

## CASE STUDY FIVE: CERTIFICATE OF OCCUPANCY RESCINDED

A local Mortgage Company referred an Attorney to one of their clients because they were having construction problems. Their clients did not want the final disbursements made until these issues were resolved. When the client contacted the Attorney there was a discussion about several punch list items that had not been addressed by the General Contractor, which they wanted fixed before final payment. The Attorney knew it would be more cost effective for him to stay in his office to conduct business than to visit the site. In addition, the Attorney had enough wisdom concerning his ability to readily ascertain defective conditions, code compliance and/or manufacturer's recommendation in the installation of their particular product.

Therefore the Attorney recommended Clinton J. Ford P.A. go to the site and ascertain the significance of the complaint prior to an office appointment with these new clients. Upon arrival to the site, Clinton J. Ford P.A. found the building to be aesthetically pleasing. However upon extensive evaluation and multiple discussions with the Owner the home was found to be uninhabitable. Therefore habitability of the home could result in dangerous life and safety issues for the occupants.

During the progression of the building investigation it was found that the electrical wiring had been completed by employees of the General Contractor as the Electrical Contractor would not return to the project because of payment issues. Furthermore, it was also determined the plumbing contractor had not installed a shower pan in the walk in shower and much of the plumbing was also completed by the General Contractor's employees.

The roof membrane and sheathing had been already removed once during the progression of the construction project because of improper installation but there were still problems with the new installation. In addition there were numerous framing and hurricane hardware problems found throughout the building which significantly diminished its ability to resist uplift during periods of inclement weather and high winds.

The building was in such poor condition that Clinton J. Ford P.A. arranged a site meeting with the County Building Official and their building inspector including the Owners to review a fifty page report and numerous photographs and other documents to substantiate the complaint. After review of the report and inspection of certain electrical issues the Building Official proceeded to rescind the Certificate of Occupancy and request the General Contractor to remedy all adverse conditions.

Though the case has not been resolved at this time, the Attorney has been providing legal assistance during its progression without losing valuable downtime by site visits and fact accumulation thereby optimizing his billable time on this case bring a benefit to his clients.