

# Southern Loss Association, Inc.

Providing a Forum for Property Claims Since 1957

September 2018

## In This Issue

2018 Golf and Tennis Outing

Article Headline

Scholarship application

## 2018 Board Members

Marilyn Roberts - President  
Chubb

[Marilyn.roberts@chubb.com](mailto:Marilyn.roberts@chubb.com)  
678-795-4293

Bill Cartwright - Vice President  
Eagle Adjustment Services

[Eagleadj@mindspring.com](mailto:Eagleadj@mindspring.com)  
770-928-9686

Bob Murner - Treasurer  
Axis

[Robert.murner@axiscapital.com](mailto:Robert.murner@axiscapital.com)  
678-823-1152

Janet Nash - Secretary  
Kennesaw State University

[jhull@kennesaw.edu](mailto:jhull@kennesaw.edu)  
678-797-2460

Ronald Suhar - Asst.  
Secretary/Treasurer  
AXIS Insurance

[rssuhar@yahoo.com](mailto:rssuhar@yahoo.com)  
216-235-8910

## Executive Board

Robbie Maples - Past President  
Cunningham Lindsey  
817-676-6510

## President's Message

"We are what we repeatedly do. Excellence, then is not an act, but a habit"

I recently saw this quote carved on a wall in my office, and attributed to Aristotle. This has always been one of my favorite quotes; however it has been wrongly attributed to Aristotle. These words were actually written by William Duran in "The Story of Philosophy; The Lives and Opinions of the World's Greatest Philosophers".

Now that I have ranted on with my need and desire for correction, my purpose for zooming in on this quote was to shed light on the exceptional habit of the members and volunteers of the Southern Loss Association in repeatedly doing good works.

The 2018 SLA Property Continuing Education Seminar proves to once again rise to the standard of Excellence. The speakers were engaging and pertinent. The event was well attended and the after seminar golf and festivities was indeed the place to be.

As always I would personally like to thank our Executive Vice President, Bill Cartwright, for his leadership in making sure that the seminar when off without a hitch. In addition we would

Kurt Kraft - Maxum Specialty  
Insurance Group  
678-597-4540

Bill Knight - AXIS Insurance  
Company  
770-490-4475

Jessica Hill - Chubb  
678-795-4293

Carson Lester - Cunningham  
Lindsey  
205-790-6940

Joseph Hunnius-  
Financial Advisor  
Matson Driscoll & Damico  
404-252-0085

Gwendy Schulte - Historian  
OneBeacon Insurance  
781-332-8688

### Schedule of Events

09/13/18 - September  
Luncheon

10/11/18 - Member Social

10/25/18 - Golf and Tennis  
Outing

11/08/18 - November  
Luncheon

also like to thank our Volunteers for whom without we would get through absolutely nothing. So thanks for all your hard, hard work, Candace Caldwell, Susan Freeman, Kristy Hauger and Jennifer Hagerman.

The SLA also participated in the CPCU I-DAY; in attendance were Carson Lester, Robert Arnold, Candace Caldwell, and myself. This was an opportunity for those attending to gain additional CE credits as well as network and put The Southern Loss Association on display as a vital participant in the local and national property claims industry.

As we continue our efforts to strive for excellence in the Industry, we would like to invite all out to the upcoming 2018 Fall Golf and Tennis outing on Thursday, October 25, 2018 to be held at Chateau Elan Resort, Braselton, Georgia. Be sure to register in time to participate in another grand event.

Thank you all for your continued participation and I look forward to seeing you at the upcoming monthly Luncheon on Thursday September 13, 2018

Marilyn Roberts  
Executive Board President, 2018

### Quick Links

[SLA website](#)

[Online Dues Renewal](#)

Join us for the September Luncheon  
Thursday, September 13, 2018

**Pappadeaux Seafood Kitchen**  
10795 Davis Dr, Alpharetta, GA 30009

Our speaker this month will be Richard Rice, P.E. of Mutual Engineering Inc.

Title of Presentation:  
"Why Bridges Fail: A Forensic Examination of Pedestrian Bridges"

This course is approved for 1 hour of GA CE credit.

