Collision Claim Associates, Inc.
Professional Vehicle Appraisers

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P.O. Box 1734
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Our Services
Diminished Value Appraisals
Total Loss Appraisals
Classic / Antique Appraisals
Donation Appraisals
Expert Witness Services

Claim Procedures / INSTRUCTIONS

******Third Party Claims*****

DO NOT SEND THIS INFO TO THE INSURANCE COMPANY

This Information is intended for YOUR use ONLY!!

This Document is NOT to be shared with any other Party!!

IT IS IMPORTANT THAT YOU READ THROUGH PAGES 1-6 TO START SO YOU ARE PREPARED TO HANDLE YOUR CLAIM!! As much as we would like to discuss all these scenarios with you on the phone, it is very time consuming. If you require assistance, we are available to discuss their current response, but it would be best if you could fax or email their letter to us so we can assist you.

Reading through these pages will give you a better idea of how to respond in case they try to catch you off-guard.

FIRST thing to do is write a diminished value claim demand for payment letter to the insurance company responsible for paying your claim (a **Sample** Claim/Demand Letter is including in your package). In your letter you must request that they respond to you only in writing. Include with your letter a complete copy of our report. **Your letter must be sent by Certified Mail/Return Receipt Requested, UPS, Fed-Ex, etc. – it is very important that you get a signature as proof of receipt.**

Each insurance company handles claims differently, and most of them will try some sort of excuse in an attempt to negotiate you down on your claim. There are so many excuses the insurance companies may try. We have provided the below situations as a guideline so you will be prepared for typical excuses/tactics. The negotiations may take two, three, maybe four letters and you will need to push them each time.

We will remain available to you throughout the negotiation process. If at any time you require assistance or have a question, we will be here to help you - it would be best if you could email their letter to us so we can assist you.

When the insurance company responds, you must expect one of the following:

1. **The insurance company may send you a check for the full amount of your demand. If so, your claim is settled!! Please send us an email to let us know it is settled!**

2. **The insurance company may send you a check for the full amount stated in our report but they argue about paying for the cost of the appraisal fee – ask them what law states that they don't have to pay it, and then they will change their tune. Sometimes they will offer to split the cost of the appraisal fee. You don't want to jeopardize the negotiations by arguing too much over the appraisal fee.**

3. **The insurance company CALLS you to discuss your claim. This is typical. Please keep in mind that you requested a WRITTEN response and feel free to tell them you are busy and please forward their check for the full amount or send their offer and their position in writing. We recommend that you have as little verbal conversation as possible with the insurance company, especially in the beginning stages of your claim. Remember, it is easier for them to give you misleading information verbally than in writing. You may feel comfortable dealing with them verbally, but keep in mind that this is their job and they are ready for you and are prepared to take control of the conversation. If you must talk to them, you must be ready to stand your ground – they will try to negotiate you down. If you are willing to accept a compromise settlement, you should develop in your mind what the minimum is that you are willing to accept. As in any negotiation, never bid against yourself. If the insurance company says that your request is too high, but does not make a counter offer, do not respond with a lower request. Instead request that if they feel your offer is too high that they make a counter offer. When you then make a counter offer, move your offer downward in small increments.**

4. **The insurance company may want to send THEIR OWN APPRAISER to look at your vehicle for a second opinion. This is fine, however, when the appraiser gets there, limit your conversation – he should be there to appraise your vehicle – not you. And this should be done at a convenient time and place for you. Once the insurance company has their appraiser's report, they should send you a letter with their offer and a copy of their appraiser's report. Typically, a reasonable way of settling a claim when two professional appraisers have been hired would be to split the difference between the two reports. However, there are times when their appraiser's opinion is obviously biased (very low). A SAMPLE response is included in the following pages. If you need assistance, please fax/email us a copy of their letter and their appraiser's report.**

5. **The insurance company may try to DENY YOUR CLAIM. This is part of their game – if you believe them and go away, they just saved money. See SAMPLES in the following pages for responding to this.**

6. **The insurance company may begin by making you a very "LOW BALL" OFFER. This is just part of the game as well – some of these companies want to get out of each claim as cheap as possible (makes good business sense from their point of view), just understand that is their goal. See SAMPLES in the following pages for responding to this.**

