

**TY WILSON**



**LAW**

**SETTLING YOUR PROPERTY  
DAMAGE CLAIM WITHOUT AN  
ATTORNEY**

**TY WILSON  
ATTORNEY AT LAW**

**912-233-1100  
WWW.TYWILSONLAW.COM**

**Special Report**

## **Introduction**

The purpose of this special report is to educate those who have never had a property damage claim and to assist those who have. My goal of this report is to educate and help you or your loved one resolve or settle your property damage claim without hiring an attorney.

If you have been in a car, motorcycle or truck wreck in which your vehicle is damaged, you have what is called a property damage claim. In Georgia, if you are injured in a wreck, you have a bodily injury claim as well as a completely separate property damage claim. The focus of this report is on property damage claims.

My name is Ty Wilson, and I am a Georgia injury lawyer. In my over 10 years of law practice, I routinely receive calls from people who have damaged cars but have not been hurt and want to know how to get their vehicles fixed or replaced. They want to know what to do, and that is the reason for this special report. After reading this report, you should know what you need to do to resolve your property damage claim **without** an attorney.

## **Settling Your Property Damage Claim Without an Attorney**

- What is Property Damage?
- Can I handle my property damage without an attorney?
- Should I settle with my insurance company or the at-fault insurance company?
- What steps do I need to take to resolve my property damage-only claim?
- Does anyone offer any consulting or coaching on how to deal with the insurance company?

### **What is Property Damage?**

Most people understand that damage to your car in a car accident is property damage. What most people do not associate with property damage is other items that are also considered property damage such as your mobile telephone, eyeglasses and jewelry that may be damaged in a car accident.

What property damage *is not* is any type of bodily injury that occurs as a result of a car accident. Therefore, an injury resulting from a car accident is a completely separate claim than a property damage claim. We have written a book, *10 Secrets of Georgia Car Wreck Claims*, which can provide helpful information if you have been injured in a car accident. However, that is beyond the scope of this report. If you are interested in our book on this subject matter, feel free to go to [www.10SecretsGeorgiaCarWrecks.com](http://www.10SecretsGeorgiaCarWrecks.com) or call us at 1-866-937-5454 and we will be happy to send it out to you with no obligation.

### **Can I Handle My Property Damage Claim Without an Attorney?**

This is probably a question most people have about their property damage claim. The truth is most property damage claims can be handled without the need to hire an attorney. However, it will require work on your part. If you are not proactive and let the insurance company take the lead, you may not be happy with the end result. You have to be diligent in representing your own interests.

### **Should I Settle With My Insurance Company or the At-fault Party's Insurance Company?**

This is a question our office gets all of the time. The reality is that it will be easier settling with your own insurance company since you pay them premiums for your coverage. Realize, however, you may be required to sacrifice your deductible. Depending upon how high your deductible is and the value of your vehicle, it may be too much of a sacrifice.

Keep in mind, if you go through the at-fault insurance company, they will not likely welcome you with open arms. Remember you are not a customer and you do not pay them premiums so they are not in a hurry to pay you money for your car and will take their time to investigate properly before paying out any money.

### **What Steps Do I Need to Take to Settle My Own Property Damage Claim?**

- ✓ Determine if the vehicle can be repaired.
- ✓ Get estimates on the value of the repairs from multiple sources.
- ✓ Make sure all damaged property is included in your property damage claim.

### **Determining if the Vehicle Can Be Repaired - Total Loss Versus Repairable**

The insurance company in looking at the property damage will consider if the vehicle can be repaired. They will send out an adjuster to determine, based upon the make and model and the damage, if the vehicle can be repaired. If the vehicle cannot be repaired due to the damage or it is not economically practical (meaning the cost to repair is higher than the fair market value of the vehicle) they will likely consider the vehicle a “total loss.” If a vehicle is considered a “total loss” the insurance company will pay the fair market value of the vehicle.

If a vehicle is not declared a “total loss” then the insurance company will pay for the repairs. Not being diligent at this stage could leave you dealing with after market parts and parts that do not come from the manufacturer of your vehicle, and you may not be happy with the final results of the repair. Additionally, just because your vehicle is not drivable does not mean it is a “total loss.” This can create a challenge in determining what needs to be repaired.

