

# REQUEST FOR RELEASE OF WITHHELD DEPRECIATION

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## POLICYHOLDER INFORMATION

**David and Maria Rodriguez**

4578 Willow Creek Drive

Gainesville, GA 30506

Phone: (770) 555-6789

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

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**March 22, 2025**

## RECIPIENT INFORMATION

**SENT VIA:** Certified Mail #7019 2280 0000 5678 1234, Email with Read Receipt, Fax with Confirmation

Farmers Insurance Group

Claims Department - Depreciation Unit

Attn: Jennifer Wilson, Claims Adjuster

6301 Owensmouth Avenue

Woodland Hills, CA 91367

CC: Depreciation Review Department

CC: Claims Supervisor: Mark Thompson

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## CLAIM IDENTIFICATION

**Re: Formal Demand for Release of Withheld Depreciation - Repairs Complete**

- **Policy Number:** HO-567890123
- **Claim Number:** 2024-GA-789456
- **Date of Loss:** October 15, 2024
- **Type of Loss:** Hurricane/Wind Damage
- **Property Address:** 4578 Willow Creek Drive, Gainesville, GA 30506
- **Total Depreciation Withheld:** \$42,675.00
- **Date Repairs Completed:** February 28, 2025

- Days Since Completion: 22

## EXECUTIVE SUMMARY

Dear Ms. Wilson:

I formally request immediate release of \$42,675.00 in depreciation being wrongfully withheld from my claim. All repairs and replacements have been completed, and I am entitled to full replacement cost value under my policy's provisions. This depreciation has been withheld for 22 days since completion of repairs, in violation of policy terms and Georgia law.

## COMPREHENSIVE DEPRECIATION SUMMARY

### Detailed Breakdown by Category:

| Item/Category       | RCV       | ACV Paid | Depreciation Held | Actual Cost | Completion Date | Status        |
|---------------------|-----------|----------|-------------------|-------------|-----------------|---------------|
| STRUCTURAL          |           |          |                   |             |                 |               |
| Roof Replacement    | \$28,500  | \$19,950 | \$8,550           | \$29,200    | 02/15/25        | ✓ COMPLETE    |
| Siding Installation | \$18,000  | \$12,600 | \$5,400           | \$18,500    | 02/20/25        | ✓ COMPLETE    |
| Window Replacement  | \$12,000  | \$8,400  | \$3,600           | \$12,350    | 02/10/25        | ✓ COMPLETE    |
| INTERIOR            |           |          |                   |             |                 |               |
| Drywall/Paint       | \$8,500   | \$5,950  | \$2,550           | \$8,700     | 02/25/25        | ✓ COMPLETE    |
| Flooring            | \$15,000  | \$10,500 | \$4,500           | \$15,400    | 02/28/25        | ✓ COMPLETE    |
| Kitchen Cabinets    | \$22,000  | \$15,400 | \$6,600           | \$22,500    | 02/22/25        | ✓ COMPLETE    |
| CONTENTS            |           |          |                   |             |                 |               |
| Furniture           | \$12,000  | \$8,400  | \$3,600           | \$12,250    | 02/26/25        | ✓ REPLACED    |
| Electronics         | \$8,000   | \$5,600  | \$2,400           | \$8,150     | 02/24/25        | ✓ REPLACED    |
| Appliances          | \$10,000  | \$7,000  | \$3,000           | \$10,200    | 02/18/25        | ✓ REPLACED    |
| Clothing/Personal   | \$7,500   | \$5,025  | \$2,475           | \$7,650     | 02/27/25        | ✓ REPLACED    |
| TOTALS              | \$141,500 | \$98,825 | \$42,675          | \$144,900   |                 | 100% COMPLETE |

## POLICY PROVISIONS REQUIRING DEPRECIATION RELEASE

## **Your Policy Specifically States:**

### **Section VII - Replacement Cost Coverage:**

*"We will pay the replacement cost of damaged property when repairs or replacement are complete. Initial payment will be actual cash value. When repairs or replacement are complete, we will pay the difference between actual cash value and replacement cost upon receipt of documentation."*

### **Key Policy Points:**

1. ✓ Policy provides replacement cost coverage
  2. ✓ No requirement for identical replacement
  3. ✓ Repairs of "like kind and quality" sufficient
  4. ✓ Depreciation recoverable when "incurred"
  5. ✓ No time limit on depreciation recovery
  6. ✓ No requirement for specific documentation format
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## **COMPREHENSIVE COMPLETION DOCUMENTATION**

