

Free

PERSONAL INJURY RESOURCE **GUIDE**

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IN A NUTSHELL

PROPERTY DAMAGE CLAIMSTIPS

IN A NUTSHELL

Title 11 of the North Carolina Administrative Code and the North Carolina General Statutes determine an insurance company's obligations regarding property damage claims. They can be found online at: www.reports.oah.state.nc.us/ncac.asp
www.ncleg.net/gascripts/Statutes/Statutes.asp

Rental Cars

Contact your insurance company to see if you have rental car coverage. If the other driver is at fault, the other driver's insurance company will pay for a rental car. However, they will want to do a brief liability investigation first, which can take several days. Usually, you can negotiate for a rental car (i) for up to 10 days after your car's appraisal if it is a total loss or (ii) until the body shop repairs your car.

Repairs

If your car is not a total loss, get the insurance company's estimated repair cost. Aftermarket parts must be of like-kind regarding fit, quality, performance, and warranty as the original equipment manufacturer (OEM) Parts.

Diminished Value After Repairs

Diminished value is defined as the loss in value of a car following an accident due, even after it has been repaired.

If your car is five years old or newer and damaged more than 25%, then the DMV requires a written disclosure when you sell your car. Even if the DMV does not require the disclosure, good faith, and fair dealing may dictate that you disclose to potential purchasers the damage before selling or trading. Thus, you can't hide the fact that your car was damaged, and the insurance company should compensate you for the diminished value.

You should assert a diminished value claim within 30 days after the repairs.

You first need to determine your car's value before the collision. The General Statutes specify that NADA "or other publications approved by the Commissioner of Insurance" can be used in determining the value at the time of the collision. You cannot use the property tax value. Some insurance companies use CCC or Autosource, which give trade-in level values that depress the median value; however, you can argue that the Commissioner of Insurance has not approved these valuation sources. NADA has a call-in service to get archived values for older vehicles, or you can check with your local library for older publications.

Next, you need to determine your car's value after the repairs. One option is to hire a diminished value appraiser, but such appraisals can cost \$500-\$750. A cheaper option is to go to a Carmax or other dealer, where they will make a written offer on the vehicle's value. Make sure you tell them that the car was in an accident, resulting in repairs. Then send a letter to the adjuster with the car's NADA value before the collision and the written offer after the collision. Include a demand letter for the difference between the two numbers.

If you lease your car, you might not be able to claim diminished value. Rather, the leaseholder would need to do so.

Total Loss

If your car's damage equals or exceeds 75 percent of its value, then the insurance company shall "total loss" the automobile by paying you the pre-accident value. Review the insurance company's valuation carefully to ensure it correctly states your car's options and mileage.

If you recently made new improvements, such as new tires, send the receipts to the

insurance company and request compensation (or at the option to keep the tires). You can call the facility where you get your oil changed for the mileage if you cannot read the digital odometer because of the damage. You should receive any loss payments within ten days after the appraisal of your vehicle.

Punitive Damages

If a drunk or reckless driver hit you, contact an attorney right away. You may be able to claim punitive damages even if you are not injured, but you will probably need an attorney to do so.

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Most law firms avoid property damage claims like the plague. At the **Tatum Law Firm**, PLLC, if we are working on your injury claim, we assist you in your property damage minefield **free of charge.**

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THE 7 BIGGEST MISTAKES

INJURED PEOPLE MAKE IN ACCIDENT CASES



1. Not seeking immediate medical treatment

If you suspect that you are injured, then seek medical treatment, ideally within 72 hours of a car accident. You might not feel the pain until later. Moreover, insurance companies like to argue that delays and gaps in treatment show that you are faking or exaggerating your injuries. Thus, it is important to have your injuries diagnosed by a professional as soon as possible if you are going to file an auto injury claim.

2. Failing to notify your insurance company

You should notify your insurance company of the accident as soon as possible. Some policies require that you give the insurance compa-

ny notice within 24 hours of the accident to obtain financial compensation. Although you should let your insurer know that you were involved in an accident, you should not offer any written or recorded statements without talking to an attorney first because sometimes your insurance company will give the statement to the other driver's company.

3. Trusting The Insurance Companies

You will likely receive a call from the other driver's insurance company. Insurance companies spend a lot of money on catchy advertising campaigns that are aimed at making you trust them, but they are businesses that can increase their profits by reducing the amount they pay for claims. Often they will try to find ways to avoid paying anything at all. If you are asked to make a recorded statement, the company might be trying to trap you into admitting fault or contradicting yourself. Even your own insurance company may argue you were violating the terms of your policy to avoid paying you or covering your legal bills.

