

REFUSAL OF RECOMMENDATIONS AND RELEASE OF LIABILITY

INSTRUCTIONS FOR USE

(These Instructions are not to be given to customers.)

DISCLAIMER: This product is for general information purposes only and is not a substitute for the advice of an attorney. 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.

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. Although the Release may be unenforceable in some jurisdictions, it is likely to serve as a good deterrent. Always comply with a customer's request to stop work.

Editing and formatting: This form can be edited to suit your purpose. 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. Any issues can be addressed with minor formatting adjustments.

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 in My Home: What Do I Do?*, copies of which are provided with this package. 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.