

# THE RESTORATION LAWYER

ADVOCATE FOR THE RESTORER

## New Mechanic's Lien Laws



Dear Friends & Colleagues,

2011 is off to a great start for the restoration industry! There was lots of positive energy at last week's Insights conference in San Diego. Dale Sailer and all the good people at DKI did a superb job putting that event together. The restoration industry made prime time when BELFOR'S Sheldon Yellen appeared on [Undercover Boss](#).

We are very excited about the Restoration Survivor game show that will make its debut on March 10 at the RIA Convention in Colorado Springs. We hope you can make it! The details are below. The following day, I will be teaching an intensive Restoration Project Management Workshop with Tim Hull of Violand Management Associates.

We have developed new techniques for retrieving insurance payments withheld by mortgage companies. The courts say the contractor should get the money even if the mortgage is in arrears! Watch for my article How To Keep Mortgage Holders From Taking Your Money in the March issue of Cleaning & Restoration magazine.

The video presentation in this issue explains California's 2011 mechanic's lien procedures. Don't be intimidated by the new rules; they're not that hard! The most important point is still to record liens well before 90 days after [substantial completion](#). Please let me know if I can help with your California mechanic's liens, or any other legal issues. Thank you and I hope to see you soon.

Sincerely,

Ed



E-mail the word  
SUBSCRIBE to  
[ehc@edcross.com](mailto:ehc@edcross.com)

## CONTRACTS

ARE YOURS UP TO DATE?

For over a decade, Cross & Associates has been the nation's leading source for all types of contracts that relate to restoration, including work authorizations, construction contracts, mold disclaimers, as well as consulting agreements for environmental consultants and industrial hygienists. We offer custom-tailored contract packages for companies large and small.

## WEB LINKS

[Our Website](#)

[Meet Our Team](#)

[Media Center](#)

[Restoration Survivor](#)

[IAQRadio](#)

[EPA Lead Notice](#)

[Mold in My Home](#)

## The Restoration Survivor

# game show

Ed Cross hosts the first-ever Restoration Survivor game show, where contestants try to survive in a fast-paced jungle of tough customers, ruthless adjusters and fierce lawyers! Contestants compete for cash and prizes and will be critiqued and scored on their abilities to manage crises, negotiate bills, resolve conflicts and avoid litigation. Expect the unexpected!

The panel of celebrity judges for this spontaneous event includes RIA President Frank Headen, Rusty Amarante of BELFOR, and Michael Pinto, Ph.D of Wonder Makers Environmental, Inc.

Don't miss it!

**Thursday, March 10, 2010: 1:00 p.m. – 2:30 p.m.**  
RIA 66th Annual Leadership Summit & Industry Expo  
The Broadmoor, Colorado Springs, CO  
For more information, call 443-878-1000 or email  
[events@restorationindustry.org](mailto:events@restorationindustry.org). Register [here](#).



## PROJECT MANAGEMENT WORKSHOP

Tim Hull, Violand Management  
Edward H. Cross, The "Restoration Lawyer"

Learn to manage the chaos with Tim Hull and Ed Cross. This day-long course is a prerequisite for those pursuing their Water Loss Specialist (WLS) certification. Topics will include: Risk Management: A Cradle to Grave Overview; The Estimating & Scoping Process; Sales & Negotiation; Executing the Contract "Package;" Project Sequencing & Quality Control; and Legal Issues. Includes Case Studies and Interactive Group Exercises. May be attended for CEC credits. (For more information on RIA's WLS certification, visit [www.restorationindustry.org](http://www.restorationindustry.org).)

**Friday, March 11, 2011: 7:45 a.m. – 3:00 p.m.**  
The Broadmoor, Colorado Springs, CO  
For more information, call 443-878-1000 or email  
[events@restorationindustry.org](mailto:events@restorationindustry.org). Register [here](#).

Contact Ed



| Disclaimer |



In an independent online poll of 35 restoration contractors on November 17, 2010, 63% responded that collection agencies are not reliable sources to achieve reasonably good collection results. Only 27% found them “reliable” and 10% were undecided.

Resolving receivables issues for the restoration industry often involves substantive analysis of industry-specific issues, science and law. Collection agencies are generally ill-equipped to address things such as workmanship issues, contract defenses, or insurance issues. It normally takes more than a form letter to make a stubborn restoration customer pay. Most customers have two or three specific reasons why they are not paying. These must be confronted directly. The customer must be presented with compelling facts and law in order to be convinced he may lose on his arguments. This does not lend itself to a “cookie cutter” approach. In addition to the principal balance, a number of other “damages” can be alleged, but it requires legal expertise to calculate and present these damages. Many customers decide to pay when they see how their liability is escalating.

Customers of collection agencies often complain of a lack of diligence, a lack of personal service and that the agencies are run more like mills than professional services. In fact, some collection agencies are now finding *themselves* on the receiving end of big lawsuits brought by the debtors for harassment and violation of federal debt collection laws.

The process need not be expensive to be effective. We provide a customized, targeted approach to maximize restorers’ receivables.

## NEW ADDITION

Cross & Associates is proud to announce that attorney Marc Pavlick has joined the firm. Marc has an impressive academic background, having skipped two grades in school, and then earning a Bachelor’s Degree from UCLA and a law degree at Southwestern University in Los Angeles. He has been a licensed California attorney for 30 years. Marc is a financial expert and a tenacious litigator. His practice will focus on collections for the restoration industry and he has already accomplished several favorable settlements for our restoration clients.

## IN OUR NEXT EDITION

Can you accept a partial payment offered as “payment in full” without waiving your rights to collect the full balance due? The answer depends on the circumstances. In the next edition of *The Restoration Lawyer*, we will explain strategies for handling partial payments.

### About Cross & Associates

Law Offices of Edward H. Cross & Associates offers litigation-preventing programs, problem-solving, contract drafting and legal representation to restoration contractors and environmental consultants nationwide.

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