

# FINAL DEMAND FOR PAYMENT

## Hurricane Wind and Water Damage Claim

May 15, 2024

**SENT VIA:**

Certified Mail #7020 1810 0000 2345 6789

Email: [claims@safeguardinsurance.com](mailto:claims@safeguardinsurance.com)

Fax: (800) 555-9876

**Safeguard Insurance Company**

Attn: Thomas Richardson, Senior Adjuster

Attn: Legal Department

P.O. Box 45000

Atlanta, GA 30301

**Re: FINAL DEMAND FOR PAYMENT - TIME SENSITIVE**

**Claim #:** HU-2024-34567

**Policy #:** HO-8923456

**Date of Loss:** September 28, 2023

**Amount Demanded:** \$187,500

## ATTENTION: LEGAL ACTION IMMINENT IF NOT RESOLVED WITHIN 10 DAYS

Dear Mr. Richardson:

This constitutes **FINAL DEMAND** for immediate payment of **\$187,500** owed under the above-referenced hurricane damage claim. Your continued failure to pay the documented damages from Hurricane Michael necessitates legal action unless resolved within **TEN (10) DAYS**.

### I. AMOUNT OWED WITH DETAILED CALCULATIONS

**Dwelling Coverage Analysis**

Category	Amount Claimed	Supporting Documentation	Amount Paid	Balance Owed
Roof Structure	\$45,000	3 contractor estimates avg. \$45,000	\$18,000	\$27,000
Interior Water Damage	\$38,500	Water mitigation report #WM-8923	\$12,000	\$26,500
Siding/Exterior	\$22,000	Storm damage assessment	\$8,000	\$14,000

Category	Amount Claimed	Supporting Documentation	Amount Paid	Balance Owed
Windows (Impact)	\$18,000	12 windows @ \$1,500 each	\$0	\$18,000
Code Upgrades	\$15,000	Miami-Dade wind requirements	\$0	\$15,000
Emergency Repairs	\$8,500	Paid invoices attached	\$3,000	\$5,500

### Example Calculation for Roof Damage:

- 3,200 sq ft roof surface × \$14/sq ft (regional average) = \$44,800
- Plus 10% contractor overhead = \$4,480
- Plus 10% profit = \$4,480
- **Subtotal: \$53,760** (reduced to \$45,000 due to partial damage)

## Contents Valuation

### Master Bedroom Water Damage:

- King bedroom set (Thomasville): \$8,500
- Electronics (TV, sound system): \$3,200
- Clothing/personal items: \$6,500
- Area rugs and window treatments: \$2,800
- **Subtotal: \$21,000**

### Living Areas:

- Living room furniture: \$15,000
- Dining room set: \$8,500
- Electronics and appliances: \$7,500
- **Subtotal: \$31,000**

**Total Contents Claimed:** \$52,000

**Depreciation Applied (20%):** -\$10,400

**ACV Owed:** \$41,600

**Amount Paid:** \$15,000

**Balance:** \$26,600

## Additional Living Expenses

### Monthly Calculation:

- Temporary Housing: \$3,200/month (comparable rental)

- Additional Food Costs: \$600/month
- Storage Unit: \$350/month
- Extra Transportation: \$400/month
- **Monthly Total:**  $\$4,550 \times 6 \text{ months} = \$27,300$
- **Amount Paid:** \$8,000
- **Balance:** \$19,300

## Interest Calculations

### Florida Statutory Rate (§627.70131):

- $\$148,200 \text{ unpaid} \times 12\% \text{ per annum} \div 365 \text{ days} \times 180 \text{ days late} = \mathbf{\$8,769}$
- Continuing to accrue at **\$48.72 per day**

**TOTAL DEMANDED: \$187,500**

## II. CHRONOLOGY OF BREACH WITH LEGAL IMPLICATIONS

Date	Event	Days Elapsed	Legal Significance
09/28/2023	Hurricane Michael - loss occurred	0	Coverage triggered
09/29/2023	Claim reported	1	Notice satisfied
10/05/2023	Your inspection conducted	7	Within timeframe
10/20/2023	Our estimate submitted (\$225,000)	22	Documentation complete
11/15/2023	Your initial offer (\$41,000)	48	Underpayment begins
12/01/2023	Supplemental submitted	64	Additional damage documented
01/15/2024	Partial payment (\$41,000)	109	Admission of coverage
03/01/2024	Last meaningful communication	155	Bad faith period begins
Today	Final demand	230	Statutory penalties apply

## III. SPECIFIC STATUTORY VIOLATIONS

### A. Unfair Claims Settlement Practices Act Violations

#### Florida Statutes §626.9541(1)(i):

##### 1. Failing to Acknowledge Communications (§626.9541(1)(i)3.b.)

- No response to certified letters dated 12/15/23, 1/10/24, 2/15/24

- Emails of 1/20/24, 2/5/24, 3/20/24 ignored
- Violates 14-day acknowledgment requirement

## **2. Not Attempting Good Faith Settlement (§626.9541(1)(i)3.f.)**

- Offered \$41,000 for \$225,000 documented damage
- Refused to address code upgrades despite requirement
- No negotiation attempted after supplemental

## **3. Failing to Promptly Pay Claims (§626.9541(1)(i)3.h.)**

- 230 days since loss
- Only 18% of documented damage paid
- No explanation for denials provided

