

## **Defending the Construction Industry in Disputes**

Built on over 50 years of experience, Bovis, Kyle, Burch & Medlin, LLC provides strategic litigation services to businesses and building professionals throughout the Atlanta area and across the country. Our team represents property owners, developers, builders, subcontractors and suppliers in construction defect disputes. We also handle cases involving commercial general liability insurance claims. In addition, our lawyers offer consultation services related to surety and performance bonds.

Our attorneys have acquired extensive knowledge about the building industry and the Georgia statutes that govern this complex area of law. Our firm has earned a reputation as powerful negotiators in the construction, surety and insurance arenas since we first began offering mediation services in the 1980s.

We recently opened our Bovis Kyle mediation center in the Bovis, Kyle, Burch & Medlin, LLC law office. Our attorneys advise our clients when mediation is likely to reach a beneficial agreement. However, we pride ourselves on being our clients' trusted advocates at trial when litigation is the best course of action.

## **Common Claims Against Builders, SubContractors and Material Suppliers**

Construction law is unique in that a case typically involves multiple facets. Our attorneys meticulously review our client's case to raise all available defenses in litigation. Common issues include:

- **Georgia Right to Repair Act**

The law imposes duties on homeowners who claim a construction defect. The statute is intended to reduce litigation and expedite resolution of the problem in dispute. The legislation establishes steps that the homeowner and contractor must take to deal with an alleged construction defect, including notice requirements and time limitations on inspecting the premises, making an offer to repair, and refusing to repair the alleged defect. Only after following the procedures outlined in the statute can a property owner file a lawsuit. These provisions do not apply if the claim alleges personal injury or death resulted from the property defect.

- **Breach of Warranty**

Under Georgia laws, a builder provides a homebuyer with a warranty that typically covers workmanship and materials for a specific warranty period. In addition, contractors may assign warranty rights in large appliances to the homeowner. Our attorneys determine whether the matter falls outside the scope of the written warranty.

- **Breach of Contract** — Our lawyers raise a variety of defenses to a breach of contract claim. Primarily, if the contractor and material men fulfilled the terms of the contract, they are not responsible for problems to the property. For example, if the buyers were advised that cheaper paneling was likely to warp in hot temperatures, they would have a weak argument that the warped paneling should be replaced — especially if they contributed to the problem, such as by installing a radiator close to the damaged material.

Our firm also advises clients about avoiding disputes through risk management solutions and contract reviews.

### **Defend Your Building Business Against Construction Defect Claims**

You built a solid structure. Let Bovis, Kyle, Burch & Medlin, LLC build a strong case for you. Call our firm at (770) 391-9100 or contact us **online** to discuss defenses to a construction defect claim.