

Jury awards \$58 million to Mansfield couple in home builder lawsuit

Posted Wednesday, Mar. 03, 2010

By SANDRA BAKER

sabaker@star-telegram.com

A Mansfield couple's nearly decadelong legal battle with their home builder, Perry Homes, and a home warranty company took another step toward closure Monday when a Tarrant County jury awarded them \$58 million in damages.

But on Tuesday, Bob and Jane Cull say, they woke up like it was any other day.

Jane Cull went to her job at a hospital company, and Bob Cull, who is retired, said he started tending to some personal business that had been put off for several months as their case came to trial. They also realize that their lawsuit, which has been arbitrated, been appealed and twice gone to the Texas Supreme Court, still has some hurdles to clear before they see any money.

"Who knows?" Bob Cull said. "You certainly can't plan on it. We're hopeful."

Anthony Holm, a Perry Homes spokesman, in a statement called the verdict "jackpot justice" and an abuse of the legal system. Perry Homes offered to buy the home back at full price, he said.

The verdict, Holm said, "is equivalent to every single resident in Texas depositing \$2 into the lawyer's bank account."

Perry Homes may appeal the decision, he said.

Van Shaw, the couple's attorney, said justice was served.

"I thought it was a fair verdict," he said.

Bob Cull describes the couple's legal fight as an "odyssey."

The Culls filed suit in December 2000 in an attempt to get Perry Homes to fix structural and foundation problems that started shortly after they moved into their 2,900-square-foot, four-bedroom house near Walnut Creek Country Club in 1996.

The case became politically charged as it moved through the judicial process. Perry Homes is owned by Bob Perry, who has contributed heavily to judicial candidates and political action committees in Texas.

Warranty Underwriters Insurance Co. in Houston is also a defendant.

"It became more of a mission and less about the home," Cull said. "We're still in that battle."

Problems, then arbitration

The house, which the Culls bought for nearly \$234,000, is the only new home they have ever lived in. They bought it for their retirement, moving after 25 years from an 1,800-square-foot home in Arlington where they raised their three children.

The couple moved into the house in October 1996, and the problems became apparent by the next January. Cull said Tuesday that at the time, their Perry Homes representative said the house was just settling.

"We trusted him," Cull said.

The cracks, though, kept appearing in their walls, and doors and windows jammed shut. They also discovered that a drainpipe that was punctured during construction had soaked a kitchen wall, requiring them to move out for several months while mold was removed.

After initially filing their lawsuit in court, the couple in late 2001 asked a judge to instead submit their case to arbitration, which was done. Perry Homes appealed the switch, but lost. In 2002, an arbitrator awarded the couple \$800,255.

Perry Homes appealed the award to the Texas Supreme Court. In 2008, the court vacated that award in a 5-4 decision, citing legal issues with the way the case was switched from the courts to arbitration, and sent it back to the trial court.

Source: Star-Telegram.com