remediation of smoke, ash, thermal damage

UP resources:

<https://uphelp.org/claim-guidance-publications/smoke-and-ash-damage-from-a-wildfire/>

<https://uphelp.org/claim-guidance-publications/sample-letter-requesting-scope-and-remediation-for-partial-losses/>

<https://uphelp.org/claim-guidance-publications/smoke-restoration-guide/>

<https://uphelp.org/claim-guidance-publications/sample-letter-requesting-reinspection-and-testing-of-a-partially-damaged-home/>

Video of R2R workshop on Remediation and Insurance Claim Best Practices: <https://youtu.be/91wQAriOals?si=gBYmegFUzUwA8kM4>

1. LAWS & REGULATIONS IN YOUR STATE

What do I do with DOI bulletins and CO laws and regulations?

- Reference them to support your requests to your insurer and in negotiations over policy benefit payouts
- Politely and professionally remind your adjuster/insurer of applicable laws, standards, regs and public policy (bulletins)
- Provide proof of violations of specific regulations or laws warranting enforcement/penalties
- In litigation, they're evidence

CO Fair Claims Settlement Practices Regulations

§10-3-1104(1)(h), C.R.S.

- **(h)** Unfair claim settlement practices: Committing or performing, either in willful violation of this part 11 or with such frequency as to indicate a tendency to engage in a general business practice, any of the following:
 - **(I)** Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue; or
 - **(II)** Failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies; or
 - **(III)** Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies; or
 - **(IV) Refusing to pay claims without conducting a reasonable investigation based upon all available information;** or
 - **(V)** Failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed; or

Note: This is a partial list of relevant regulations....

CO Fair Claims Settlement Practices Regulations (continued)

§10-3-1104(1)(h), C.R.S.

- **(VI)** Not attempting in good faith to effectuate prompt, fair, and equitable settlements of claims in which liability has become reasonably clear; or
- **(VII)** Compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds; or
- **(VIII)** Attempting to settle a claim for less than the amount to which a reasonable man would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application; or
- **(IX)** Attempting to settle claims on the basis of an application which was altered without notice to, or knowledge or consent of, the insured; or
- **(X)** Making claims payments to insureds or beneficiaries not accompanied by statement setting forth the coverage under which the payments are being made; or

Note: This is a partial list of relevant regulations....



- Equitable Payment of Claims Resulting from Natural Disasters – B 5.28
- Homeowners' Right to Obtain Additional or Enhanced Coverages – B5.35
- Notice of the Provisions Pertaining to the Payment of Claims for the Repair of Damaged Property – B5.04
- Concerning Extension of Policyholder Benefits in the Event of a Catastrophic Disaster, Bulletin No. B-5.42
- Concerning the Communication of Certain Coverage Limits by Homeowners' Insurance Companies to Policyholders that Experienced a Loss Resulting from the Boulder County Fires Bulletin No. B-5.44

Bulletin B-5.4

(Summary of § 10-4-120, Colorado Revised Statutes)

Your insurance company cannot require you to have your property repaired by a specific individual or entity.

The law prohibits an insurance company or its agent from:

- **Requiring that appraisals or repairs to the real or personal property be made or not be made by a specific repair business**
- Representing to a claimant that the use of or the failure to use a particular repair business may result in nonpayment or delayed payment
- **Requiring the beneficiary or claimant to travel an unreasonable distance to choose a repair business**
- Misinforming a beneficiary or claimant to induce the use of a particular repair business and
- Requiring a third-party claimant to have repairs done by a particular repair business

Insurers must cover prevailing local prices

Bulletin B-5.4 Summary of § 10-4-120, Colorado Revised Statutes

The law requires an insurance company or its agent to:

- Inform the beneficiary or claimant that **they may select any repair business of their choosing**
- **Supply the beneficiary or claimant with a copy of the estimate upon which a settlement is based**, when partial losses are settled based on an estimate prepared by or for the insurance company
- Confirm that any estimate prepared by or for the insurer to repair damages that are visible or evident at the time of inspection is adequate to restore the real or personal **property within a reasonable time to its condition before the loss**, in accordance with applicable policy provisions
- **Promptly pay the cost of the real or personal property repair less the deductible according to the terms of the insurance policy at no less than the prevailing competitive market price in the same geographic area**
- Disclose any ownership interest in, or affiliation with, a recommended repair business...

https://uphhelp.org/wp-content/uploads/2021/01/b-5.04_notice_of_the_provisions_pertaining_to_the_payment_of_claims_for_the_repair_of_damaged_property.pdf

Fair calculation of depreciation

*“To determine depreciation, Colorado follows the broad evidence rule which requires that **all** relevant factors must be considered to determine appropriate depreciation. This requires looking beyond just wear and tear or market value, and includes looking at all facts and circumstances which would lead to a correct estimate of the value of the particular item.”*

<https://www.propertyinsurancecoveragelaw.com/2018/04/articles/insurance/explaining-depreciation-of-personal-property-contents-in-colorado/#more-20197>

