



neglect **assist**

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Pitfalls You Must Avoid to Win Your Surveyor's Negligence Claim

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You are in control of your Surveyor's negligence claim. Your interests need to be protected at the earliest opportunity. Take care not to fall into the pitfalls set out below.

1

Speed, Speed, Speed

With Surveyor's negligence claims it is essential that evidence is assessed and steps taken as soon as possible. It is therefore vital that you move quickly, as finding out whether you have a claim now could be key to ensuring that the necessary evidence to support your claim is available.



2

Keep a clear photographic record of the problem(s)

You must prove your case. As a first step keep a clear photographic record of the problem(s) that you have found that were not reported upon in the Survey, (or were reported upon incorrectly in the Survey). If possible, ensure that your camera is recording the correct date and time that the photographs are taken. Where possible, please take these photographs before any opening up of your property and before any remedial works are completed.



3

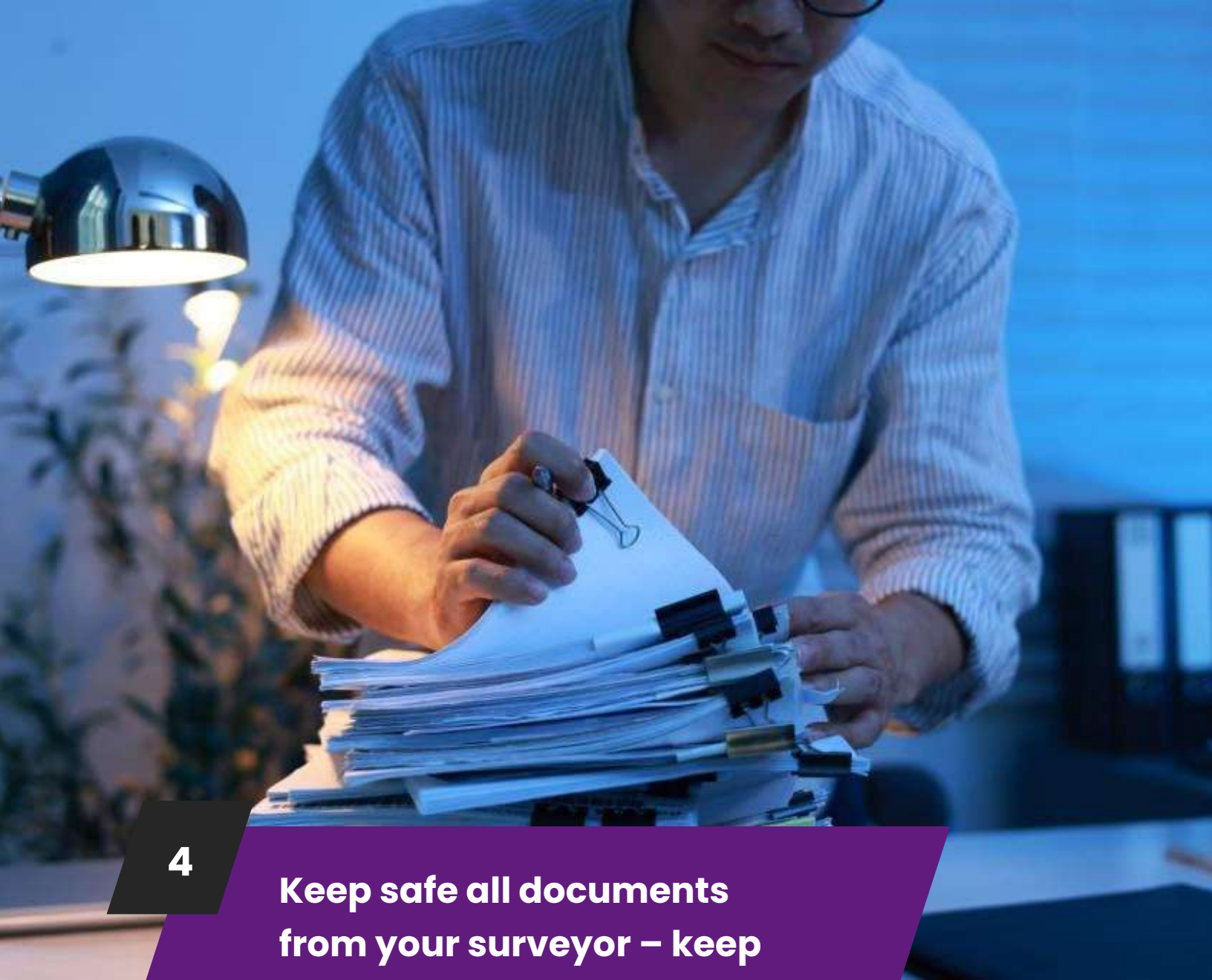
Speak to us at Wixted & Co before you undertake remedial work*

To prove your case, we need to demonstrate that there was evidence of the problem(s) available when the original Survey inspection took place or that there was enough of a “trail of suspicion” to have alerted the Surveyor to the likelihood of a potential problem.

Once you start opening up your house, (i.e., exposing the structure of your property), and then completing remedial works, that evidence is less likely to be available and the claim is harder to prove.

Accordingly, and wherever safely possible, always talk to your Solicitor or professional advisor first and before undertaking remedial work.

*Your personal safety and the structural integrity of your property must, of course, be your first concern and where there are any concerns that not completing remedial works will risk either of these, you must of course prioritise your personal safety and the structural integrity of your property. Please note that even if you have opened up your property or had to complete some remedial works, we may still be able to consider your claim.



4

**Keep safe all documents
from your surveyor – keep
absolutely everything**

Retain every communication from your Surveyor, emails, letters and the Survey itself. These could be key to your claim.



5

Expert Evidence

We know the appropriate Expert evidence required to prove your case. Once we have undertaken an assessment of your case, an Expert may need to attend. So far as is possible, they will want to consider the evidence that was available to see on the date of the original Survey. This leads on from point number 1 above. **DO NOT DELAY.**

NEXT STEPS

Please do not hesitate to contact Mark Cosgrove at Wixted & Co. Solicitors for a free consultation to see if we could act for you on our “no win, no fee” basis.

5 minutes of your time spent now could make a huge difference to your claim.

ACT FAST, DO NOT DELAY, PROTECT YOUR POSITION BY ACTING TODAY.

The materials appearing within this guide do not constitute legal advice and are provided for general information purposes only. No warranty, whether express or implied, is given in relation to such materials, and we do not accept any liability for error or omission. Specialist legal advice should be taken in relation to specific circumstances.





ABOUT THE AUTHOR

Mark Cosgrove is a solicitor of over 28-years qualification who specialises in professional negligence claims and with specific expertise in Surveyor negligence claims. Mark prides himself on attention to detail with a tenacious approach, whilst being contactable and giving each client as much time as they need to ensure that everything is understood. Whilst that tenacity will often lead to settlement through negotiation or mediation, Mark has specific expertise in the Technology and Construction Court which is the appropriate forum for higher value Surveyor negligence claims.

To book an initial discussion, please email m.cosgrove@wixedandco.co.uk or call **0808 501 5394** and ask to speak to **Mark Cosgrove** in relation to a new Surveyor negligence claim.

Wixed & Co Solicitors trading as Neglect Assist

