

The Post Recessionary Claims Environment

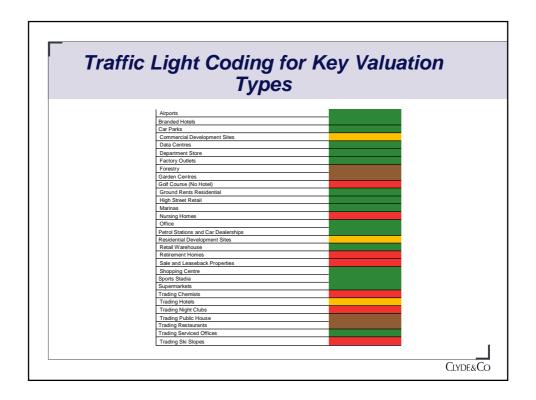
- Limitation
- Nyekredit –v- Edward Erdman [1998].
- Damage accrues when the benefits acquired become less than the debt.
- In most cases damage will not occur until default.
- Interest rates have played a role.
- Tombs -v- Bridging Finance Limited
- Default renders a repayment covenant much less valuable.

Clyde&Co

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.

CLYDE&CO



Liability Caps

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

Clyde&Co

Net Contribution Clause

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

Clyde&Co