7. **If the insurance company requests any ADDITIONAL DOCUMENTATION such as maintenance records, dealer records, etc., the only other documentation they should ask for is Proof of Ownership - you can submit this information along with your response letter (copy of title or registration). If they ask for anything frivolous such as maintenance records, dealer delivery records, etc. – this is nonsense. You have provided them with the proper documentation in the form of an Unbiased Independent Professional Appraisal Report. See SAMPLES in the following pages for responding to this.**

8. **If it is beyond the 15 day time demand and THEY HAVE NOT RESPONDED - the delayed response could be due to the insurance contact being out sick, on vacation, etc. This is why you need to CALL, to confirm that they are in and that they do have receipt of your paperwork. If that person is not in, go to the supervisor and ask who will be handling your claim while they are out. Remind whoever you speak with that there is a time demand on that letter, and that you have a receipt showing they received it ___ days ago, and ask them when they intend to respond. Keep in mind that it is very important to get their response in writing, especially to confirm what was agreed to in a phone conversation. There is a SAMPLE letter in the following pages for responding to this.**

9. **If you find that you are GETTING NO WHERE with the claims rep or adjuster after the first two or three letters - becomes obvious that they are not authorized to actually negotiate the claim - contact the Claims Manager to push the negotiations further (call their main number to get that name and address) . You should read through your file to be familiar with the facts of your claim also read through our report and the letters that have gone back and forth. Know that their excuses are just that – EXCUSES. Their**

opinions and calculations are BIASED, that is why you submitted our report as an UNBIASED Professional Expert Opinion. There are SAMPLE letters in the following pages for responding to this.

10. **IF YOU HAVE REPAIR ISSUES you will need to have these corrected by the repair facility. If the insurance company tries to make a big deal out of this and try to blame the loss in value (diminished value) on the repair facility, or if they try to say that getting the repair issues corrected will eliminate the loss in value, this is INCORRECT. This is all addressed in our report. There is a SAMPLE letter in the following pages for responding to this.**

11. **If they are trying to "BASH" our report – some of these claims adjusters/reps try to call you to "discuss" our report and then they will try to make you believe their nonsense about our report. Our reports are written by our Senior Appraiser who is a COURT QUALIFIED EXPERT APPRAISER. Ask them to put their "opinion/position" and their offer in writing so you have time to consider it. You don't have to "listen" to their nonsense. Remind them that you requested a written response. There is a SAMPLE letter in the following pages for responding to this.**

Other uses for our diminished value reports

If you itemize your income tax deductions, you may be able to claim a deduction for any amount of un-reimbursed diminished value as a casualty loss on your tax return. (See your tax professional for more info)

If you pay ad valorem taxes based on the value of your vehicle to renew your auto tags each year, you may be able to use our diminished value report to have your vehicles value reduced thereby reducing your ad valorem tax. (See your county or state tax assessor for information on this)

We will remain available to you throughout the negotiation process. If at any time you require assistance or have a question, we will be here to help you - it would be best if you could email their letter to us so we can assist you.

WRITING YOUR LETTERS:
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WHO TO SEND TO AT THE INSURANCE COMPANY: Normally you will send in your demand letter and our report to the Claims Rep or Claims Adjuster that has been handling your claim. If you are not certain, call them to find out who will be handling this portion of your claim.

ADDRESS TO SEND TO: If the insurance company provides you with only a P.O. BOX to mail to, you can still send it certified mail, but ALSO FAX it to them and then call them to confirm they received your fax and also print our your fax confirmation for your file.

YOU NEED PROOF OF DELIVERY: **<u>Your letter must be sent by Certified Mail/Return Receipt Requested, UPS, Fed-Ex, etc. – it is very important that you get a signature as proof of receipt to document that they have received it in case you need to file complaints.</u>**

EMAIL IS NOT RECOMMENDED // EMAIL IS NOT RECOMMENDED

You need their "official" response on their letterhead with their signature. If they are willing to email that to you as an attachment, then that is ok. We have seen that they tend to be very short and dismissive when communicating by email. It will be more frustrating for you.

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OPENING PARAGRAPHS: Your basic opening paragraph should identify: receipt of their letter or confirmation of a phone conversation, and the date of that letter or conversation. Identify any offer they have made, formally reject it and return any checks they have sent.

EXAMPLE:

This is to acknowledge receipt of your letter dated ________________, in which you are offering $________ as payment for diminished value of my vehicle. Although I appreciate your acknowledging my claim, I am rejecting your offer.

