

Builder stalling on repairs? Check warranty

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Q: My husband and I closed on a new home almost one year ago. We did not have a home inspection conducted, but we did pay for one about six months after we closed after finding some issues in the home.

There were several minor things the inspector found and most have been addressed by the home builder. However, one of the major issues is water penetrating into the unfinished basement and several large cracks that have appeared in the basement floor.

We had three estimates done on what it would take to repair the cracks. We provided the builder with the estimate that was in the middle of the three and asked that he arrange to have the work done. He said he would have another company address

the issue, but after one walk-through we have heard nothing from this company or him.

My concern is that the builder is stalling until the one-year anniversary and is planning to tell us that it is now our responsibility, although he has known about the issue for about six months. What are our options to ensure this builder complies with the contract and fixes the basement floor?

A: When you buy a brand-new home, the new construction home builder will usually give you a home warranty. That warranty will lay out the process you must take to make a claim. It may even require you to make the claim in writing. We suggest you find the home warranty document you were given at closing, read it and make sure you have fully complied with its terms -- to the letter.

If the home warranty

requires you to deliver written notice of the problem to the builder, do that. And if the written notice must be sent via certified mail, return receipt requested, make sure you do that as well. You need to cover your tracks and establish a paper trail documenting that you've followed the terms of the warranty.

If the builder fails to abide by the terms of the warranty and you've followed the warranty requirements, you may have to sue the builder to get the work done or to get reimbursed for any work you might do to make the repairs. Here again, your warranty terms come into play. If you sue the builder and the warranty says that only the builder can make the repairs and you can't get reimbursed if you do them, you may have to sue the builder to force the builder to make the repairs.

With all these legal issues you could face, you will also have to determine the expense of the work that needs to be done. You've received three estimates but we don't know what amounts you're dealing with. If the cost to make the repairs is in the neighborhood of \$5,000 to \$10,000 dollars, it may certainly be worth the time to hire an attorney to force the builder to make the repair.

On the other hand, if the repair cost is around \$1,000, you might have to do everything yourself; it might not be worth hiring an attorney and spending money on legal fees when you really need to spend the money on the basement repairs.

We hope the builder decides to make the repairs. From our vantage point, you need to make sure you follow the terms of the warranty. Then you can decide whether to seek legal

action against the builder with an attorney or small claims court. Your warranty may even require arbitration. If you must go the arbitration route, you then need to make your claim for arbitration and move that way.

Remember, before spending too much money, time and effort, you need to determine the costs of the repairs and weight that cost against everything else you have going on in your life to determine your best path of action.

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INVESTMENT OPPORTUNITY: Commercial building in downtown La Grande with long term tenants in place. Good investment property with little vacancy and 6 percent capitalization rate. Includes parking on two sides. **\$325,000** RMLS# 14472376

COVE HOME: Large triple wide in quiet neighborhood on a 1 acre lot with great views of the surrounding area. Includes RV, four bedrooms, two bathrooms, pool, and more. **\$180,000** RMLS# 15458776

ANNIE'S CAFE AND LIQUOR STORE: Established family turn key business, main street, Richland OR. Includes all fixtures, tables, chairs, equipment, inventory. New owner needs to apply with OLCC for license, normally appointed as temporary agent upon sale. Great opportunity to live in a small town and enjoy the wide variety of recreation available in Eastern Oregon. **\$84,900** RMLS# 15250475

COMMERCIAL PROPERTY: Bare lot of approx. 1/2 acre on Adams Street in La Grande, Oregon. **\$55,000** RMLS# 14684420

HALFWAY BUNGALOW STYLE HOME: on corner lot, garden spot, partial basement, new vinyl in kitchen, new metal roof, screened front porch. Great starter, investment or vacation home. **\$51,000**

COPIA LOTS APPROXIMATELY 8.5 CONTIGUOUS LOTS in the old town site of Cornucopia north of Halfway, OR. Buildable parcel subject to Baker Co. Planning Dept. Great recreational area in NE Oregon. **\$29,000** RMLS# 14131482

PERFECT SIZE: Small farm in Halfway, OR on approx. 5 ac. w/ Pine Creek as it east boundary and Tarter Slough running by the home. Be self sufficient, grow your own food, raise pigs, chickens and beef. Irrigation rights, old barn, great views, chicken coop and other outbuildings. Home is 2 bed, 2 bath, needs some TLC but has the makings of a fine home, with foundation, hardwood floors and T&G pine on the ceiling and walls. **\$155,000** RMLS# 15426516