Bulletin No. B- 5.43, Division Position Concerning Policyholder Relief in the Immediate Aftermath of the Marshall and Middle Fork Fires (Partial losses)

- Warping and structural integrity concerns due to extreme heat and/or particulate infiltration and contamination must be addressed.
- When handling the smoke, soot, ash, or water damage claims, the Division directs insurers to consider the related long-lasting effects on electronics, furniture and other property when estimating the total damage. Merely cleaning the walls and property will not necessarily return the property to pre-loss condition. Companies must consider their policyholders' concerns about faulty wiring, inoperable electronics, and soft material contamination. Health related issues, including respiratory difficulties, directly caused by exposure to smoke, soot, ash, or mold are damage and loss, and insurers shall consider reasonable substantiation to make appropriate coverage decisions.

<https://doi.colorado.gov/statutes-regulations-bulletins/colorado-insurance-bulletins>

Bulletin B-5.44, Concerning the Communication of Certain Coverage Limits by Homeowners' Insurance Companies to Policyholders that Experienced a Loss Resulting from the Boulder County Fires

“Due to the extent of the destruction for policyholders who experienced a total loss, the Division requests carriers to maximize the payout on additional coverages without requiring the policyholder to incur the actual costs before reimbursement”

<https://doi.colorado.gov/announcements/notice-of-adoption-bulletin-b-544-concerning-the-communication-of-certain-coverage>

Strategies for getting extended ALE

- Document your cooperation/diligence and why rebuilding w/in policy time period has been impossible
- Cite to Division 2022 bulletin and 2023 news release
- Modify UP sample letter to make your request

<https://uphelp.org/claim-guidance-publications/sample-letter-requesting-extension-of-additional-living-expense-loss-of-use-deadlines/>



COLORADO

Department of
Regulatory Agencies

Division of Insurance

DORA Division of Insurance - ALE

Consumer Advisory: Division of Insurance Again Requesting ALE Extensions for Marshall Fire Survivors

"Even short ALE extensions would be meaningful to people."

DENVER - Today, the Colorado Division of Insurance (DOI), part of the Department of Regulatory Agencies (DORA), issued a request to the homeowners' insurance companies with policyholders in the Marshall Fire area with a specific ask to extend additional living expenses (ALE) benefits in homeowners' policies for people still rebuilding their homes. ALE benefits help with expenses people have when they can't live in their home due to a catastrophic event like a fire, but still need a place to live and the other necessities of life.

Many Marshall Fire survivors are still rebuilding their homes and will not be finished by the time ALE benefits are set to expire on the two-year anniversary of the fire next month. Unlike the DOI's request at the end of 2022 which sought to extend ALE benefits up to an additional year, Colorado Insurance Commissioner Michael Conway is looking for shorter extensions to help people, as many should complete their rebuilding in the coming months.

"Knowing the negative consequences of having ALE benefits expire compels me as Colorado's Insurance Commissioner to request that all of the insurance companies with policies in the Marshall Fire area offer extensions on ALE to the survivors who are still in the process of rebuilding their homes. Even short ALE extensions would be meaningful to people, especially when coupled with the [Housing Support Program for Marshall Fire Survivors, recently announced by the Community Foundation of Boulder](#). Together, such efforts could be enough to help people until they are able to move back into their homes."

The letter to the insurers is also listed below.

As a reminder, Marshall Fire survivors with any questions or concerns about their insurance, including ALE benefits, can contact the DOI's Consumer Services Team at 303-894-7490 / DORA_Insurance@state.co.us.

See also Bulletin 5.42

Rental assistance via CFBC

Applications for the Housing Support Program opened Friday, November 10.

To apply, visit <https://cedproject.org/rebuild/>.

The program will be administered by Impact Development Fund. For application questions, please email recovery@impactdf.org or call 970-494-2021 ext. 229.

Eligibility requirements:

- Displaced resident of a total or partial loss home (e.g., smoke damage included)
- At or below 150% Area Median Income
- ALE expired and extension denied
- Applicant has requested hardship review from the mortgage servicer of fire-affected property (if applicable)
- Contract between parties (landlord/tenant); informal living arrangements need to be documented and counter signed.

Program offering:

- Up to \$2,500 per month
- Up to 6 months or Certificate of Occupancy (whichever comes first) with no more than two (2) three- (3) month extensions (dependent on availability of funding)

2. OPTIONS FOR SETTling

Mediation

- Mediation is an informal, voluntary, non-binding process for conducting settlement negotiations between you and your insurance company
- Can be fast and inexpensive if your dispute is ripe for mediation and you're prepared and empowered

Mediation “Pros”

- Inexpensive
- If you don't like the result, you can walk away
- Efficient way of putting the dispute behind you and moving forward
- Educates both sides about the strengths and weaknesses of their positions

Mediation “Cons”

- Insurance company may not be seriously interested in settling, but uses mediation to gather evidence and test the strength of your legal case
- Mediator may inappropriately discourage/scare the policyholder to force a settlement
- Mediator may tell insurance company things you ask them to keep secret
- Insurance rep may take advantage of your inexperience with the mediation process and legal concepts
- You may leave the mediation feeling it was a waste of time and money

Appraisal

- Most property insurance policies contain wording that allows **disputes over the amount/value** of a loss to be resolved by a process called "appraisal." Public adjusters often use appraisal for leverage and to settle.
- An insurance appraisal is a mini-arbitration of sorts. Each side picks an appraiser then there's one umpire.
- An insurance appraisal can determine the scope and severity of a loss (what was damaged and how badly) and the value of the loss (how much repairs should cost). You wouldn't use appraisal to determine fault for underinsurance, e.g.

