

Subj: I am your Constituent
Date: 10/23/2016 11:19:36 A.M. Eastern Daylight Time
From:
To:

Fry & Goldfinch

RE: SC Fallen Tree Law

T-Mobile. America's First Nationwide 4G Network.

----- Original message -----

From: annhgriggs
Date: 10/23/2016 10:28 AM
To: Dwight A. Loftis;
Subject: RE: SC Fallen Tree Law ~ Website email from Ann Griggs

Dwight,

I am like most people and it seems common sense wise each homeowner is and would be financially responsible for their own trees and damages their trees cause.

This law in our State needs to be changed. I am concerned for my State and not what other States are doing.

I should not have to live daily on "pins and needles" each time the wind blows of which of my neighbor's trees is now going down and what is it going to cost me.

Unfortunately I did not factor into my SCPOR and SCRS before I retired of having future liable expenses for paying for my neighbor's down trees and damages to my property for their trees; nothing was mentioned/advised to also plan for that during retirement classes of possible expenses I might occur from my neighbor's trees.

Neighbors wanting to have trees along the property lines need to at least be financially liable and responsible for those trees.

What would it take to get this law changed and not just ignored?

Thank you,
Ann

T-Mobile. America's First Nationwide 4G Network.

----- Original message -----

From: Dwight A. Loftis
Date: 10/23/2016 9:22 AM
To: annhgriggs;
Subject: RE: SC Fallen Tree Law ~ Website email from Ann Griggs

This type loss is unfortunate and over the 35 years I was in the insurance business, I had clients that found themselves on both sides of these storm related events. I've also seen storm damage where client's trees were downed on neighbors property and they were upset because their insurance refused coverage to neighbors because it wasn't within the owners property line, so I do understand your frustration. As I said earlier, with respect to storms and downed live trees, I've found it's handled much the same in all states. The state and insurance companies take the position that one shouldn't be responsible for something they did not cause to happen. As to forcing a property owner to remove live trees gets into a property rights issue, then to further complicate the issue some cities and locals have tree ordinances that restricts cutting of trees. These situations are unfortunate and seem unfair, however any solution would be complicated. For example, if the state required all insurance companies to provide this coverage, they would have to factor in their "risk" or potential cost, which would raise the cost of insurance on every policy for all companies. This would make homeowners unhappy. As for state law, the provisions of the law does address this in terms of liability or who is at fault, which comes back to the determining question: Was this an act of the neighbor, as if he was cutting the tree and it fell or an "act of God" or act of nature? You still have the option of court action but the neighbor would defend his position and most likely win. Insurance companies coverage differs between companies in the

amount they will pay for downed trees. however you're in the coastal wind zone so the 3% may be rather uniform. I know this is no comfort but unfortunately is the reality in these situations. Dwight

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: annhgriggs <annhgriggs@aol.com>
 Date: 10/22/2016 11:54 PM (GMT-05:00)
 To: "Dwight A. Loftis" <DwightLoftis@schouse.gov>
 Subject: Re: SC Fallen Tree Law ~ Website email from Ann Griggs

Thank you for your quick response but my Windstorm deductible is 3% of my dwelling so my insurance pays nothing. Why isn't it their insurance since insurance is supposed to pay? Maybe they could not prevent it but I also could not prevent it so why am I financially responsible for the damages their tree did and their tree in my yard? They chose to have trees. Where is their responsibility? Where is my Act of God with insurance money to pay since I am liable for my neighbors trees? It would be different if my insurance was paying for their property in my yard and the damages their property did, but it does not. This is so unfair and not right. SC does not need to follow other States but to do right and fair for all residents. What is fair and right is for each homeowner to be responsible for their own trees/property and the damages their trees/property causes. The law should have not be based on the next neighbor's insurance pays or will pay. So what now for me since my insurance does not pay?
 Ann

T-Mobile. America's First Nationwide 4G Network.

----- Original message -----

From: Dwight A. Loftis
 Date: 10/22/2016 10:35 PM
 To: Annhgriggs@aol.com;
 Subject: RE: SC Fallen Tree Law ~ Website email from Ann Griggs

Live trees that fall due to storms are considered to have fallen from an "act of God", therefore there is no liability to the property owner as he could not have prevented the action of the storm. If the tree was dead, that's another her matter. For the property where the tree fell, most home owners insurance policies will pay some or all for damages done.