[Register Now!!](#)

**BCS**  
BUCHANAN CLARKE SCHLADER LLP  
certified public accountants

**FORENSIC ACCOUNTING  
AND  
LITIGATION SUPPORT**

Arlanta  
Dallas/Fort Worth + Houston  
Indianapolis • Kansas City  
New York/New Jersey  
Orange County • Orlando

Jay Cardarete, CPA, CFE  
[770] 645-6360  
jcardarete@bcsllp.com  
www.bcsllp.com

**HSNO**  
THE FORENSICS FIRM  
Accounting | Economics | Consulting

**ROBBIE BRANNON, CPA, CFF** rbrannon@hsno.com  
2915 Webb Road | Milton, Georgia 30004

**MAX FLYNN** mflynn@hsno.com  
5871 Glenridge Drive, Suite 250 | Atlanta, Georgia 30328

www.HSNO.com  
404.876.5220

**The 2018 Fall Golf and Tennis Outing**



The 2018 Southern Loss Association Fall Golf and Tennis Outing will be held at Chateau Elan Golf Club on Thursday, October 25, 2018.

Registration begins at 10:00AM. Golf begins at 11:30AM - Tennis begins at 1:00PM -

Dinner at 6:00PM



Fees are as follows:

Golf & Dinner	\$125.00
Tennis & Dinner	\$65.00
Dinner (per person)	\$45.00

[Register Here](#)

  
Albany/Tifton/Moultrie/Macon/Columbus  
Dublin, GA/Phenix City, AL  
P.O. Box 28812 - Macon, GA 31221  
Office: 888-435-8970  
Fax: 478-254-7326  
Email: maconga@frontieradjusters.com

  
**MDD** FORENSIC ACCOUNTANTS  
Neal Cason, CPA, CFE • ncason@mdd.com  
Dayne Grey, CPA • dgrey@mdd.com  
Travis Williams, CPA • twilliams@mdd.com  
404.252.0085  
> mdd.com Making Numbers Make Sense

## Why Georgia, why?: Georgia's Minority View of Diminution in Value

Michelle A. Sherman, Senior Associate

Mozley, Finlayson & Loggins LLP

Consider a typical scenario in which homeowners have submitted an insurance claim for water damage to their home. It is undisputed that the water damage is covered. The homeowners now claim that the value of their home has decreased as a result of the water damage, even after the water damage has been fully repaired. This is known as "diminution in value" or "diminished value."

Diminution in value is the economic loss or reduction in market value which results from a loss. A first-party property insurance policy generally provides coverage for "direct physical loss of or damage to property." When unpacking this phrase, we find the terms "loss" and "damage" often are undefined by the policy. Black's law dictionary defines "damage" as "[l]oss or injury to a person or property."<sup>[1]</sup> "Loss," as defined by Black's law dictionary, means "[a]n undesirable outcome of a risk; the disappearance or diminution in value, usu. in an unexpected or relatively unpredictable way."<sup>[2]</sup> Insurance companies long have disputed that diminution in value falls within the generally accepted meaning of "loss." By expanding the concept of "loss" to include diminished value, an insurer is obligated to compensate a policyholder for the market's perception that the damaged, but adequately repaired, property necessarily has less value than undamaged property. If you are in Georgia, insurers are required to evaluate all first-party claims for the existence of diminution in value and compensate their insureds for that difference in fair market value caused by the loss, unless recovery for diminution in value is excluded. Georgia follows a minority view, while courts in other states in the Southeast have denied coverage for diminution in value damages.<sup>[3]</sup>

Georgia's rule that insurers are obligated to consider payment of diminution in value when a policyholder makes a first-party insurance claim developed from a line of precedent that began in the context of automobile insurance coverage. In *State Farm Mut. Auto Ins. Co. v. Mabry*,<sup>[4]</sup> the Supreme Court of Georgia recognized diminution in value as a measure of damages in automobile accident cases, and required insurers to develop a method for assessing diminution in value, to collect and maintain information on diminution in value, to evaluate all auto claims for diminution in value, and to pay an insured for a vehicle's diminished value in addition to the actual cost of the repairs. The Supreme Court of Georgia in *Royal Capital v. Maryland Casualty Co.*,<sup>[1]</sup> extended the Mabry rule to insurance policies covering real property, holding that diminished value is recoverable under a standard commercial property policy when the repairs do not return the insured's property to its pre-damage value. The rationale for the Court's holding in *Royal Capital* was the principle of making the insured whole, or "plac[ing] an insured party, as nearly as possible, in the same position it would have been if the injury had never occurred."<sup>[2]</sup>