OR

This is to acknowledge receipt of your letter dated ________________, in which you have denied my claim for diminished value.

THE BODY OF THE LETTER:

You want to identify specific excuses that they are trying to pose to you as the reason for their low offer or denial. You will include facts of your claim to dismiss their excuses. Refer to our report for information to respond with. See samples on the following pages.

CLOSING PARAGRAPHS:

You should enter the amount of your demand for payment and also include a time demand for their response.

EXAMPLES:

- As a reasonable person and in an attempt to settle this matter, I am willing to accept a compromise settlement in the amount of $__________. I hereby demand payment in full with your good faith written response to the address below within 15 days of receipt of this letter.

- I hereby restate my demand that you pay me $__________ as compensation for the loss of value of my vehicle plus the cost of the appraisal fee. I hereby demand payment in full with your good faith written response to the address below within 15 days of receipt of this letter.

- At this time, I hereby demand that you acknowledge my claim and my expert appraiser's report and I restate my demand that you pay me $__________ as compensation for the loss of value of my vehicle caused by the negligence of **your** insured. I hereby demand payment in full with your good faith written response within FIFTEEN (15) DAYS of receipt of this letter.

****

Date

Contact's Name
Insurance Company Name
Address
City, State, Zip

RE: Claim #:_____________
Date of Accident: ___________

Sample Claim/Demand Letter

Do not sent this page to the insurance company

Retype your own letter using this as an example. Fill in the areas in BLUE with the appropriate information. This is a standard "layout" for all letters that you send.

Dear (NAME),

With regard to the above referenced claim, I hereby notify you that I am pursuing a claim for the inherent diminished value of my vehicle, **as evidenced below**:

- As a result of the damage to my vehicle, disclosure laws and vehicle history reporting companies, I will no longer be able to sell or trade my vehicle for the same value as before the damage.

- The law requires that I am to be Made Whole, that is returned to the position I was in a moment before the accident. I will not be made whole until I recover the loss in value to my vehicle as well.

- Your insured damaged my property and is liable for this loss. You have a contract with your insured that obligates you to pay for all of my losses, without the need for litigation against your insured.

- As proof of my loss, I submit the enclosed vehicle appraisal report that was completed by Collision Claim Associates, Inc., an independent professional appraisal company. This report has established that my vehicle (my asset) was worth a certain amount prior to the damage, but now, with its damage history, it is worth much less. Per their report, my vehicle has suffered a diminished value of $___(ENTER AMOUNT FROM REPORT)__.

- My appraiser has been established as an industry expert. His reports have been successfully utilized in over 60 court cases, therefore, this is proper and sufficient proof of loss as deemed by the court systems. As stated in his appraisal report:

  "IN SUMMARY, I have been hired to provide my Professional Qualified Expert Opinion. That expert opinion has been developed through over 30 years as a vehicle appraiser. I have completed over 45,000 vehicle appraisals of which over 23,000 were for diminished value. I am ASE certified in collision damage analysis, a non-engineer member of the Society of Automotive Engineers, have completed classes in diminished value and total loss appraisal from the International Society of Appraisers. I have been qualified as an expert witness in this field in over 75 court cases for Diminished Value, 2 class action law suits for Diminished Value involving over 4.5 million vehicles, and over 145 depositions. I have also completed over 130 Lemon Law Diminished Value appraisals. My expert value opinions have been utilized by insurance companies, consumers, attorneys, rental car companies, fleet owners, car dealers, risk management companies, independent claims adjusters and others."

In accordance with my right to be made whole and the contract you have with your insured, I hereby demand payment of $__(ENTER AMOUNT FROM REPORT)__ as compensation for the diminished value of my vehicle, and the cost of the appraisal fee in the amount of $_____, for a total of $__________.

(use this next sentence if the insurance company has already made you an offer) Therefore, your offer of $_______ is hereby rejected (and add this next portion if you received a check) and your voided check is enclosed.

I await your written response, **mailed to my address,** with your check for the full amount of my demand within 30 days of receipt of this letter.
DO NOT CALL ME. I REQUIRE YOUR OFFICIAL RESPONSE IN WRITING, ON LETTERHEAD, AND SIGNED.