BROWNLEE REC: Waterfront property with 562 feet of frontage on Brownlee Reservoir, nearest town is Huntington. Very nice home w/ large covered deck overlooking the Snake River. Boat dock. Great hunting and fishing. Approved septic system, good well and room for RV, boats, 4-wheelers, etc. **\$299,000** RMLS# 15548098

PONDEROSA RANCH: Beautiful timbered approximately 633 acre cattle/hunting ranch in Halfway with approx. 271 ac. irrigated. Two story ranch home, garage, barn, shop, corrals. **\$1.8 MILLION.** RMLS# 13064526

COVE FARM: Productive farm ground with 2 homes, large shop, equipment shed, corrals, grain silo's, 467 acres deeded with approx. 245 acres irrigated by wheel lines from the Grande Ronde River. Current crops include 160 acres of barley, 50 acres of alfalfa, balance in pasture. **\$1,250,000.** RMLS# 15467035

CRAFTSMAN HOME: Large 3 level, 5 bedroom, 2 bath quality home on approx. 5.83 irrigated ac. just outside the city limits of Halfway. Upgraded kitchen, bathrooms and windows. Includes a 2 car detached garage, shed, barn, garden area and covered deck. Perfect for a B&B. **\$295,000** RMLS# 14634396

EAGLE CREEK: Spectacular fly fishing stream in NE Oregon consisting of approx. 103 acres of canyon, rugged hillsides, rock outcroppings and timber with almost a mile of frontage on the beautiful and pristine Eagle Creek approx. 10 miles north of Richland. Off grid, this property adjoins public grounds. Property qualifies for one residential dwelling. **\$255,000** RMLS# 15213745

DAYVILLE REC: Great recreational parcel buildable with Grant Co. Planning approval. Hunting, hiking, four wheeling, year around access with springs for stock water and game. LOP tags for Ochoco unit. Rolling hills with juniper and sage located just

a few minutes from Dayville, OR. **\$200,000.** RMLS# 14175593

SAWMILL LANE: Remodeled 2 bed, 1 bath home featuring hardwood floors on 2.62 acres in Richland, OR. Amenities include a deck with built in hot tub, patio with fire pit, shop/garage, old barn, yard, garden area and great views in all directions. **\$199,000** RMLS#16643571

SPARTA RECREATIONAL: Off grid A frame cabin on approx. 4.82 ac in the Sparta Recreational Lands, next to NFS. Excellent hunting and fishing in the area. Outbuildings include a large shop, wood shed, ATV shed, guest room, storage shed and insulated water tank shed. Very pretty timbered parcel completely fenced. Good well, approved septic, 4-110 watt solar panels, propane and wood heat. Perfect summer home that has been used as year around residence. **\$179,500** RMLS# 15148951

GOVER LANE ACREAGE: Approx. 12.7 irrigated acres in Halfway with 3 bed, 2 bath log sided home of approx. 1440 sq. ft., attached 2 car garage and separate garage/shop. Great location and views. **\$160,000**

CENTER STREET HOME: Maintained and comfortable home in Halfway on approx. 5964 sq. ft. lot. Remodeled 4 bed, 2 bath home with hardwood floors, propane furnace, wood stove, updated electrical, plumbing, vinyl windows,

utility room, front porch and hardiplank siding. Garden area, yard, wood shed and storage shed. **\$129,000** RMLS# 15092092

PINE CREEK HOME: Very pretty parcel bordering Pine Creek in Halfway, OR with two homes, horse barn, storage shed on 5.3 Ac +/- Main home is a 3 bed 2 bath manufactured home. Guest home is a recently remodeled one bath, one bed stick built with separate driveway. **\$225,000** RMLS# 16258995

POWDER RIVER LOG HOME: Beautiful log home overlooking the Powder River in Richland, OR on 47.8 ac. +/- with irrigation rights, airstrip, private drive, orchard, garden area, yard, pond, machine shed, hay cover, heated insulated garage/shop and chicken coop. Ideal for a few horses and or cattle. Home is designed with lots of windows to maximize the great views of the surrounding mountains and river. **\$395,000** RMLS16656657

WATERFRONT: Rare 2.25 ac +/- (subject to a partition to create a 2 acre +/- bare lot listed at \$125,000) on the banks of Brownlee Reservoir next to Hewitt Park in Richland, OR. Home was completely remodeled, updated in 2004 with new plumbing, electrical, HVAC, insulation, sheetrock, flooring etc. Property has water rights and has been used for pasture and hay. Includes a garage/shop, fruit trees, garden area. **\$345,000** RMLS 16622964

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REALTY

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