4. Keeping Insufficient Records

You should keep a journal describing the pain that you feel each day, documenting your mileage to and from your doctor, and your time missed from work. You should also keep all pharmacy receipts, medical records and bills, and health insurance explanation of benefits. Having these records will help in ensuring that you are fully compensated.



5. Not Taking Pictures Of The Accident Scene

If possible, take the pictures of the damage to both cars involved in the accident. Most people take pictures of their car but fail to take pictures of the other driver's car. Pictures of the scene of the accident that are taken immediately will portray the lighting conditions and the areas of impact on both cars and the layout of the roads. Also, don't forget to take pictures of your injuries and bruises.

6. Waiting Too Long To File A Claim

There is a very limited amount of time for you to pursue a claim after a car accident. Depending on the facts, you may need to take action quickly. It is always best to contact an attorney as soon as you can so that the attorney ensures that your right to file a claim is protected.

7. Not Understanding Your Rights

As either a plaintiff or a defendant in a car accident case, your rights vary by state. In instances, for example, your own insurance company might pay for some or all of your medical expenses. You may have the right to sue, but you may need to do so before the statute of limitations expires. It is important to understand both what the law is in regards to when you can sue or be sued for, and whether the other party did something that can entitle you to legal damages.

SINCE MOST FIRMS OFFER FREE CONSULTATIONS, YOU HAVE NO EXCUSE FOR NOT KNOWING ALL OF YOUR RIGHTS.

7 QUESTIONS YOU SHOULD ASK THE INSURANCE ADJUSTER

BEFORE YOU AGREE TO ANYTHING

Before agreeing to anything, pose these basic questions to the insurance company's adjuster. The adjuster will insist that you provide them with as much information as possible.

However, the adjuster will not give you any information at all, although it is only fair that you receive some information in return.

1.
Will the adjuster send you a letter stating that the accident was not your fault and was the fault of the other driver?

Such a letter will prevent the adjuster from arguing later that it was your fault.

Sometimes, after an accident, the insurance company will appear to act reasonably. This tactic can lure people into a false sense of security.

2.
Will the adjuster send you a copy of the other driver's insurance policy, or a letter telling you the other driver's policy limits (the amount of money that they have available to pay your claim)?

Even though this is valuable information, insurance companies will never provide this information until you file a lawsuit.

3.
Will the adjuster give you a copy of the other driver's recorded statement?

The insurance company will want to use your recorded statement against you, but they will not want you to use the other driver's statement against the insurance company. Most insurance companies will not settle a claim unless you give a statement. However, if you give a statement, ensure that you are adequately prepared to do so.

Typical answers are always: NO

4. Will the adjuster give you information they have about you obtained through sophisticated computer systems from other sources?

It is a heavily guarded secret that all insurance companies maintain a database and share information about you with each other. If you have ever settled any other personal injury claim in the past with an insurance company or if you have ever used health insurance to pay for medical bills and prescriptions, then they all know about it.

5. Did the adjuster obtain any kind of credit information or debt information about you?

They will never admit to using this easily obtained information, but, if your credit report shows that you are having financial problems, they can use this information against you. For example, if you need the money right away, then they will offer you a quick and low settlement offer and hope that you are desperate for money and accept it.

6. Will the adjuster give you copies of any statements they have taken from other witnesses who witnessed the accident and your injury?

Should this information be favorable to your case, the insurance companies will withhold this information until you file a lawsuit. If the insurance company agrees to give you some of this information, then it is only because they have decided that it cannot help you in any way.

7. Will the adjuster accept a limited medical release so that the adjuster can only access medical records from the date of the accident to the present date?

The adjuster can go on a fishing expedition into your past medical history and find anything about your prior health to see if they can find information to either deny your claim or pay out as little as possible. If you do sign a release, ensure that you receive a letter from the adjuster stating that they will provide you with copies of every medical record they collect.

Insurance companies have no incentive to take care of you, and they spend a lot of money on catchy advertising campaigns aimed at making you trust them. They are businesses focused on increasing their profits. The insurance industry profits by not

paying you what you deserve. The insurance company wants you to give them information, but they don't want to provide you with any information at all. If the insurance adjuster says no to any of the above questions, then the adjuster is not playing fair.

To ensure that the insurance company is playing fair, you need an attorney on your side.

When it is clear that the other driver is at fault, such as in rear-end collisions, there is absolutely no reason to give a recorded statement to an insurance adjuster. The only reason

the adjuster wants your recorded statement is to get you to make some statement against your interest that now diminishes what may have been a valid, valuable injury claim.