Sincerely,

Your Name (Address , City, State, Zip)

cc: __(enter name of at-fault person, send them a copy of this letter as well)___

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TYPICAL EXCUSES – TACTICS that we have seen used over the years

You have NOT RECEIVED A RESPONSE from the insurance company AND they will not return your calls – see sample wording below:

If you not received a response to your demand letter or this letter and you have made several calls and are not returning your calls, you should probably file a COMPLAINT with the Depart of Insurance or Insurance Commission for your State. Normally, you can file your complaint on-line on their website. You must be very specific that they are NOT RESPONDING to your claim. Do Not state that they are "not Paying" your claim because then you'll get a canned response "that is a matter for the courts".

Dear (NAME),

I sent you a letter dated (enter date of letter), in which I requested a written response within 15 days. It has now been (enter number of days) since you signed for receipt of my letter and **I still have no written response from you**. I have also left several messages for you that you have not returned.

I hired and paid a professional appraiser to determine my amount of diminished value. The report, which was sent to you, indicated my loss to be $___________.

At this time, I reiterate my demand for payment in the amount of $_______. I further demand that you respond to this within FIFTEEN (15) DAYS either with your check for the amount of the demand or a written response.

If I do not receive a good faith response within the requested time, I will have no choice but to file a complaint with the Dept. of Insurance for refusing to respond to my valid claim.

Sincerely,

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The insurance company has "calculated" the DV from the 17C FORMULA from the MABRY v. STATE FARM class action lawsuit from the State of Georgia.

They like to say this is their only "guideline" in resolving these claims. Or, the say they "have to use it" since this State has no other "guideline". Or, they say "but this IS the Industry Standard for calculating these claims." However they state it, they will try to make it sound as official as possible. It is not applicable to your claim. You have provided proper documentation

A logical response would be:

This is to acknowledge…….. (Choose your opening paragraph from page 5)

It appears that the "formula" you have calculated your low offer from is the "17C formula" or a variation thereof. After researching this on the internet, I have learned that this "formula" came out of the class action lawsuit against State Farm in 2001 in the State of Georgia.

First of all I am NOT part of that class action lawsuit therefore that "formula" **is NOT binding on my claim.**

Secondly, I am NOT in the State of Georgia therefore it is NOT applicable to my claim.

And third, that lawsuit was pertaining to First Party Claims, my claim is a Third Party Claim – I am entitled to be **made whole** again – it was your insured that caused this loss.

The concept of Inherent Diminished Value is based upon the public's perception that a wrecked and repaired vehicle does not have the same value as a vehicle that has never been wrecked, even with quality repairs. And it is obvious that your "formula" does not even come close to calculating the actual loss.

I have submitted a proper documentation from an independent professional appraiser as my proof of loss that states my loss in value to be $_______.

I hereby demand…. (Choose your closing paragraph from page 6)

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The insurance company is trying to blame the loss on the QUALITY OF REPAIRS OR REPAIR ISSUES and pointing the finger at the body shop.

IF YOU DO HAVE REPAIR ISSUES, YOU SHOULD HAVE THEM CORRECTED AS SOON AS POSSIBLE. However, having these corrected will NOT change the amount stated in our report. The repairs were supposed to be good! Our report states the Inherent DV and not the Repair Related DV.

Our report discusses the difference between Repair Related DV and the Inherent DV, and clearly identifies that our report is addressing only the Inherent DV as clearly stated at the bottom of page 4 in our report.

This is to acknowledge…… (Choose your opening paragraph from page 5)

It was **YOUR** insured's negligence that caused the damage to my vehicle. A part of that damage is the **Inherent Diminished Value** which is based upon the public's perception that a wrecked and repaired vehicle does not have the same value as a vehicle that has never been wrecked, **even with quality repairs.** The damage to my vehicle was $__________. When I attempt to trade this vehicle, the used vehicle appraiser will be able to detect that the vehicle has been in a wreck, and will offer a significantly lower trade in value. If I attempt to sell the vehicle privately, I would have to, in good conscience, disclose the damage to any potential buyer. Further, any potential buyer would be able to discover the damage history through various vehicle history reporting companies.

Any repair issues are addressed directly with the body shop. My claim, as I have clearly identified, is for the Inherent Diminished Value – Not Repair Related Diminished Value.

I hired an independent, **unbiased**, professional appraiser to determine my amount of inherent diminished value. Their report, which was sent to you, indicated my inherent diminished value to be $_________.

