

Table of Contents

About the Authors	vii
Acknowledgments	ix
Foreword	xi
Introduction	xiii

PART I Key Tools For Managing the Risk of Appraisal-Related Claims

Chapter 1	What “Mistakes” Lead to Lawsuits Against Appraisers?	3
Chapter 2	Key Elements of the Most Common Legal Claims	7
Chapter 3	Two USPAP Concepts That Provide Effective Tools for Managing Your Liability Risk	17
Chapter 4	Use Plain English and Photos to Make Effective Disclosures.	29
Chapter 5	Where Is the List of Limiting Conditions?	33
Chapter 6	A Good Workfile: One of Your Best Defense Tools <i>Contributed by Claudia L. Gaglione, Esq.</i>	37
Chapter 7	Statutes of Limitations—How Long to Keep Your Workfile	43
Chapter 8	Engagement Agreements and Appraisal Terms and Conditions	51
Chapter 9	Handling a Legal Threat or Claim Situation <i>Contributed by Claudia L. Gaglione, Esq.</i>	69
Chapter 10	Appraising Your Clients and Assignments for Risk	79

PART II	Managing the Risk of Specific Assignments and Situations	
Chapter 11	Residential Lending Appraisals	85
Chapter 12	Commercial Lending Appraisals	99
Chapter 13	Construction Progress Reports <i>Contributed by Claudia L. Gaglione, Esq.</i>	111
Chapter 14	Appraisal Review	117
Chapter 15	Expert Witness Services	127
Chapter 16	Serving as an Arbitrator	141
Chapter 17	Conservation Easement Appraisals for Tax Purposes	147
Chapter 18	Appraising After a Natural Disaster	153
Chapter 19	Hybrid Appraisal Assignments	157
Chapter 20	Special Legal Situations: Subpoenas, Confidentiality, and Suing Your Client for Unpaid Fees	161
Chapter 21	Professional Liability Insurance.	167
PART III	Additional Liability Considerations for Appraisal Firms	
Chapter 22	Personal Liability and Choosing a Business Entity Form	175
Chapter 23	Protecting Appraisal Firm Data and Proprietary Information in the Context of Employment Relationships	181
Chapter 24	Non-Compete Agreements Between Appraisal Firms and Employee Appraisers	187
Chapter 25	Classification of “Staff” Appraisers as Independent Contractors.	193
Chapter 26	Must Employee-Appraisers Be Paid Overtime and Can They Properly Be Classified as Exempt Employees?	201
Chapter 27	Problems Involving Informal Firm Affiliations	205
Chapter 28	Overview of Appraisal Management Company Liability	209
	Conclusion	213
Appendix A	Statutes of Limitations for Negligence Claims Against Real Estate Appraisers	215
Appendix B	Sample Engagement Agreement Letter for Litigation Consulting and Potential Expert Testimony	219
Appendix C	Sample Appraisal Services Agreement and Sample Terms and Conditions	223