## **B. Florida-Specific Violations**

### **Florida Insurance Code §627.70131:**

- 14 days to acknowledge (violated)
  - 90 days to pay or deny (violated - now 230 days)
  - Interest plus potential 2x damages for violations
  - Attorney fees recoverable under §627.428
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## **IV. DAMAGES ACCUMULATING DAILY**

### **Direct Damages**

- Unpaid claim amount: \$148,200
- Statutory interest: \$8,769 (continuing at \$48.72/day)
- Additional living expenses: \$27,300 (continuing at \$151/day)

### **Consequential Damages (Documentary Proof Available)**

- Further property damage from delayed repairs: \$22,000
- Lost home value due to visible damage: \$35,000
- Credit score impact from depleted savings: 780 to 620
- Medical costs for stress-related conditions: \$4,500
- Lost wages attending to claim: \$8,000

## Potential Bad Faith Damages

### Based on Recent Florida Verdicts:

- Mental anguish: \$50,000-\$150,000 typical awards
  - Punitive damages: Up to \$1,000,000 in egregious cases
  - Attorney fees: \$75,000-\$200,000 typical range
  - Court costs: \$10,000-\$30,000
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## V. IRREFUTABLE DOCUMENTATION ESTABLISHING DEBT

1. **Insurance Policy** - HO-3 coverage confirmed, limits of \$500,000
  2. **Professional Estimates:**
    - Restoration Experts Inc.: \$224,500 (License #CGC-123456)
    - Premier Builders: \$227,000 (License #CBC-789012)
    - Coastal Contractors: \$225,500 (License #CGC-345678)
  3. **Expert Reports:**
    - William Chen, P.E., Structural Engineer (Report attached)
    - Environmental Testing Labs, Mold Assessment (Results attached)
  4. **Photographic Evidence:** 423 time-stamped images, drone footage
  5. **Your Own Admissions:**
    - Check #45678 for \$41,000 acknowledges coverage
    - Adjuster's report states "covered windstorm loss"
    - Email of 11/1/23 confirms "working to resolve claim"
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## VI. SETTLEMENT OPPORTUNITY - LIMITED TIME

### Current Settlement Offer

Despite your breaches and mounting damages, I will accept **\$187,500** if paid within 10 days.

### This Represents Compromise Of:

- Accruing interest beyond today: \$8,769+
- All consequential damages: \$69,500
- Emotional distress claims

- Punitive damage claims
- Public disclosure rights

## **Settlement Terms**

1. Payment of \$187,500 via wire transfer or certified check
2. Mutual release of claims related to this loss only
3. No admission of wrongdoing by either party
4. Payment within 10 days of acceptance

**This offer expires at 5:00 PM on May 25, 2024**

After expiration, I will seek all damages including bad faith, punitive, and consequential damages likely exceeding \$500,000.

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## **VII. YOUR FINANCIAL ABILITY TO PAY**

### **Safeguard Insurance Company Financial Data (Public Records):**

- 2023 Surplus: \$3.8 billion
- A+ rating from A.M. Best
- Admitted carrier in Florida
- Statutory reserves: \$1.2 billion
- 2023 Net Income: \$567 million
- CEO Compensation: \$18 million

Non-payment is deliberate bad faith, not financial inability.

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## **VIII. PRESERVATION NOTICE AND SPOILIATION WARNING**

### **Preserve ALL Documents Including:**

- Complete claim file (paper and electronic)
- All internal emails mentioning claim
- Recorded phone calls
- Reserve information and changes
- Authority level communications

- Consultant/expert reports

**Spoliation will result in adverse inference jury instructions and potential criminal charges.**

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## **IX. FINAL STATEMENT**

This represents my final attempt at voluntary resolution. Hurricane season begins in two weeks, and my home remains vulnerable due to your delays. My family has endured eight months of displacement, financial hardship, and emotional distress while you've collected premiums from thousands of Florida homeowners.

### **Estimated Costs If This Proceeds to Litigation:**

- Your defense counsel: \$150,000-\$300,000
- Expert witnesses: \$50,000-\$100,000
- Potential verdict: \$500,000-\$1,000,000
- Statutory attorney fees: \$75,000-\$200,000
- Regulatory fines: \$25,000-\$250,000
- Reputational damage: Immeasurable

**Pay the claim now or face these consequences in court.**

## **TIME IS OF THE ESSENCE - TEN DAYS TO RESPOND**

Sincerely,

Robert and Maria Gonzalez

1847 Coastal Highway

Naples, FL 34102

Phone: (239) 555-7823

Email: [rmgonzalez@email.com](mailto:rmgonzalez@email.com)

### **Enclosures:**

- Supporting documentation (234 pages)
- Contractor estimates (3)
- Engineering report
- Prior correspondence chronology
- Draft complaint for filing

- Florida Department of Insurance complaint form

**cc:**

Florida Insurance Commissioner  
Anderson & Associates, P.A. (Attorneys)  
Chen Public Adjusters  
Legal File

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## **Post-Demand Decision Tree**

### **If No Response in 10 Days:**

1. File lawsuit immediately in Circuit Court
2. Submit regulatory complaint to FL DOI
3. Engage attorney on contingency basis
4. Begin public disclosure campaign via social media

### **If Partial Payment Offered:**

1. Accept if >80% of demand
2. Counter if 60-80%
3. Reject if <60%
4. Document as admission of liability

### **If Full Payment Received:**

1. Confirm receipt in writing
  2. Deposit promptly
  3. Execute mutual release
  4. Close claim formally
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*This document represents a critical final attempt to resolve this claim without litigation. Time-sensitive response required.*