I hereby …… (Choose your closing paragraph from page 6)

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The insurance company says THEY DO NOT AGREE WITH OUR REPORT because "the repairs are done well, can't possibly be any diminished value or maybe a very low amount

Get a dealer trade-in offer OR get an on-line trade-in offer.

- You may already have this information.   If not, then go to any local car dealer, or, if there is a CarMax in your area, they usually give written quotes - BUT you do not have to have a written offer - **verbal is OK** .   Or, you can even go on-line to get a dealer offer.

- When you approach the dealer, let them know the car was wrecked and repaired so that their assessment reflects the reduced price (they should be able to detect prior damage anyway).

- You do not need to tell them this is for a diminished value claim, they might back off.

- When you get the offer, include a comparison of current **NADA.COM clean trade-in values** (the value you could have received if not for this accident) at **https://www.nadaguides.com/Cars/Manufacturers**

This will show the insurance company "actual trade-in market situations" as further proof that their offer is ridiculously low and they should move up their offer.

Please understand that some insurance companies play a "game" and we are trying to assist you with steps to push the negotiations further, without having to take your claim to court.*************************

This is to acknowledge…….. (Choose your opening paragraph from page 5)

I recently got an offer from (name of dealership), who is known to be a reputable used car dealership. They quoted $________ as their best offer due to the damage history. I also checked NADA values on-line which shows the **Clean Trade-in Value** on my vehicle **without** prior damage at $_________. That is a loss of $________, a loss that is due to the negligence of your insured!

THIS IS VIRTUALLY THE SAME AS IF I SOLD MY VEHICLE TODAY – THIS PROVES THE MARKET LOSS IN VALUE. However, there is NO law that requires me to sell my vehicle to prove the loss.

The UNBIASED professional appraisal report that I submitted previously states the loss in value at $__________.

All sources prove that **even with quality repairs** I have sustained a loss in value to my vehicle much greater than your offer! You have a contract/policy with your insured that obligates you to pay for ALL damages, costs and expenses arising from your insured's negligent operation of his vehicle – which includes payment for the full amount of the diminished value.

I hereby demand …. (Choose your closing paragraph from page 6)

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Or, tell them to hire their own independent appraiser for a second opinion:

This is to acknowledge…….. (Choose your opening paragraph from page 5)

You stated __________________ about my appraiser's report. If you are not in agreement with my appraiser, then hire your own independent appraiser for a second opinion. Your evasive tactics, biased opinions and low offer, are not an indication that you are acting in **good faith** on behalf of your insured.

At this time, I hereby demand …. (Choose your closing paragraph from page 6)

The insurance company keeps making low offers - they "feel it is fair and reasonable" or that they have "calculated and re-calculated" their offer.

You need to remain logical and factual throughout this process. Logically their feelings, opinions, and calculations are BIASED. Push them to hire their own independent appraiser for a second opinion and to push the negotiations higher. (However, we have seen insurance companies come up with some pretty lame documentation trying to present it as a "professional" appraisal.)

This is to acknowledge receipt of your letter dated..... (Choose an opening paragraph page 5)

You stated that you "do not feel ______ (quote whatever excuse they are giving) ___________". Of course you "feel" that way – your opinions (being that you are employed by the company that is to pay my claim) is Biased. But my opinion is biased as well since I am the owner of this vehicle and that is why I hired and **independent** appraiser.

And do you expect me to believe that your "reviews" and "calculations" are unbiased? You and your co-workers all have biased opinions of my claim – you work for the insurance company - and any calculations, reviews, or assessments by anyone in your company would be considered a conflict of interest because they are biased opinions.

I have presented and proven my claim - I have provided you with a professional appraisal report from an independent, unbiased appraiser – this report states the loss in value at $________. My appraiser is a qualified expert. Your offer is based on nothing but your biased opinions and biased calculations.

If you are not in agreement with my appraiser, then hire your own independent appraiser for a second opinion. Your evasive tactics, biased opinions and low offer, are not an indication that you are acting in **good faith** on behalf of your insured.

You have a contract with your insured, the person that caused my loss. I do not see why I should have to absorb this loss especially since that contract is supposed to cover my losses and return me to the position I was in before the accident.

