

COMMUNITYNEWS

SENIOR LEGAL LINE

Note to seniors: Read written contracts carefully

A legal question and answer line for seniors.

Dear Senior Legal Line: Recently, I hired a construction company to do

work on my deck. They were supposed to build new railings and stairs. I paid them \$5,000 and the work was shoddy. When I

talked to them, they said they wouldn't fix it. Everything is falling apart. What can I do about this? I am frustrated! — June

Dear June, That is frustrating.

The first thing you would need to check is if you had a written contract with the construction company. Read it carefully. If you did, perhaps there is a warranty in the contract.

At any rate, if you had a written contract, you will want to have it as evidence if you want to sue the company.

If the construction company does not fix the work or does not pay you your money back, your recourse is to sue them. Generally, people sue others in conciliation court. Conciliation court is designed for non-attorneys. There is typically a fee to file a claim in conciliation court, but if you meet the eligibility requirements, you can file for a fee waiver called an In Forma Pauperis (IFP). If approved, the IFP waives the filing fee.

In conciliation court, you can sue for up to \$10,000. If your damages are more than \$10,000, you can sue in district court.

If you win a judgment against the construction company, that judgment is

good for 10 years.

After the initial 10 years are up, you can renew the judgment for another 10 years. Collecting on a judgment is often the hardest part. Two main methods to collect are to personally garnish the construction company's income or assets, or file a claim with the Minnesota Department of Labor's "Contractors Recovery Fund", assuming they were licensed by the department. The Department has papers that you have to file with the judgment before they will pay you money from the Fund.

Beware that the statute of limitations for suing a contractor that did work to improve real estate (e.g. your home) is only two years after the work was done or the problem was noticed.

In other words, once you discovered the problem with your deck, the clock starts ticking — you have two years to sue.

As with any dispute, it helps to talk to the contractor to see if they are willing to remedy the situation. Even though they initially

told you they were not going to fix the problem, they may change their mind if it avoids a complaint against them to the Department of Labor, a lawsuit, and a claim against them from the Department's Fund. But do not wait around to sue if the statutes of limitations are going to expire quickly.

If you miss the statute of limitations, you will likely lose your lawsuit and may have to pay the opposing party's attorney's fees and court costs.

This column is written by the Senior Citizens' Law Project. It is not meant to give complete answers to individual questions. If you are 60 years of age or older and live within the Minnesota Arrowhead Region, you may contact us with questions for legal help by calling 218-623-8100 and complete the intake process. Senior Citizens' Law Project, Legal Aid Service of Northeastern Minnesota, 302 Ordean Bldg., Duluth, MN 55802 To view previous articles, go to: www.lasnem.org.



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ROTARY GUEST



Stephanie Heinle, at left, was the guest of Rotarian Nancy Rognerud at a recent meeting of the International Falls Rotary Club. Heinle is the owner of the Coffee Landing Café and the Coffee Landing Roasting Company.

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