

Ellis & Buckle

CHARTERED LOSS ADJUSTERS

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Our Ref : PFB/AH/01/51 4167

8th March 1988

Dear Sir,

Re: Subsidence Damage - Mrs Bennet
6 Wavel Mews, London NW6

We refer to previous correspondence and telephone conversations.

As you are aware we are dealing with this claim on behalf of the Eagle Star Insurance Company Ltd and during our enquiries we have ascertained from the trial hole excavation along the rear elevation that the tree roots that were discovered below the foundations belong to the Ash tree in your garden. As the subsoil consists of heavy shrinkable clay it is our opinion that owing to the close proximity of this tree the roots have affected the moisture content causing the soil to shrink and in turn affect the stability of the superstructure.

As this tree is your responsibility we consider there is a case to answer to seek recovery of repair costs from you for the damage caused to the above property. Normally liability for such costs are covered by your contents policy but we understand you do not possess any cover.

We have made Eagle Star aware of this and owing to the unusual circumstances they are prepared to consider the following compromise. If you confirm in writing that you will provide access for builders to carry out underpinning works from the rear of your garden via the side access passage then they will drop any recovery action against you.

We look forward to receiving your reply as soon as possible and if you wish to discuss the matter further would you please telephone our Mr P Boardley.

Yours faithfully
for ELLIS & BUCKLE

