

SCAA

December 2006

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Seattle Claims Adjusters Association

Celebrating over 75 years of service to the claims community — Founded in 1930

"A professional organization dedicated to the ongoing education of the claims community.

Providing an arena for member interaction and the sharing of resources."



In Memory of

Bob Haggerty


SCAA Past President 1994-95

November 13, 2006



Bob Haggerty, who passed away at the tender age of 51 while scuba-diving with his wife in Hawaii on November 13, personified everything that is good about a man, husband, father and brother. He was fun-loving, adventurous, and enthusiastic. His most important quality, in the view of many, was his ability to make everyone with whom he interacted believe he or she was Bob's "best friend". Bob had character and integrity, was passionate about his family, his work and his friends.

Bob handled complex claims from the local community to faraway spots throughout the world, making friends as he went along. He had that special ability to make sense out of the most complicated claims and bring them to a conclusion which satisfied all the parties.

SCAA is honored to have had Bob as a past president and our members are devastated by the loss of this wonderful guy. He will be forever missed. 



 *Remembrances may be made to*

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ON THE DOCKET

Date	Speaker/Topic
Dec 15	TCAA Holiday Party La Quinta Inn Visit www.tacomaadjusters.org for more info
Jan 19	SCAA Meeting See details below
Feb 16	SCAA Meeting and Bowling!!!
March 23	SCAA/TCAA Spring Seminar & Vendor Fair Please note NEW DATE!

Meeting Information

Please keep in mind that we'd like to start and end promptly during our monthly meetings. Here is the timeline for each meeting:

11:30 a.m. Registration
 11:45 a.m. Buffet
 12:00 p.m. Meeting Called to Order
 1:00 p.m. End of Meeting

Please arrive on time and have your cash or check (payable to SCAA) ready. We appreciate your cooperation and assistance.

Next Meeting of the SCAA

January 19, 2007

The Swedish Club, 1920 Dexter Ave North, Seattle, WA

Program
TBA

Cost
\$13 Members
\$20 Non-Members

Time
11:30 a.m.

It is now important for you to RSVP if you are going to attend our luncheon meetings. Do so through our website or contact Julie Benedict at julie.benedict@grange.com. Thank you!



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JULZ JEWELS

— by Julie Benedict, President



Our November meeting was marred by news of the unexpected death of SCAA Past President Bob Haggerty. Bob will be missed by his many friends and colleagues in the insurance industry. Our thoughts and prayers are with his family.

Many thanks to our November speaker, Joe Champagne, who made a very interesting presentation on the tools used in forensic investigations; and to Tim Reid for his legal review. Following our Holiday Party in December, our next meeting will be January 19, 2007. We are planning another bowling event after the February 16 meeting and then the annual SCAA/TCAA Spring Seminar and Vendor Fair will be held on March 23.

As I write this, I don't have the final details on the book drive for Page Ahead, but I want to say "thank you" to all of those who made a donation. I know the children who receive these books will offer their thanks as well!

As we end another year, I want to wish everyone a wonderful holiday and best wishes for a fulfilling New Year. ❖

Another Full House

— by James West, SCAA Secretary

The November meeting was another full house! The RSVP process is working well. Dean and I are greeting our guests and are finding their names readily on our RSVP list. Thanks again for the RSVPs!

Our vendor of the month was **Bales Cleaning and Restoration**. Jana Musseau provided comments and information on the firm. If you need any literature, please call Jana at (425) 822-5041.

We had two \$25 drawings and two winners. The winner for the adjuster drawing was **Dale Swanson** with *PEMCO Insurance*. The winner for the vendor drawing was **Laura Papini** with *Enterprise Rent-A-Car*. Everyone be sure to place your business cards in the appropriate baskets to participate in the adjuster and vendor drawings.

Our "**Blue Bucket**" winner was **Sondra Gallagher** with *Grange Insurance* who was present to win! We hadn't had a winner for the last two drawings and the funds were rolled into the next monthly drawing. **Sondra went home with \$150**. The next drawing will be in January and will be for \$50.



A special thanks and recognition to our vendors who provided door prizes, i.e. gift baskets, gift certificates, prizes, etc. **ServPro** donated a gift certificate won by **Sondra Gallagher** with *Grange Insurance*. **MDE Inc.** donated a gift basket won by **Roger Howson** of *Claims Dispute Resolution*. **Paul Davis Restoration** donated a gift won by **Kathy Aubuchon** with *WCI*. Thanks again Vendors!

Tim Reid, Attorney at Law, presented two case reviews: Ballard Square Condominium Owners Association v. Dynasty Construction Company; and 1000 Virginia Limited Partnership v. Vertec Corporation. Thanks Tim!

Our guest speaker was **Joseph Champagne** with *Case Forensics*. Joe provided a presentation on the various types of special equipment used in forensics investigations. Case Forensics had four drawings

(See **Full House...** continued on page 4)



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Case Study

Suits Against Dissolved Corporations

— by Jeffrey D. Eberhard

How long after a corporate entity ceases to exist can it be sued in Washington? That was the question brought before the Washington Supreme Court recently in a construction defect case brought against a dissolved construction company. In *Ballard Square Condo Owners Ass'n v. Dynasty Constr. Co.*, --- P.3d ----, WL 3233892 (Wash., Nov. 9, 2006), a condominium project in Seattle (Ballard Square) was developed, built, and sold by Dynasty Construction Company. The project was completed in December 1992 and Dynasty was administratively dissolved effective October 1995. By late 1996, the owners of the individual condominiums began noticing leaks in the above-ground walls of the condominiums. Inspections conducted in 1997 revealed severe water damage as a result of Dynasty's failure to comply with applicable building laws and failure to follow sound construction standards. Repair estimates exceeded \$1.4 million.