I hereby demand ….. (Choose a closing paragraph from page 6)

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The insurance company is "confused" about our report, using excuses like: "report does not include…" "Does not show methodology…" "We don't understand how he came up with …." "Appraiser has FAILED" "Does NOT prove a loss…" "Does not support your claim…" THESE ARE ALL OBVIOUS EXCUSES, as explained below.

This is to acknowledge (choose an opening paragraph from page 5)

You state in your letter that my appraiser's report is ____ (type in whatever excuse they used in their letter) __________________.

It has become obvious to me that all your excuses are simply that – excuses. Your opinions of my appraiser, my claim, my losses, are obviously extremely biased.

I hired and paid an **independent professional unbiased appraiser** to assess the loss in value to my vehicle. His report was submitted to you previously and clearly states the loss at $________. I checked with my appraiser, he stated that he has been qualified as an expert witness in this field in many courts and **his reports have been successfully utilized in over 75 court cases.** He has also been hired by many insurance companies as well – but his report is not good enough for you? **The point is that HE IS AN UNBIASED INDUSTRY EXPERT**. Exactly why is he not up to "your standards"? Are YOU above the courts?

If you are not in agreement with my appraiser, then hire your own independent appraiser for a Second Independent Opinion.

I am the party to be **Made Whole.** You have a **contract** with your insured that **obligates** you to pay for all damages, costs and expenses arising from your insured's negligent operation of his vehicle – which the diminished value is a part of.

Based on the FACTUAL information I have outlined in this letter, it would appear to me that you NEED to handle this claim in **good faith** on behalf of your insured.

At this time, **I hereby demand that you acknowledge my professional appraiser's report and I restate my demand that you pay me $___________ as compensation for the loss of value of my vehicle caused by the negligence of your insured, and the cost of the appraisal fee.** I hereby demand payment in full with your good faith <u>written</u> response within FIFTEEN (15) DAYS of receipt of this letter.

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The INSURANCE COMPANY HAS ALSO HIRED THEIR OWN INDEPENDENT APPRAISER:

Make sure they give you a copy of their appraiser's report. If the amount stated in their appraiser's report is not that far off from our report, it is reasonable to offer to "split the difference" to settle. After all, why would their appraiser's opinion hold more weight than ours?

This is to acknowledge receipt of your letter dated ___________ and the appraisal report from ______________________ stating the diminished value of my vehicle at $___________.

The professional appraisal report I submitted to you previously stated the loss in value at $__________.

In considering a reasonable means of settling this claim, I suggest that we split the difference between the two professional reports. Therefore, I am willing to accept a compromise settlement in the amount $________ as compensation for the loss of value to my vehicle and the cost of the appraisal fee, for a total of $_______.

I await your check with your good faith <u>written</u> response within FIFTEEN (15) DAYS of receipt of this letter.

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*****   IF THEIR APPRAISER IS VERY LOW : ** If their appraiser's report is very low, then get dealer trade-in offer to back up our report and prove their appraiser's "opinions" are inaccurate and not reflective of your market.**

You may already have a trade-in offer.   If not, then go to any local car dealer, or, if there is a Carmax in your area, they usually give written quotes - BUT you do not have to have a written offer - **verbal is OK. AND, you can even go on-line get an on-line trade-in offer**.

When you approach the dealer, let them know the car was wrecked and repaired so that their assessment reflects the reduced price (they should be able to detect prior damage anyway). You do not need to tell them this is for a diminished value claim, they might back off.   When you get the offer, use the sample below and include a comparison of current **clean trade-in values**   (the value you could have received if not for this accident) at **https://www.nadaguides.com/Cars/Manufacturers**

This will show the insurance company "actual trade-in market situations" as further proof that their appraiser's report is low and they should move up their offer.   Please understand that some insurance companies play a "game" and we are trying to assist you with steps to push the negotiations further, without having to take your claim to court.

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This is to acknowledge receipt of your appraiser's report. I find his report to be inaccurate and is not a true reflection of my loss.

As further proof of my loss, I recently got an offer from (name of dealership), who is known to be a reputable used car dealership. They quoted $________ as their best offer due to the damage history. I also checked NADA values on-line which shows the **Clean Trade-in Value** on my vehicle **without** prior damage at $__________.   That is a loss of $_________, a loss that is due to the negligence of your insured!

THIS IS VIRTUALLY THE SAME AS IF I SOLD MY VEHICLE TODAY – THIS PROVES THE MARKET LOSS IN VALUE. However, there is NO law that requires me to sell my vehicle to prove the loss.