### **1. CONTRACTOR DOCUMENTATION**

#### **A. Final Invoices and Payments:**

- **General Contractor Final Invoice:** \$68,550 - PAID IN FULL
- **Roofing Contractor Invoice:** \$29,200 - PAID IN FULL
- **Electrical Contractor Invoice:** \$4,500 - PAID IN FULL
- **Plumbing Contractor Invoice:** \$3,200 - PAID IN FULL
- **HVAC Contractor Invoice:** \$2,800 - PAID IN FULL
- **Total Structural Repairs:** \$108,250

#### **B. Proof of Payment Provided:**

- ☒ Cancelled checks (copies attached - #4521, #4522, #4523, #4524)
- ☒ Credit card statements (Visa ending 4578 - highlighted)
- ☒ Bank statements showing withdrawals (First National Bank)
- ☒ Contractor payment receipts (signed and dated)
- ☒ Electronic payment confirmations (Zelle/Venmo receipts)

### C. Completion Certificates:

- ☒ Certificate of Completion - General Contractor (02/28/25)
- ☒ Municipal Final Inspection - PASSED (03/01/25)
- ☒ Electrical Final Inspection - PASSED (02/26/25)
- ☒ Plumbing Final Inspection - PASSED (02/27/25)
- ☒ Building Final Inspection - PASSED (03/01/25)

### D. Lien Waivers:

- ☒ General Contractor Lien Waiver (executed 03/05/25)
- ☒ All Subcontractor Lien Waivers (5 total)
- ☒ Material Supplier Lien Waivers (3 total)
- ☒ No liens filed verification (county records checked 03/20/25)

## 2. CONTENTS REPLACEMENT DOCUMENTATION

### A. Detailed Purchase Records:

| Category    | Item Description | Original RCV | Purchase Price | Store/Vendor     | Date     | Receipt # |
|-------------|------------------|--------------|----------------|------------------|----------|-----------|
| Furniture   | Living Room Set  | \$4,500      | \$4,650        | Ashley Furniture | 02/20/25 | AF-8897   |
| Furniture   | Bedroom Suite    | \$3,800      | \$3,900        | Rooms To Go      | 02/22/25 | RTG-4521  |
| Electronics | Television 65"   | \$2,800      | \$2,850        | Best Buy         | 02/24/25 | BB-7789   |
| Appliances  | Refrigerator     | \$3,200      | \$3,300        | Home Depot       | 02/16/25 | HD-5544   |
| Appliances  | Washer/Dryer     | \$2,400      | \$2,450        | Lowe's           | 02/17/25 | L-9987    |

### B. Supporting Documentation:

- ☒ Original purchase receipts (all attached)
- ☒ Credit card statements (highlighted charges)
- ☒ Delivery confirmations (signed PODs)
- ☒ Installation receipts (where applicable)
- ☒ Warranty registrations (completed)
- ☒ Photos of replaced items (digital file provided)

### C. Disposal Documentation:

- ☒ Disposal receipts for damaged items (Waste Management)

- ☒ Donation receipts where applicable (Goodwill - \$850 value)
- ☒ Hazardous waste disposal certificates (electronics)
- ☒ Recycling confirmations (metal/appliances)

### 3. INSPECTION AVAILABILITY

#### Property Available for Inspection:

- Available Days: Monday - Saturday
  - Available Times: 8:00 AM - 6:00 PM
  - Contact to Schedule: (770) 555-6789
  - Notice Required: 24 hours
  - Full access provided to all repaired areas
  - Contractor available to meet if requested
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### ACTUAL EXPENSES EXCEED RCV

#### Financial Summary:

| Description               | Amount          |
|---------------------------|-----------------|
| Total RCV per Adjuster    | \$141,500       |
| Total Actual Expenses     | \$144,900       |
| Excess Paid Out-of-Pocket | \$3,400         |
| Depreciation Withheld     | \$42,675        |
| <b>Minimum Owed</b>       | <b>\$42,675</b> |

**Note:** Actual costs exceeded RCV due to:

- Current market conditions (inflation 8% since estimate)
  - Material price increases since estimate
  - Code upgrade requirements (\$2,200)
  - Quality matching requirements
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# IMPROPER WITHHOLDING ANALYSIS

## Your continued withholding violates:

### 1. Policy Contract Terms

- Clear replacement cost provisions
- No basis for continued hold
- All conditions precedent satisfied
- Breach of contract occurring