This affirmative duty of an insurer to assess diminution in value in each first-

party property loss in Georgia recently was acknowledged in *Thompson v. State Farm Fire and Cas. Co.*[3] The *Thompson* court held that, absent policy language explicitly excluding coverage for diminution in value, diminution in value is an element of loss which an insurer must assess even when an insured does not specifically make a claim for diminished value. Interestingly, the *Thompson* court noted that nothing in the decisions of *Mabry* or *Royal Capital* prohibit an insurer from providing a definition of "loss" in its policies that excludes coverage for diminution in value. In practical terms, such exclusionary language would effectively alter an insurer's coverage obligations and arguably alleviate any obligation of an insurer to make an assessment for diminished value as an element of an insured's covered loss.

As of yet, the aftermath of *Thompson* remains to be seen, and *Mabry* and *Royal Capital* remain the authority, making clear that an insurer possesses a duty to assess and pay diminished value to their insureds in Georgia in the absence of exclusionary language.

If you would like more information on this subject, please contact Ms. Sherman by calling her at 404.256.0700 or by emailing her at [msherman@mflaw.com](mailto:msherman@mflaw.com)

[1] Black's Law Dictionary (10th ed. 2014).

[2] Black's Law Dictionary (10th ed. 2014) (emphasis added).

[3] See *Siegle v. Progressive Consumers Ins. Co.*, 819 So. 2d 732 (Fla. 2002) (diminution in value not recoverable in auto context); *Schulmeyer v. State Farm Fire & Cas. Co.*, 579 S.E.2d 132 (S.C. 2003) (diminution in value not recoverable in auto context); *Pritchett v. State Farm Mut. Auto. Ins. Co.*, 834 So.2d 785 (Ala. App. 2002) (diminution in value not recoverable in auto context); *Black v. State Farm Mut. Auto. Ins. Co.*, 101 S.W.3d 427 (Tenn. App. 2002) (diminution in value not recoverable in auto context).

[4] 274 Ga. 498 (2001).

[5] 291 Ga. 262 (2012).

[6] *Id.* at 264.

[7] 264 F. Supp. 3d 1302, 1316 (M.D. Ga. 2017).

## Mutual Engineering, Incorporated – MEI

Forensic and Consulting Engineering Services

2045 Mt. Zion Road,  
Suite 162

Morrow, GA, 30260

Office: 770-210-6644 | Cell: 404-395-7441 | E-mail: [mutual@bellsouth.net](mailto:mutual@bellsouth.net) | Web Page: [www.MutualEngineering.com](http://www.MutualEngineering.com)



FIRE - WATER - STORM - MOLD - TRAUMA - HAZMAT



DISASTER RESPONSE - DISASTER RECOVERY

**770-232-9797**

COMMERCIAL - INSTITUTIONAL - INDUSTRIAL - RESIDENTIAL



### **2018 Southern Loss Association Scholarship Application** **The Deadline for submission is quickly approaching!!**

This application is for a scholarship awarded by the Southern Loss Association. To be eligible for this Scholarship, the applicant must:

A) produce evidence of enrollment as a full time student at a post- secondary institution accredited by accrediting agencies or state approval agencies recognized by the U.S. Secretary of Education for the school semesters of Spring 2018, Fall 2018, and/or Spring 2019;

Include evidence of current GPA and Classification (i.e. Freshman, Sophomore...)

AND either "B" or "C"

B) Be the child, grandchild, great-grandchild or a legally adopted child of a current dues paid member of the Southern Loss Association,

OR

C) Include a written letter of recommendation from a current dues paid full or associate member of the Southern Loss Association.