The UNBIASED professional appraisal report that I submitted previously states the loss in value at $___________.

All sources prove that I have sustained a loss in value to my vehicle much greater than your offer and your appraiser's "report"!

You have a contract/policy with your insured that obligates you to pay for ALL damages, costs and expenses arising from your insured's negligent operation of his vehicle – which includes payment for the full amount of the diminished value.

I hereby demand …. (Choose a closing paragraph from page 6)

****

The insurance company's claim rep or adjuster is not moving from their offer and ignoring your documentation – obviously this person is NOT authorized to actually negotiate your claim.

Time to go to the Claims Manager – Send a letter to the **CLAIMS MANAGER**

This is to acknowledge receipt of a letter from your employee, ________________, dated __________, in which your company is still offering only $__________ as compensation for my diminished value claim. I do not find your offer to be reasonable, therefore I hereby reject your offer, again.

Your employee has repeatedly ignored the documentation that I have submitted as proof of my loss, has repeatedly made the same low offer, and will not respond to the specific concerns that I have addressed in my letters.

I HAVE MORE THAN PROVEN MY CLAIM. I have provided the proper documentation – the professional appraisal report that I previously submitted.

Again, your offer is NOT reasonable and I have more proof. I recently checked the trade-in value of my vehicle (now that it has a history of damage due to your insured's negligence). I went to ____(name of dealership)__, and they offered only $_________ as their best offer due to the damage history. I also checked on-line and compared this against current NADA.com **Clean Trade-in Value** which shows $_________ for my vehicle with NO damage history. That is a loss of $________, again, due to the negligence of your insured.

THIS IS VIRTUALLY THE SAME AS IF I SOLD MY VEHICLE TODAY – THIS PROVES THE MARKET LOSS IN VALUE. However, there is NO law that requires me to sell my vehicle to prove the loss.

The **unbiased** professional report I sent you previously states the diminished value at $________, which is in the same ball park. That is two sources that prove that the loss is much greater than your offer.

You have a contract with your insured that obligates you to pay for my losses. I am trying to resolve my claim without the need for litigation against your insured. I do not see why I should have to suffer a loss due to the negligence of your insured and I do not find your offer to reflect anything close to the loss in value to my vehicle.

I hereby demand…. (Choose a closing paragraph from page 6)

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The insurance company says you have PRIOR DAMAGE on your vehicle history that YOU were not aware of.

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This is to acknowledge (choose an opening paragraph from page 5)

You state that my appraiser didn't take Prior Damage into consideration. To my knowledge, there is NO Prior damage on my vehicle. I have a Vehicle History Report that DOES NOT SHOW this alleged Prior Damage.

You will need to provide proof of this alleged prior damage, and the details, otherwise there is no proof of such, and for all I know, you would make this up just to deny my claim.

If detailed proof is provided, then I will submit that to my appraiser and he will revise his report.

If no proof is provided within 15 days of receipt of this letter, then it doesn't exist and I hereby restate my demand.

I hereby demand that you acknowledge my professional appraiser's report and I restate my demand that you pay me $__________ as compensation for the loss of value of my vehicle caused by the negligence of your insured, and the cost of the appraisal fee. I hereby demand payment in full with your good faith <u>written</u> response within FIFTEEN (15) DAYS of receipt of this letter.

****

The insurance company is quoting case law and trying to say they don't have to pay – or, they are saying "Diminished Value is not RECOGNIZED in this State".

You have a third party claim - you are entitled to be made whole. There aren't any laws in any State to PREVENT a Third Party Claimant from recovering their automobile Diminished Value. Sample response below:

This is to acknowledge receipt of your letter dated ___________, in which you have erroneously denied my claim for diminished value.

There is NO State Law and NO Case Law that would prevent me from filing a Third Party claim for automobile diminished value.

I did research the issue of diminished value prior to hiring an appraiser. I know I have a valid claim and **I know for a fact that I am entitled to be made whole WHICH IS ALL INCLUSIVE WITHOUT LIMITATIONS**. Your insured was at fault. **You have a contract with your insured that obligates** you to pay for all damages, costs and expenses arising from your insured's negligent operation of his vehicle - which includes the FULL AMOUNT for the loss in value to my vehicle.

