

Residential Construction Disputes:

Why they happen and how to avoid or resolve them



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Preface

You have dreamed about this moment for years, and it is about to come true. You have saved monies in anticipation and have met with a builder. You have been able to put your fingerprint on your new home. Arguably this is the biggest purchase you'll ever make. While you have never done this before, you are excited, nervous and full of anticipation. The house cost is a little more than you wanted it to, and it meets your threshold of affordability. Your expectations are high. You have been watching Norm Abrams on "This Old House" for years and the interior decorating shows, and it is this level of detail you want in your new dream home.

You are unfamiliar with the residential construction industry, but the contractor is friendly and he has built homes before and assures you everything will be fine and you'll be in your new home before Christmas. His price to build the home sounds okay, but you never have been through this before. Most of what he says he will do is verbal and some is written down.

The project starts and is slow, and the contractor starts demanding money. Now that you see the walls going up you want to move a few of them. This agitates the contractor and tensions build. The project wanes, and the cost overruns soar. You must make decisions under pressure, and the project is demanding a lot of your time and energy. Your dream is starting to turn into a nightmare. You are starting to question whether you should have just bought a house instead of building one. You are not comfortable confronting the contractor. Tensions build between the two parties, and the sound of litigation is in the air as threats come from both sides.

Each year in the United States this scenario is played out hundreds of times by new homeowners, but why? It does not matter if the house is worth \$50,000 or \$5 million, the emotions are the same. In some states who track such calamities there is one formal complaint for every 10 homes built which when added to the undocumented cases becomes a staggering amount considering that in 2006 over 1.6 million homes were built in the United States.

The following pages will explain in detail how and why this happens and will also discuss pit falls that homeowners step into as well as the contractors.

The purpose of writing this book is to assist both buyers and builders on avoiding litigation and once the process has moved to this arena, how it can best be resolved.

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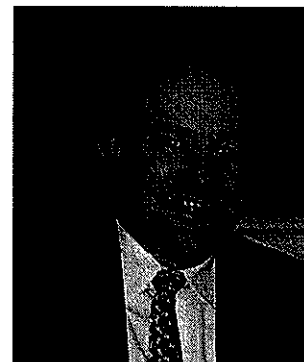


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