Please send a completed application to the following address:

Southern Loss Association Scholarship Applications

PO Box 421564

Atlanta, GA 30342

–

**All scholarship applications must be post marked by October 15, 2018.**

II. Personal & Education Information: (Please print)

Last Name First Name MI

Address City State Zip

Home Phone, Alternative Phone, and Primary Email Address

Southern Loss Association Member Sponsor Name & Contact Telephone:

High School Attended Postsecondary Institution (College / University) GPA:

III. Extracurricular: Activity Role & Responsibilities (Attach a separate sheet, if necessary)

- 1.
- 2.
- 3.

IV. Plans and Dreams for the Future: (Attach a separate sheet)

V. Essay Question:

What person or persons in your life have made a difference in your character development and why? Please attach your typed essay. The essay should be no more than 250-300 words in length.

Applicant Signature

SLA Member Signature





**ATLANTA SERVICE CENTER**  
Serving Georgia and South Carolina  
800.245.9851

Doug Giegrey, Sr District Manager,  
770.925.9600  
Dena Berry, Account Manager,  
800.543.9793

Assignments accepted 24/7 at [www.efiglobal.com](http://www.efiglobal.com)  
Experts located nationwide

Engineering Services • Fire Investigations • Environmental, Health & Safety • Specialty Services



**White-Hart & Associates**  
Multi-Line Insurance Adjusters

Athens • Augusta • Macon  
• Savannah • Valdosta •  
Atlanta • Albany

**770.432.6422 • Buford, GA**  
[www.white-hartandassociates.com](http://www.white-hartandassociates.com)

## Welcome to New Members

We'd like to congratulate the new member to our organization:

### **Full Members:**

Eric Abosi - AIG  
Joseph Amatulli - AIG  
Monica Ariza - Axis Capital  
Brian Carley - FM Global  
Charles Dobbins - CCDE Risk Services, LLC  
J.R. Hood, Jr - JR Hood Adjusters  
Jonathon Humphries - Sedgwick Vericclaim  
Jeff Magline - Res-Com Adjustment Services LLC  
Brooke McCarthy - Peninsula Insurance Bureau  
Lacy McClung - Sedgwick Vericclaim  
Todd Moore - Peninsula Insurance Bureau  
Derrick Owens - AIG  
Joe Scerno - AIG  
Jonathon Sloan - Axis Insurance  
Lisa Thompkins - Columbia Insurance Group  
Roger Hines - [Askrog.com](http://Askrog.com)  
Scott Johnston - Country Financial  
Christopher Punch - Chubb  
Nathanial Palmer - AIG  
Lisa Wagner - Cincinnati Insurance

### **Associate Members:**

Taylor Burbank - Wardlaw Claims Service  
James Skelton - McGriff Insurance Services



The 2018 SLA CE Seminar was a huge success. We'd like to thank all of our sponsors for supporting us this year.

1-800 WATER DAMAGE

911 TEXTILE

America Property Restoration

Applied Technical Services

Assured Relocation

BluSky Restoration Contractors

Butler Weilmuller KatzCraig

Claims Adjustment Group

Cotton Global Disaster Solutions

CRDN of Atlanta

EFI Global

ERS & ART of Metro Atlanta

ESI

Full Circle Restoration

HAAG Engineerig

Hancock Claims Consultants

HSNO Forensic Accounting

IN-Line Consulting, LLC

Jenkin Restorations

Level Creek Property Restoration

Nelson Forensics

Premir Adjusting Services

Questpro

Rimkus Consulting Group

Stephens Engineering

Temporary Accommodations  
Unified Investigations  
Young & Associates

We would also like to send a huge "Thank you" to our volunteers whose dedication and hard work make this seminar possible.

### **Become a Member of Southern Loss Association**

Would you like to join Southern Loss Association or know someone who is interested? We can now take your membership application right on line!

Membership is limited and subject to approval by the board of directors and its membership body. Please read all the terms on the application!

**[Apply today!](#)**

Annual dues for 2018 are due now. Please use the link below for an easy on-line way to process your payment.

**[Send 2018 Dues](#)**

We thank our advertisers for their support. If you would like to advertise with us, please contact us at [southernloss@gmail.com](mailto:southernloss@gmail.com).