On October 8, 2002, the Ballard Square Condominium Owner's Association brought a breach of contract action against Dynasty. The trial court granted summary judgment in Dynasty's favor on the grounds that the suit was barred under common law principals because Dynasty had been dissolved. The court of appeals affirmed.

The Washington Supreme Court also affirmed, but for a different reason. The Supreme Court first noted that under the law that existed at the time of trial, the suit should have been allowed to continue. However, in 2006 the Washington legislature amended the statutes that controlled suits against dissolved corporations. Under RCW 23B.14.340, as amended, suits against dissolved corporations must now be filed within either two years of the corporation's dissolution (for corporations dissolved before June 7, 2006) or within three years of dissolution (for corporations dissolved after June 7, 2006). Because Dynasty's effective date of dissolution was October, 1995, Ballard Square's suit became time-barred no later than October, 1997 under the provisions of the amended statute. The court rejected plaintiff's arguments that the rule should not be ap-

plied retroactively, finding that the plain language of the statute revealed the legislature's intent that it apply to actions arising before its effective date. The fact that Ballard Square actually filed suit before the amendment went into effect did not change the court's analysis. All claims against dissolved corporations, even pending claims, are subject to the terms of the amended statute. The case was properly dismissed. ❖

Claims Pointer

Under a 2006 amendment to Washington law, plaintiffs seeking to bring claims against a dissolved corporation must file suit within two years of the effective date of dissolution (if the corporation was dissolved before June 7, 2006) or within three years of the effective date of dissolution (if the corporation was dissolved after June 7, 2006). RCW 23B.14.340.

These deadlines apply retroactively to all claims against dissolved corporations, regardless of when the claim arose or whether or not suit has already been filed in court.

— If you want to be notified of new cases, please send an email to caseupdate@smithfreed.com.

This article is intended to inform our clients and others about legal matters of current interest. It is not intended as legal advice. Readers should not act upon the information contained in this article without seeking professional counsel.

Full House... (Continued from page 3)

after the presentation. The drawings were spearheaded by Vicky Horton. The winners were **Deborah Jette, Sheryl Jones, Trevor Arnold** and **Mark Jensen**. Thanks, Case Forensics!

If a Vendor would like to sponsor a dessert, please contact an SCAA officer. Your interest will be communicated directly with the caterer. After the meeting we should know the charge from the caterer, since the fare is based on actual headcount.

The Christmas party will be on Friday, December 1, and will be in lieu of our December meeting.

See everyone at the January meeting! ❖



Medical Notes

Advanced Directive

Article provided by Health Cost Management

Most of the time we publish articles that contain medical topics of interest to our clients' business life. In this case, we've chosen a topic in the medical field that covers an important issue for everyone to consider in their personal life.

An **Advanced Directive** is a document that tells your doctor and family what kind of medical care you would want (or would not want) if you become terminally ill and cannot speak for yourself. An advanced directive takes effect only if you cannot express your wishes; for example, if you are in a coma.

A **Living Will**, one type of advanced directive. This document informs healthcare providers what kind of treatment you would want (or refuse to have) if you were dying and unable to speak for yourself, or if you were becoming permanently unconscious. For example, you may state that you would not want to be kept alive on a breathing machine if you were unconscious with no hope of recovery.

A Living Will does not prevent you from getting medical care if you are sick or injured. It simply informs healthcare providers about what kind of care you would want if you were dying and could not speak for yourself. You can cancel or change the instructions at any time.

A **Durable Power of Attorney for Healthcare**, also called a Healthcare Proxy or Surrogate, is another type of advanced directive. It is used to name someone you can trust to make healthcare decisions for you if you cannot speak for yourself. Like a Living Will, it takes effect only if you cannot make medical decisions for yourself. The person you name must be at least 18 years old and usually cannot be your doctor or other healthcare provider.

What Type of Advanced Directive Do I Need?

The American Bar Association (ABA) recommends that you have both a Living Will and a Durable Power of Attorney for Healthcare. Although a Living Will is more detailed, it may not cover a medi-

cal situation you experience in the future. In that case, having a Durable Power of Attorney lets the trusted relative or friend make decisions about a situation or treatment not covered in your Living Will.

Living Wills and Durable Powers of Attorney for Healthcare are for everyone, not just older adults. A sudden illness or an accident can happen to anyone at any time.

How Can I Prepare an Advanced Directive?

The best time to prepare any Advanced Directive is when you are feeling well. Discuss your wishes with your family and with anyone you need to make decisions for you, so they will know what you would want if you become seriously ill. It is important to be sure that the person you name in your Durable Power of Attorney is willing and able to make the decisions that you are asking of them.

Your healthcare provider or local hospital can provide you with the forms to fill out. If you are admitted to a hospital, you will be asked if you have an Advanced Directive; if you do not, the hospital can give you the forms you want. For forms and an ABA tool kit, see the selected websites at the end of this article.

You do not need a lawyer to write your Advanced Directive, but you may want one to help you. Follow legal requirements (outlined on the form) for preparing valid documents and make sure you put the date on your document. Usually, you will need two people to witness your signature; some states also require you to have your signature notarized. Make several copies of your Advanced Directive. Keep one for yourself and give others to your doctors, lawyer, family members, and friends. Take copies of these documents if you are being admitted to a hospital or nursing home. If your wishes change, write new documents and destroy the old ones. ❖

Visit these websites: American Bar Association's consumer's toolkit for healthcare advanced planning: www.abanet.org/aging/toolkit/home.html. Forms for all 50 states, also provides a service to register your Advanced Directive: www.uslivingwillregistry.com/forms.shtm