

REFUSAL OF RECOMMENDATIONS AND RELEASE OF LIABILITY

January 5, 2021 Update

INSTRUCTIONS FOR USE

(This form is not to be given to customers.)

DISCLAIMER: Non-lawyers should seek the advice of a licensed attorney in all legal matters, including verification of the fitness of this material for your particular purpose. Edward H. Cross is licensed to practice law only in the State of California. All documents in this package are based on California law and should be reviewed by an attorney licensed to practice law in the jurisdiction where they will be used. You have purchased the forms and other material with the understanding that the seller is not engaged in rendering legal, accounting or other professional services (except for Consulting Services relative to California law). The materials are considered compliant with California law at the time they are sold, but we cannot warrant that the presentations, materials or communications will continue to be accurate, nor do we warrant them to be completely free of errors when delivered. All the instructions provided here are based on California law. Users should verify statements before relying on them. Your purchase of this material confirms your agreement to these terms.

Introduction: This form is designed to release the contractor from liability where the contractor is prevented from performing the project in the manner the contractor deems necessary. For example, if an adjuster or customer asks the contractor to remove drying equipment before the structure is dry, this form puts the customer on formal notice of the potential ramifications of incomplete drying. It also asks the customer to waive any claims for damage that could result from the refusal. Accordingly, this is not for use on all projects. Always comply with a customer's request to stop work.

Editing and formatting: This form can be edited to suit your purpose and to comply with your local law. The fields can be filled in with little or no formatting problems.



These forms will all fit on one page on most computers. Due to formatting variations with certain printer drivers, a small amount of text may carry onto a second page on your computer. We offer word processing service at www.edcross.com/contracts. Be sure to include your name and **the form number** you are using, or email the form as an attachment. The form numbers are at the end of the WORD file names and on the lower left of the form (e.g., ROR112911).

Top box: Fill in your company name, and contact information and contractor's license number, if any, in the upper left corner and your company logo in the center field.

“Customer”: Fill in the name of the customer(s) exactly as shown on the Service Agreement. See the important instructions that accompany the Service Agreement explaining how to identify the customer.

Disclosures: Present the form with copies of the EPA’s *Flood Cleanup Fact Sheet* and the California Department of Health Services pamphlet *Mold or Moisture in My Home: What Do I Do?*, copies of which are provided with this package. If the project is in a state outside California that has a pamphlet similar to *Mold or Moisture in My Home*, use that instead. These forms are intended as disclosures which the customer can read later at his or leisure.

Release: The release is specific and narrow. It only applies to injury or damage that results from the customer’s refusal of the contractor’s recommendations. It is not a general release or a release of all claims. The contractor remains liable for negligent work that causes damage on other parts of the job.

Execution: Fill in every blank on the form (use “n/a” where the subject matter is truly inapplicable). Be sure to check the box for “Customer” or “Customer’s Agent” *before* requesting the signature. Do not expect the customer or agent to check one of the boxes. Give the customer or customer’s agent a copy of the completed, signed form. You have a number of options if the customer or agent refuses to sign, based on the circumstances; call Cross & Associates at (760) 773-4002 or send an email to edcross@edcross.com to discuss your options.

WE ARE HERE FOR YOU



Cross & Associates provides broad-based legal and consulting services to the cleaning and restoration industry. Please call (760) 773-4002 or email edcross@edcross.com for help with collections, customizing your contract forms, litigation and for all your legal needs.