I believe these rules are pretty consistent in all states.

Dwight

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Annhgriggs@aol.com
 Date: 10/22/2016 4:58 PM (GMT-05:00)
 To:
 Subject: SC Fallen Tree Law ~ Website email from Ann Griggs

I am not in your district, contacting you and hoping you will assist. My question is how can the SC Fallen Tree Law be changed/amended? I was so shocked to find out I am totally financially liable for my neighbor's fallen pine tree into my yard along with the damages their tree caused to my property and to my trees I will have to pay for to be cut done. I feel victimized. No insurance help since our Windstorm deductible (3% of dwelling) is high for the coastal area. A tree owner has all the rights in their favor with no financial responsibilities for their trees matter what and not even liable for damages their trespassing trees cause, also not financially responsible for trimming their trees back from the neighbor's property, and etc. How unfair is all this to the next door neighbor to always be financially liable/responsible of all aspects of their neighbor's trees? The SC Fallen Tree Law overly protectives the tree owners, it is only one sided, and no justice for the victim(s) from the neighbors tree(s). Owners of trees need to be responsible for their own trees and what damages their trees will or might do to others at all times. It is their property, not the neighbors. It is their property that has trespassed and has done the

damages. Why would a neighbor take care of their trees when they know they won't be held financially responsible for them? They know it is too costly legally for the neighbor that does fall victim to their tree(s) and their negligence. Each of us needs to be responsible for our own property that includes our trees and the damages our properties cause to others. It should not be the next door neighbor's financial problem and liability for the neighbor's trees. I would say most homeowners in the State of South Carolina are not aware they will be financially liable for their next door neighbor's trees. Real Estate agents and mortgage banks need to be held responsible to inform and educate the home buyer of the SC Fallen Tree Law. A law like this causes major problems between neighbors. Any recommendation/advice will be most appreciated. Hopefully this law will be considered and amended in January 2017 Legislative year to be made fairer to all especially for the neighbor that falls victimized financially by their neighbor's trees. Looking forward to hearing from you soon. Thank you.

Ann Griggs
202 Ashley River Road
Myrtle Beach, SC 29588
843-650-9463

RE: Copy I sent by email October 21, 2016

Honorable Stephen Goldfinch and Honorable Russell Fry:

I did vote for and so thankful you are/will be in office. I have a question and if it is so I am financially victimized for my neighbor's pine tree due to Hurricane Matthew of how to have this "law" changed where it should be the neighbors financial responsible because it is their property. If it is the "Act of God" law, it most definitely does not favor/help/protect coastal residents that falls victimizes from the neighbor's property/properties called "trees" since our Windstorm deductibles are high for our area.

I live in The Lakes subdivision at 202 Ashley River Road. Our HOA has encouraged residents to cut down their pine trees and we do not have to ask the board permission to cut pine trees down. My neighbor was going to have their two pine trees close to my property line cut down couple of years ago because the trees have been leaning towards my property. It was going to cost them \$500.00 to do so and they decided not to. I have lived at The Lakes since 1991 and I have had abundance of my trees removed, especially pines, not only for my safety but also for my neighbors'.

One of their pines is in my backyard, is hanging about 15 feet above ground in one of their own trees, their pine tree has destroyed two of my trees that will need to be cut down now and until removed, I might have more damage to my other trees and sprinkler line. I am insured with Nationwide and my Windstorm deductible is 3% (\$6,615.00) of my dwelling. Recommendation from Nationwide today with such a high deductible for Wind, it is best for me to not file a claim, nothing would be paid plus it can up my premiums for filing.

So other words, will I be financially victimized due to the "Act of God" that protects the neighbor with trees that causes destruction and ends up on my property for expensive clean-up for me? A law like this causes neighbors to most definitely have harsh feelings towards each other and turn them into bad neighbors. No one should be financially responsible for others' property that causes damages. Any recommendation/advice will be most appreciated and changes to the "Act of God" law.

Thank you,

Ann Griggs

843-650-9463 or 843-446-1357; Annhgriggs@aol.com