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Fire Cases Damages Recovery

What is Potential Damage Recovery?

The philosophy of California law is to put you who were harmed by another in as close a position as possible to where you were just before the fire. There are three general areas of recovery: property damage, business/employment loss, and personal loss.

Recovery for Property Damage – Intent to Rebuild

If you to rebuild your home and restore the property, the following are recoverable:

1. **Replacement cost of all structures.** The estimate of today's cost to rebuild will be provided by an established builder.
2. **Replacement cost of all personal property.** Personal property is simply all property not attached to the ground. Personal property would include home contents, vehicles, and the like. This estimate will be provided by personal property appraisers based on inventories provided by the owner of the property.
3. **Restoration of trees and landscape.** Since it is prohibitively expensive to replant a 100-year oak tree, the value of the loss of trees will be done by an accepted methodology to account for the age and size of the trees and provide for replanting of the same species of tree at a maximum reasonable size. A local landscaper will provide an estimate of the cost of replacing burned landscape, such as plants, ground cover, and irrigation.
4. **Replacement/repair of fencing, gates, and roads.**
5. **Fire debris removal and clean-up.**
6. **Loss of use.** The inability to use your property is called loss of use, which has an economic value recoverable in damages, usually associated with the rental value of the property.

Recovery for Property Damage – No Intent to Rebuild

If you do not intend to rebuild or replace damaged property, the measure of damages is the difference between the market value of the property the day before compared to the day after the fire. This measure is subject to greater advocacy needs than replacement cost because property values are subject to market fluctuations and varying appraiser opinions.

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Other Loss: *Everyone's property is different and unique, and there may be loss not covered by the general categories above. It is important to remember that the purpose of the law is to restore an individual to a state of being "whole." Your damages work-up should be conducted with this principle as your guiding framework.*

Recovery for Employment/Business Loss

Lost wages and lost profits from a business are recoverable so long as the loss was directly caused by the fire. To successfully claim such damages, it is essential to demonstrate a clear causal link between the fire and the financial losses incurred. This means providing evidence that the fire directly impacted the ability to earn wages or generate business profits. By establishing this connection, you can seek compensation to mitigate the financial impact of the fire on their livelihoods or business operations.

Recovery for Personal Loss

Depending on individual circumstances, personal loss is often more important to a person than property loss. Recoverable personal losses include:

1. **Death** of a loved one in a fire is an unfathomable loss, leaving a profound impact on the family and friends.
2. **Personal Injury** refers to physical harm caused by a fire, such as burns or smoke inhalation, for which you may be entitled to compensation.
3. **Mental Suffering.** From escaping the fire and the loss of property - home, sentimental and cherished items, and everything else of personal value.
4. **Economic value of time spent in fire recovery.** Recovering from fire can take a large amount of time and effort, which has economic value.
5. **Annoyance, disturbance, and emotional distress.** From the loss of and inability to use your property.
6. **Alternate Living Expenses.** Above and beyond the living expenses you would have spent before the fire incurred during the period of fire recovery.
7. **Loss of Animals and Pets.** The death or injury to animals and pets is tragic and has recoverable economic value.

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