

A Defect Attorney's Dream  
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**Subject Property:** 2800 square foot A-frame style residence, built in 2003, located in Big Bear, California, a mountain resort community located approximately 90 miles East of Los Angeles.

**Initial Complaint:** After taking possession of the property 3 weeks ago, the client was concerned about 2 obvious defects. The electric oven would take hours to heat and never reached temperature and the lights would dim when the air conditioning system was activated.

The property was over budget by \$100,000.00 and the builder released the property unfinished after 1 year in delays.

**Findings:**

The initial complaint regarding the oven was discovered to be due to the lack of a dedicated 220-volt circuit at the main circuit panel. The panel contained two 20-amp circuit breakers labeled for Kitchen application.

The complaint regarding the air conditioning system was determined to be due to an undersized circuit. The manufacture's label on the compressor called for a minimum 50-amp circuit and maximum 60-amp circuit. The air conditioning breaker at the main panel was 50-amp but the fuse disconnect located at the compressor was 45-amp.

In addition to these findings, the following was observed:

Evidence of water intrusion through the retaining wall surfaces was observed. The retaining walls were not provided with weep holes for drainage nor were evidence of a sub-surface drainage system observed.



Evidence of improper grading of the soil and inadequate drainage provisions around the perimeter of the structure was observed. Water accumulation and penetration into the basement was observed. Also, an unexplained water leak at the garage foundation was observed.



Evidence of holes and pockets at several locations in the concrete foundation surface was observed. This may have been due to improper, or a lack of, vibrating of the concrete in the forms during application.



The client reported that during a recent storm, lightning had struck the “lightning rod” located at the exterior of the structure below the dining room window. The result of this event was a cracked window in the dining room. Upon examination of the exterior, it was determined that the “lightning rod” was in fact a section of rebar, exposed 2-3 feet above the soil, used as the grounding rod for the electrical system.



An unexplained water leak at the garage foundation and a noticeable gap at the sill plate in the basement, with direct exposure to the exterior, were observed.



There were numerous other conditions noted at the exterior and interior. The client has decided to pursue legal action against the builder and the sub-contractors.