

NEWS

# Winter Haven family's picture-perfect house turns into nightmare

*Mold. Vast structural defects. Home's flaws devastate family*

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WINTER HAVEN - Nestled among magnolia trees, the stately traditional home at Cypresswood Golf and Country Club appears to be a safe haven of tranquility with plenty of room for children to play under the watchful eyes of their parents.

But beneath the picture-perfect facade lies shifting walls, a crumbling foundation and black mold, bringing sickness and heartache to Joe and Daphne Garrison and their children, who purchased the house - and called it their "dream house" - nearly four years ago.

## American dream turns nightmare

One warm April evening in 2008, Joe Garrison was relaxing and watching television in the family room when he heard a long, loud cracking sound. What he didn't realize as he jumped from his easy chair was that the house was groaning, slowly giving way to the wood rot spreading throughout the structure.

The family room dropped 18 inches. While the home had required what seemed like an extraordinary amount of repairs since the family moved in, the nightmare had just begun.

Since purchasing their home for \$386,000 in 2006, the Garrisons have spent more than \$50,000 in an attempt to fix at least 27 problems, ranging from holes in the garage foundation and beside the fireplace in the attic to rotten soft wood under the kitchen sink and cracked floor supports. The house is filled with mold and mildew, stemming from improper ventilation under the home.

Contractors hired to make repairs found daunting problems with the house - missing crawl space vent covers, torn air ducts under the home, doors that don't open and shut properly, and air conditioner duct work not up to code. The family has grown accustomed to squeaks and crashes as mirrors fall off walls, sinks separate from walls and water stains mysteriously appear on ceilings and walls.

Now the Garrisons not only find themselves owing more on their home than it is worth, they must find a way to pay the estimated \$150,000 it will take to shore up the home's foundation.

"We now know the house was not built properly: There are issues with the structure, (the) wrong type of wood and too short of spans, the wrong type of pipe for the gas line, the air conditioner ducts are sitting on the ground, and so on," Daphne Garrison explained.

"We never would have purchased the home if we knew it had structural damage," she said.

## Where to turn?

The Garrisons are seeking an answer to the question of just who is responsible for the situation they find themselves in.

They worked hard over the years to purchase their dream home. The couple jointly owns Garrison Property Services, Garrison Sod and Garrison Land. Joe Garrison also serves as the volunteer assistant fire chief for Dundee Fire Rescue. Daphne Garrison is a multicultural markets specialist for State Farm Insurance and also runs, out of her home, Helping Hands Angels, a nonprofit organization serving families in need since 2006.

State Farm insures the home. However, according to Daphne Garrison, the policy covers only "sudden and accidental loss," such as damage from fire, hurricanes and tornadoes.

"This has been going on for years," Daphne Garrison said. "It isn't sudden or accidental. The home was not built to code but yet passed inspections."

The Garrisons maintain that, as buyers, they did everything one is supposed to do when purchasing a home, including having it inspected, which was done by Chuck Partlow of Lake Wales-based Polk Building Inspectors, and having it WDO (wood destroying organism) certified, completed by All-Kill Pest Control in Lakeland.

"Had the inspector or the pest control companies done their job and found the fungus, we never would have bought the house," Daphne Garrison said.

But Lance Horton, who has owned All-Kill Pest Control since 1998, maintains his company is not at fault.

"My company didn't do anything wrong. We followed state guidelines. It's not our job to find mold. I'm not licensed to do mold inspections," he said. "We were not found at fault by the state."

Horton said the pest control industry is regulated by the Florida Department of Agriculture, which dictates the information required on a pest-control inspection form.

The Garrisons contacted the Department of Agriculture twice in 2009 to lodge a complaint about the inspection made by All-Kill Pest Control, which disclosed in the inspection report that inspector Richard Connell did not inspect the attic, tub traps and floorings and documented the reasoning.

A letter from Michael J. Page, chief of the Bureau of Entomology and Pest Control, stated that the bureau "has determined that there is insufficient evidence to support a specific violation" to Florida statutes.

The letter was written after state inspector Judy Harper inspected the crawl space under the home.

"She observed that the condition of the area may not have been the same as when Mr. Connell of All Kill Pest Control of Lakeland, Florida, inspected it on April 20, 2006. The inspector did not find any evidence of wood decay fungi or other damaged wood. She reported the air conditioner was located in the crawl area along with duct piping, that there was no ventilation system," Page wrote.

In October, the Garrisons hired Applied Forensic Engineering to inspect the home and provide a report. This report not only documents the presence of wood rot but the fact that it had been accumulating since before the Garrisons purchased the home.

"Since the three severe areas of deterioration we found were located in the central section of the residence, well away from the exterior walls, and there were not other sources of water except for condensation, it is our opinion that WRB decay progressed at a slow rate and these areas have been under attack for well over five years," the report states.

Daphne Garrison said she contacted Partlow, who inspected the building before the Garrisons purchased it, after the family room fell.

"He told us he would get someone he knew to repair it. After a year of calls and letters, we finally heard from his attorney. He would not be helping us," she explained.

The Garrisons received a letter from Partlow's lawyer, S. Braxton Wiggs of Gray Robinson Attorneys at Law, faxed June 4, 2009, in response to their request for information about insurance carried by Polk Building Inspections.

"Please be advised there was and is no such policy," Wiggs wrote in what was the last correspondence received on Partlow's behalf.

