



The Post Recessionary Claims Environment

- Limitation
- *Nyekredit –v- Edward Erdman [1998].*
- Damage accrues when the benefits acquired become less than the debt.
- In most cases damage will not occur until default.
- Interest rates have played a role.
- *Tombs –v- Bridging Finance Limited*
- *Default renders a repayment covenant much less valuable.*

Third Party Reliance

- *Titan –v- Collier*
- Landmark case. Surveyor owes duty to SPV taking assignment of loan from original lender.
- *Hunt –v- Optima* - duty to individual purchasers.

Traffic Light Coding for Key Valuation Types

Airports	Green
Branded Hotels	Green
Car Parks	Green
Commercial Development Sites	Yellow
Data Centres	Green
Department Store	Green
Factory Outlets	Green
Forestry	Brown
Garden Centres	Green
Golf Course (No Hotel)	Red
Ground Remis Residential	Green
High Street Retail	Green
Marinas	Green
Nursing Homes	Red
Office	Green
Petrol Stations and Car Dealerships	Green
Residential Development Sites	Yellow
Retail Warehouse	Green
Retirement Homes	Red
Sale and Leaseback Properties	Red
Shopping Centre	Green
Sports Stadia	Green
Supermarkets	Green
Trading Chemists	Red
Trading Hotels	Yellow
Trading Night Clubs	Red
Trading Public House	Brown
Trading Restaurants	Red
Trading Serviced Offices	Green
Trading Ski Slopes	Red

Liability Caps

- RICS strongly urge use.
- Proportionate to fees.
- PI Limit.
- Purpose of Instruction.
- Value to be reported.

Net Contribution Clause

- Valuer liability to fair and reasonable proportion.
- Multi Party transactions.
- Important where insolvency issues arise.