### 2. Georgia Prompt Payment Laws

- O.C.G.A. §33-4-6: Payment due within 15 days
- Currently 22 days overdue
- Statutory interest accruing at 12% annually
- Penalties authorized under law

### 3. Duty of Good Faith and Fair Dealing

- Unreasonable delay in payment
- No legitimate dispute exists
- Creating financial hardship
- Pattern of delay tactics

### 4. Industry Standards

- Standard practice: Release upon substantial completion
- Your company's own guidelines require 10-day processing
- Department of Insurance bulletins support immediate release
- NAIC model regulations violated

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## DETAILED COMPLETION TIMELINE

### Chronological Progress:

| Date     | Milestone                         | Documentation   |
|----------|-----------------------------------|---|
| 10/25/24 | Insurance proceeds received (ACV) | Check  #445789 |
| 11/01/24 | Contractors hired                 | Signed contracts  |

| Date     | Milestone                   | Documentation                 |
|----------|-----------------------------|-------------------------------|
| 11/15/24 | Permits obtained            | Permit #2024-8897, #2024-8898 |
| 12/01/24 | Work commenced              | Photo documentation           |
| 01/15/25 | Structural repairs complete | Progress photos               |
| 02/15/25 | Interior work complete      | Progress photos               |
| 02/28/25 | Final inspections passed    | Inspection reports            |
| 02/28/25 | Contents replaced           | Purchase receipts             |
| 02/28/25 | <b>ALL WORK COMPLETE</b>    | Final documentation           |
| 03/01/25 | First depreciation request  | Letter sent                   |
| 03/10/25 | Follow-up request           | Phone call logged             |
| 03/22/25 | Current demand              | This letter                   |

## NO BETTERMENT OR UPGRADES

### Repairs/Replacements are Like Kind and Quality:

#### Structural Repairs:

- ✓ Same grade roofing materials (30-year architectural shingles)
- ✓ Comparable siding products (vinyl, same grade)
- ✓ Standard grade windows (double-pane, Low-E)
- ✓ No unnecessary upgrades
- ✓ Code requirements only where mandated

#### Contents Replacement:

- ✓ Similar quality furniture
- ✓ Comparable electronics
- ✓ Standard appliances
- ✓ No luxury upgrades
- ✓ Reasonable replacement choices

#### Cost Reasonableness:

- ✓ Three bids obtained for major work
- ✓ Competitive pricing verified

- ✓ No premium contractors used
- ✓ Standard market rates paid

## FINANCIAL IMPACT OF WITHHOLDING

### Direct Financial Harm:

| Impact Category         | Amount/Description    |
|-------------------------|-----------------------|
| Interest Charges        |                       |
| Credit Card Interest    | \$487.25 @ 18.99% APR |
| Personal Loan Interest  | \$325.00 @ 9.5% APR   |
| HELOC Interest          | \$285.50 @ 7.25% APR  |
| Total Interest to Date  | \$1,097.75            |
| Additional Costs        |                       |
| Loan Origination Fees   | \$450.00              |
| Late Payment Penalties  | \$125.00              |
| Over-limit Fees         | \$75.00               |
| Total Additional Costs  | \$650.00              |
| Credit Impact           |                       |
| Credit Score Before     | 745                   |
| Credit Score Now        | 698                   |
| Point Reduction         | 47                    |
| Estimated Recovery Time | 12-18 Months          |

### Ongoing Daily Cost:

- Interest accruing daily: \$49.88
- Total days withheld: 22
- Total interest harm: \$1,097.75

## TIMELINE OF DEPRECIATION REQUESTS

| Date     | Request Type    | Method | Response       | Days Elapsed |
|----------|-----------------|--------|----------------|--------------|
| 03/01/25 | Initial request | Email  | No response    | 5            |
| 03/06/25 | Follow-up       | Phone  | "Under review" | 10           |



| Date     | Request Type          | Method           | Response              | Days Elapsed |
|----------|-----------------------|------------------|-----------------------|--------------|
| 03/11/25 | Formal letter         | Certified mail   | Request for more docs | 15           |
| 03/16/25 | Documents provided    | Email            | No response           | 20           |
| 03/21/25 | Supervisor escalation | Phone            | "Still reviewing"     | 21           |
| 03/22/25 | Current demand        | Multiple methods | Awaiting              | 22           |