Simply saying: "I'm fine, how are you." may be used later to argue that you were not injured.

A person in a light blue shirt is holding a smartphone up to take a photo of a blue car that has been involved in a collision. The car's front end is crumpled, and the person is standing in front of it, slightly out of focus. The background shows trees and a clear sky.

DO IT YOURSELF

SHOULD YOU DO IT YOURSELF ?

(D.I.Y.)

You may be thinking about handling your injury claim on your own. If you are not injured, then it is probably safe to tackle your property damage claim without a lawyer. However, I'm not going to B.S. you; life can be pretty stressful. Car accidents only add to that stress. Interactions with insurance companies and medical providers will only add to that stress. You may not be able to find as much time between your full-time job and other family duties to make this DIY legal claim and get it done the right way.

It can seem almost impossible to manage everything that lands on your plate each day, especially when you are in pain and have additional time constraints due to doctors' appointments and missed work.

You can find yourself constantly trying to catch up, and that is not something you should tolerate. It is not something you should allow.

Moreover, if you have no idea what you are doing and are reading about everything from

books or the internet, the chances are pretty good that you are going to cause more damage than good. You may end up having to hire that attorney that you did not want to in the beginning, but it may be too late to fix some mistakes.

DIY QUIZ

However, if you still want to handle it yourself, we recommend taking this DIY quiz first. Answer **YES** or **NO**:

- 1 Do you enjoy reading the law?** *(It's best to review the law before beginning work)*
- 2 Are you persistent and patient?** *(Insurance companies and medical providers can be difficult)*
- 3 Are you detail oriented?** *(Close, but wrong, isn't usually good enough in the legal system)*
- 4 Do you have the time to complete the project?** *(It will probably take double or triple the time estimated)*
- 5 Is your family prepared to handle the kind of stress this project will create?**
- 6 What will you do if things go awry?** *(Most attorneys are wary about taking on a botched DIY job.)*
- 7 Do you know what your injury claim is worth?** *(It can be difficult to calculate the total amount of your losses, or "damages." It can require putting a price tag on things that don't necessarily have a monetary value, like emotional distress, pain, and suffering)*

If you answered "**NO**" to any of these questions, you probably want to think twice before trying to handle your claim yourself.

By now you are probably thinking to yourself that it would be a good idea to hire someone to do your legal job for you. The reason, when you think about it, is quite simple. They know what they are doing and will get the job done right the first time.

Consider the other things you could be doing that would make a bigger impact on your life other than being your own lawyer. Probably the biggest reason you

want to do all the work yourself would be to save money. You may find that, considering the time you lose, it costs you more to do it yourself than it would pay someone.

At the Tatum Law Firm - our clients' success is at the forefront of our mission. We aren't just great at practicing law. We're also great at counseling our clients to ensure they are getting the results they want, without all of the stress.



**Stop letting life
kick you around and
START TAKING CONTROL.
Schedule a
FREE case evaluation
with us today.**

HOW TO CHOSE THE RIGHT LAWYER?

When choosing an attorney, you'll find plenty of candidates with the right credentials and experience. That's why an accurate talent assessment is all the more important.

After all, experience is inevitable; talent is not.

Many attorneys have experience at being mediocre. Others have never set foot in a courtroom. Because their experience is in making money for themselves – not protecting their clients' interests.

Don't get confused by all the noise created by aggressive marketing.

Attorneys often embellish their marketing pitch. It is nearly impossible to determine potential when everyone promotes themselves as being the best.

You can't just promise quality. A promise to deliver quality becomes credible only when an attorney puts his money where his mouth is. Few, if any, back up their words with a guarantee.

You see, the ability to take ownership for one's mistakes is the main way to discern the talented from a large pool of applicants. Untalented attorneys blame the judge, clients, or witnesses for their shortcomings. The talented learn from their mistakes and continually improve their skills.



**GIVE THE TATUM LAW FIRM
A CHANCE TO EARN YOUR TRUST.
SCHEDULE A
FREE CASE EVALUATION
WITH US TODAY.**



30-DAY
GUARANTEE
— SATISFACTION —

We stand behind everything we do. So much so that you can try us out for 30 days. If you're not 100% satisfied with your representation, simply let us know. We will promptly terminate our agreement and return your file free of charge. No questions asked.

TATUM LAW FIRM

Call or text the Tatum Law Firm today at
(704) 307-4350
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www.TatumLawFirm.com