If you do believe your car is a “total loss,” one of the ways you can obtain a fair market value is to look at the on-line websites that value cars. Each website has its own criteria and, therefore, it is best to obtain values on all of them to get an average, which will likely provide you a better idea of the value the insurance company will be placing on your loss. The websites are Kelley Blue Book ([www.kbb.com](http://www.kbb.com)); NADA ([www.nada.com](http://www.nada.com)); and Edmunds ([www.edmunds.com](http://www.edmunds.com)).

If your vehicle is repairable, it is advisable to obtain three to five written estimates from different auto-body shops. Ask the body shops what areas are damaged. Keep in mind that it is not uncommon that a vehicle not showing damage on the outside may have damage on the undercarriage that can be quite substantial. Ask questions.

In Georgia, you have the right to have your vehicle repaired where you want. So if you find an auto-body shop that you like, you have the choice to have it repaired there. Often times, the body shops will deal directly with the insurance company on the repairs and will deal with the hassles of arguing what parts should be replaced and repaired.

Once you have obtained all of the papers to support either the damage that needs to be repaired or the value of the vehicle, you should submit this to the insurance company with a deadline (usually 30 days) for them to settle your claim with you. They should contact you in a timely manner and offer to settle your property damage claim.

### **Make Sure All Damaged Property is Included in Your Property Damage Claim**

Clearly, your car or vehicle will be included in any property damage claim, but property damage is **all** property that is damaged as a result of a crash. For example, if your eye glasses were damaged in the wreck and you had to have them repaired or replaced, the receipt for the repair or replacement should be forwarded to the insurance adjuster for reimbursement. This goes for anything else that has been damaged as a result of the crash. If the property was damaged prior to the crash, you should not claim it on your property damage claim because that is considered insurance fraud and you can get in serious trouble.

Additionally, if you had recently replaced tires or had work performed on your vehicle and it is a total loss, you should consider turning in the receipts. All property claimed should have receipts to substantiate the loss. This could require some running around on your part, so you will want to determine if the value is worth the gas money you may spend obtaining the receipts.

**REMINDER:** You should continue to pay your car payments and insurance until you have either signed over title or had your vehicle completely repaired.

### **What Happens If We Cannot Agree on a Settlement Value?**

Typically, an adjuster for the insurance company will provide you written documentation on how they came up with their “fair market value.” Unless there are big mistakes such as they have the wrong model of car or they have the wrong mileage listed, the value placed on the vehicle will not vary substantially. Take a look at the valuation from the insurance company.

**REMINDER:** The insurance company only has to pay the “fair market value,” therefore, if you owe far more than the vehicle is worth, you may still owe the lienholder or titleholder for the difference. If you have gap insurance, it could eliminate having to pay the difference. Gap insurance is insurance you would pay when you purchase the vehicle, which would pay the difference between the fair market value and the outstanding balance.

If after all of the back and forth you can not agree to settle, you will have to determine if it is worth it to take the other driver in the accident to small claims court<sup>1</sup>. Considerations for

---

<sup>1</sup> Small claims court or Magistrate Court has jurisdictional limit of \$15,000.00 as of November of 2012. If your claim is worth more than that you may need an attorney.

small claims court would be the cost of litigation and the time you will need to commit to presenting your case to a Judge.

### **Does Anyone Offer Consulting or Coaching on Property Damage Claims?**

As I discussed in the beginning of this report, there are many small accidents that occur each day in Georgia that can be settled without the assistance of an attorney. Some people will hire an attorney simply to avoid having to deal with the hassle and the paperwork of dealing with the insurance company. Others will hire an attorney because they do not understand the process or are lured in by attorney advertising. The decision is yours as to whether or not to attempt to settle your case with or without an attorney. If you have questions, you should consult with a personal injury attorney in your area.

Our office can assist you in negotiating a settlement with the insurance company without charging you a contingency fee. Our general charge for settlement coaching is \$500. But, since you've spent the time to order our special report, we will discount this fee by \$100. If you choose to hire us to assist you with the settlement of your claim, the more information you can provide our office, the better we assist you. We wish you luck in resolving your property damage claim.

## **About the Author**

Georgia attorney Ty Wilson has dedicated his legal career to representing people against insurance companies. Shortly after law school, Mr. Wilson worked for a big defense law firm before realizing that his true calling was in helping people – not businesses.

Ty is licensed to practice law in the state of Georgia. He is a member of the Georgia Trial Lawyers Association, Atlanta Bar Association, Southern Trial lawyers Association and the American Association of Justice.

For more information about the law firm, please visit [www. TyWilsonLaw.com](http://www.TyWilsonLaw.com).