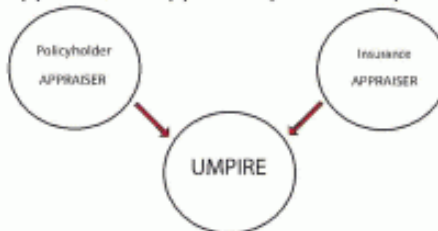
Insurance Appraisal Simplified

STEP 1 → A dispute arises over the VALUE and/or EXTENT of an insured loss

★ Coverage disputes generally cannot be resolved through appraisal

STEP 2 → Each side (insurer and insured) picks an appraiser, the appraisers pick the umpire/neutral

★ If parties can't agree on an umpire, court will appoint



★ Rules vary state by state on appraiser qualifications, selection, hearing process and costs

STEP 3 → The two appraisers try to reach agreement on some or all items in dispute

STEP 4 → As to remaining issues, the appraisers and umpire review documents, photos, evidence

STEP 5 →

Deliberations/Voting

STEP 6 →



STEP 7 →

DECISION/"AWARD"

★ Appraisal findings are generally called an "award"

STEP 8 → Deliver Decision/Award to carrier and insured to trigger payment or enforcement of the award

★ Unconfirmed= Force/effect of a contract

Confirmed by a court =Enforceable judgment

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Types of Professional Help

- Licensed Attorney
- Licensed Public Adjuster
- Licensed Contractor
- Licensed or Unlicensed Construction Estimator/
Consultant/Scope preparer
 - Fees range from free to \$4k to % of project
 - Can they defend/negotiate on your behalf?
 - Is their work better than Xactimate, how/why?

Litigation

Multi-plaintiff/class action/unfair practice/fraud

- Systematic underinsurance, improper software
- Systemic fraud
- Improper depreciation
- Disparate treatment
- Utility negligence/liability

Individual

- E & O claim vs. agent/broker
- Breach of contract/covenant of GFFD

Lawsuit deadlines

KG, NO

UP Claim Help Library

www.uphelp.org/disputeresolution

- Speak UP: Going up the chain of command
- Insurance Appraisal Simplified
- A Policyholder's Guide to Mediation
- Hiring Professional Help
- Sample Letters (www.uphelp.org/sample)

Deep Breath



Please complete our short survey

www.uphelp.org/survey

Marshall Fire Two Year
Insurance and Recovery Survey

Purpose: Track insurance and recovery progress and problems. You may take the survey anonymously. The data collected helps us serve your community and informs our advocacy work. Thank you!

please only take one survey per household

Stay connected to other disaster survivors – S2S Forums

- Great source of information about:
 - Insurance and rebuilding
 - Negotiation and financial strategies
 - Referrals and warnings re: professionals
- Important source of emotional support
 - No one else understands your challenges and emotions like another survivor

Find upcoming Survivor 2 Survivor Forums and register at:
<http://www.uphelp.org/events>

Ask an Expert Forum

www.uphelp.org/ask-an-expert

The screenshot shows the 'Ask an Expert' forum page on the United Policyholders website. The page features a navigation bar with links for 'LOG OUT', 'MY QUESTIONS', 'ASK AN EXPERT', and a search bar. Below the navigation bar is a menu with options: 'HOME', 'ABOUT', 'MEDIA', 'RECOVERY HELP', 'GET PREPARED', 'ADVOCACY', 'EVENTS', and 'SUPPORT UP'. The main heading is 'ASK AN EXPERT'. A note states: 'NOTE: THIS FEATURE IS CURRENTLY IN BETA TESTING. Thanks for your patience as we work out the bugs.' Below the note, it says: 'You Need Answers. Use this forum to get them. Search for answers or post a question about your insurance issue or the loss recovery process. Expert volunteers include professionals in construction, insurance claims and insurance law plus people sharing their own disaster recovery lessons learned.' There are social media icons for Facebook, Twitter, LinkedIn, Instagram, and YouTube. On the right side, there are sections for 'EXPLORE CATEGORIES' with a dropdown menu showing 'Additional Living Expenses (ALE)' and 'FREQUENTLY USED PUBLICATIONS' with a link to 'Top Ten Insurance Claim Tips'. At the bottom left, there is a search bar with the text 'WHAT DO YOU WANT TO KNOW?' and a search icon.

- Register. It's free.
- Write in your questions.
- Get an answer from an expert in construction, insurance, laws and disaster recovery.



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