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## LEGAL REQUIREMENTS AND CITATIONS

### Georgia Statutory Requirements:

**O.C.G.A. §33-4-6:** *"Upon completion of repairs or replacement, the insurer shall release withheld depreciation within 15 days of receipt of reasonable documentation of completion."*

**O.C.G.A. §33-6-34:** *"Failure to timely pay depreciation subjects insurer to interest at 12% per annum and potential bad faith liability."*

### Relevant Case Law:

- *Southern General Ins. Co. v. Holt*, 262 Ga. 267 - "Substantial completion sufficient"
- *State Farm v. Mabry*, 274 Ga. App. 498 - "Insurer cannot impose unreasonable documentation requirements"

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## FORMAL DEMAND

### I hereby demand immediate payment of:

1. **Withheld Depreciation:** \$42,675.00
2. **Statutory Interest:** \$1,097.75
3. **Additional Damages:** \$650.00
4. **TOTAL DEMANDED:** \$44,422.75

**Payment must be issued within 10 calendar days of this letter**

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## PAYMENT INSTRUCTIONS

### Issue Payment As Follows:

- **Payee(s):** David Rodriguez and Maria Rodriguez

- **Amount:** \$44,422.75
- **Reference:** Claim #2024-GA-789456 - Depreciation Release

**Send via:**

- ☐ Wire transfer (fastest - routing #061000227, account #445789123)
- ☒ Overnight check to: 4578 Willow Creek Drive, Gainesville, GA 30506
- ☐ Electronic funds transfer

**Include with payment:**

- Detailed statement showing calculation
  - Confirmation of claim status
  - Any remaining claim information
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## **10-DAY DEADLINE AND CONSEQUENCES**

**If depreciation not released within 10 days:**

**Day 1-3: Regulatory Action**

- File complaint with Georgia Department of Insurance
- Request expedited investigation
- Seek emergency order for payment

**Day 4-6: Legal Preparation**

- Retain counsel if not already done
- Prepare lawsuit for breach of contract
- Document all damages for bad faith claim

**Day 7-10: Legal Action**

- File lawsuit in Hall County Superior Court
- Seek injunctive relief
- Request expedited hearing
- Pursue all available remedies

**Damages Will Include:**

- Withheld depreciation
  - Statutory interest
  - Consequential damages
  - Bad faith damages
  - Punitive damages (if applicable)
  - Attorney's fees
  - Court costs
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## CONCLUSION

The repairs and replacements are 100% complete and have been for 22 days. Every piece of documentation requested has been provided, and more. The withheld depreciation of \$42,675.00 is now due and owing under the clear terms of the policy, Georgia law, and industry standards.

There is no legitimate basis for continued withholding of these funds. Your company has had more than sufficient time to review the documentation. The completed work has been available for inspection. All policy conditions have been satisfied.

Each day of continued withholding:

- Violates the insurance contract
- Breaches the duty of good faith
- Violates Georgia insurance law
- Damages my credit and finances
- Increases your company's liability

Please process payment within 10 days to avoid further action.

I remain willing to discuss any legitimate concerns, but the time for delay has passed. These funds are owed, the work is complete, and payment must be made immediately.

Respectfully submitted,

***David Rodriguez***

David Rodriguez

March 22, 2025

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# ATTACHMENTS

## Complete Documentation Package Including:

1. ☒ Contractor Documentation
    - Final invoices (all trades)
    - Payment receipts
    - Completion certificates
    - Lien waivers
    - Inspection reports
  2. ☒ Contents Documentation
    - Purchase receipts
    - Credit card statements
    - Delivery confirmations
    - Photos of replaced items
    - Disposal receipts
  3. ☒ Financial Impact
    - Credit card statements
    - Loan documents
    - Interest calculations
    - Credit reports
  4. ☒ Prior Correspondence
    - Previous requests
    - Email exchanges
    - Notes of phone calls
  5. ☒ Photo Documentation
    - Before photos
    - During construction
    - Completion photos
    - Current condition
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## **DISTRIBUTION**

cc: Georgia Department of Insurance - Commissioner's Office

cc: Restore Right Public Adjusters - James Peterson

cc: Law Offices of Thompson & Associates (if retained)

cc: First National Bank - Mortgage Department

cc: File

## **TIME SENSITIVE - PAYMENT DUE WITHIN 10 DAYS**

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*Note: This is a sample document for demonstration purposes. All names, dates, and figures are fictional.*