I demand that you handle this claim in good faith on behalf of your insured by acknowledging my claim and entering into a meaningful negotiation to resolve this matter without the need for litigation.

I hereby…….. (Choose a closing paragraph from page 6)

****

The insurance company is trying to DENY your claim - they paid for repairs, not obligated or not liable beyond that.

This is to acknowledge receipt of your letter dated _____, in which you state ___________.

You may have restored my vehicle's condition, but YOU HAVE NOT RESTORED ITS VALUE!

Inherent Diminished Value is based upon the public's perception that a wrecked and repaired vehicle does not have the same value as a vehicle that has never been wrecked, **even with quality repairs**. When I attempt to trade this vehicle, the used vehicle appraiser will be able to detect that the vehicle has been in a wreck and will offer a significantly lower trade in value. If I attempt to sell the vehicle privately, I would have to, in good conscience, disclose the damage to any potential buyer. Further, any potential buyer would be able to discover the damage history through various vehicle history reporting companies.

I am the party to be **Made Whole.** You have a **contract** with your insured that **obligates** you to pay for all damages, costs and expenses arising from your insured's negligent operation of his vehicle – which the diminished value is a part of.

I hereby restate my demand …….. (Choose a closing paragraph from page 6)

****

The insurance company says you have to sell you car to prove your claim. This is incorrect and they know it!

This is to acknowledge receipt of your letter dated _________, in which you have denied my claim for diminished value. You stated that since I have not sold the vehicle, I have not suffered a financial loss. THAT IS INCORRECT.

Prior to this collision, I had an asset worth a certain value, and now, after the repairs, I have an asset with a much lower value - THAT IS AN IMMEDIATE LOSS.

I will not sell my vehicle until I resolve this claim. I am certain once I sell my vehicle you will present even more excuses.

Also, you will need to state in your letter what LAW states I have to sell my vehicle to prove my loss.

I know I have a valid claim and I know for a fact that I am entitled to be made whole. I know that I do not need to sell my vehicle in order to prove a loss for my claim. Your insured was at fault, you chose to insure this person. Pay my claim.

At this time, I hereby restate my demand …… (Choose a closing paragraph from page 6)

****

The **insurance company has sent you an extensive "LIST OF REQUIREMENTS" – most of the items listed are nonsense.**

The only other documentation they should ask for is Proof of Ownership - you can submit this information along with your response letter (copy of title or registration).

If they ask for anything frivolous such as maintenance records, dealer delivery records, etc. – this is nonsense. You have provided them with the proper documentation in the form of an Unbiased Independent Professional Appraisal Report.

YOU WILL NEED TO ADJUST THE ANSWERS BELOW DEPENDING ON THE FACTS OF YOUR CLAIM.

Sample below:

This is to acknowledge receipt of your letter dated _______, in which you have stated a list of "requirements" for you to "evaluate" my claim.

First of all, I submitted the proper documentation from an Independent Unbiased Professional Appraiser – I am NOT looking to you for to give me a BIASED evaluation of my claim. And by the way, you did NOT acknowledge receipt of my documentation - I previously submitted the professional appraisal report from Collision Claim Associates – this is the documentation that would be required for court, from an expert.

If you are not in agreement with my appraiser, then hire your own independent unbiased appraiser for a second opinion – your opinion does not count – you are a biased party in this matter.

If you want to send out your own in-house inspector to check the quality of repairs, that is fine, but the quality of repairs, or repair related diminished value, is not the problem – my claim is for the Inherent Diminished Value which is separate from repair issues.

In response to your "requirements":

1. There has been no "non-accident" related repair work on this vehicle.

2. Copies of maintenance records are not required – send out your own independent appraiser to evaluate my vehicle.

3. There were NO PRIOR ACCIDENTS involving my vehicle.

4. Your company wrote the repair paperwork for this accident, it should be in your files. ((or, if your own insurance company handled the repairs, you can forward a copy to the at-fault party's insurance company))

5. I still own this vehicle.

6. No lease.

7. A copy of my registration is attached as proof of ownership.

8. I already submitted my appraiser's professional report. If you have questions pertaining to his documentation – call him, the phone number is on page 1.

At this time, I hereby restate my demand that you pay me $_________ as compensation for the loss of value to my vehicle, caused by the negligence of your insured.

I await your check in full with your good faith response within FIFTEEN (15) DAYS of receipt of this letter.

Sincerely,

****

THE END