Partlow could not be reached for comment.

Mike Woodard, of Amerispect Home Inspection Service, said he spends much of his time during home inspections searching for moisture.

"It is not the job of the home inspector to report on mold or fungus, sort of," he said. "Mold is a symptom of the real problem: moisture.

"Signs and symptoms of a moisture-related problem can be very small, such as a stain, or very large such as damage or mold growth," Woodard said.

Woodard said home inspectors must find a delicate balance in reporting moisture-related situations without launching a Realtor, buyer or seller into a mold-induced panic.

"Being a home inspector is not what most people think. You must be part general contractor, public relations officer and lawyer during every conversation and report," he said.

Seeking answers and documentation of the home's wood rot and structural damage, the Garrisons contacted the county to have the house inspected, condemned and torn down. They had hoped this would prevent another family from purchasing the house and facing the same ordeal.

While the county didn't condemn the house, the inspector did give it a "failed" status.

"The floor system has severe problems caused by mold and dry rot. Temporary jacks have been installed under the floor beams. There is no immediate danger, but for a permanent solution it needs an engineering evaluation and analysis and site specific plans," the report states.

Although county inspectors found issues with the home, none of them were life threatening and condemning the house is not appropriate, said Jim Legge, the county's building official.

"It's up to the owners to fix it," he said.

However, because the county conducted both home and health inspections, reports generated will now be on file and available for those considering purchasing the home in the future.

"If anyone does a title search, they will know there are repairs that need to be done," Legge said.

At this point, Legge said, the county has done all it can do.

"So, whoever buys it, it will be 'buyer beware,'" Legge said.

### **Woodard's warning**

The Garrisons hope their story will prevent others from suffering the same fate. Woodard and Legge said home buyers should exercise caution when choosing home inspectors and not expect inspection reports to prevent future problems with the house.

Currently, home inspection businesses are not regulated. But this is about to change.

"For years, it's been kind of shady in Florida. Anybody can go down and get an occupational license," Woodard said. "This year (2009, the state Legislature) passed a bill in July. It is now becoming a regulated industry. They are in the process of deciding what classes people need (to take to become licensed)," he said.

But hiring a competent inspector can be daunting.

"There's nothing out there to guarantee who you hire," Woodard said, adding that 90 percent of his business comes from Realtor referral and word of mouth.

He doesn't recommend choosing an inspector from the phone book or hiring a friend of a friend who once worked in construction. He suggests gathering recommendations from experienced Realtors with a proven track record and individuals who have used home inspectors.

Woodard also cautions home buyers to be realistic about what home inspectors provide.

"In most cases, home buyers lean way too heavily on the home inspector," he said. "That being said, a home inspector should be held accountable if it can be proven that visible signs of damage or a deficiency were missed during the course of an inspection."

Woodard said that while most problems with homes are obvious, one should not rule out the possibility of a homeowner or Realtor intentionally hiding or not disclosing a problem.

"The seller is ultimately responsible for full disclosure. Sellers know way more than they let on. To fall back on a home inspector who may have spent the better part of three hours inspecting and one hour writing a report for the small wage of \$300 seems very harsh," he added.

And while Woodard said he isn't making a statement about home inspectors and Realtors involved in the Garrison's situation, he did make two observations.

First, he was surprised to discover a wood-frame home was built in an area as low and wet as Cypresswood. But he believes "somebody dropped the ball."

"There are definitely building issues going on here, a whole list of failures and not just the home inspector," said Woodard, who indicated he would have crawled under the Garrison home while inspecting it.

Woodard described the home as having "unusual construction configuration," which he would have noted on his home inspection form.

And while it is not his job to make suggestions as would an engineer, Woodard said he would have noted joint sags and separations.

"Clearly, there should have been some comments that these should have been looked at by somebody else," Woodard said.

Joe Garrison offers a bit of advice of his own to home buyers.

"I want to warn people to get a licensed contractor to do a proper inspection," he said. "And make sure they have a general liability insurance policy."

### **The dream home's future**

The Garrisons' dilemma is a complex one. They can't afford to make necessary repairs on the home because they not only use their savings on its purchase but took out two lines of credits to fund repairs they've already made.

"We cannot afford to fix all of the damage; it is more than the value of the home. We are unable to get any more loans. We will have to lose everything financially and walk away from our home even though we didn't do anything wrong," Daphne Garrison said. "We hired an inspector, we paid for a WDO inspection, we trusted when the house was built and the county inspected it, that it was built properly."

But walking away isn't easy. While they've found good deals on a few homes to buy, their credit score prevents them from obtaining financing. Locating a rental home large enough for their family of five has been fruitless.

After approaching several lawyers in hopes of finding a solution to the problem, they retained Doug Lockwood, an attorney with Peterson Myers in Winter Haven. He took the case because the Garrisons, he said, have few options left.

"Nobody did their job and the Garrisons were left holding the bag," Lockwood said.

Lockwood said issues with houses typically deal with a septic tank or water heater but are rarely as complex as those experienced by the Garrisons.

"There are huge problems with the infrastructure of this house," he said. "I think there are some legally responsible parties."

Lockwood didn't specify his plans for seeking relief for the Garrisons, but he reiterated the importance of the home not being built to code in the first place, questioned how it passed its first inspection after it was built, noted it was resold twice without disclosure of existing structural issues, and wondered how a company can do business without liability insurance.

"There's no upside to this," Lockwood said.

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