

# STUDY:

## Seller Saved by Home Inspector's Eye for Detail

### THE TAKEAWAY

Even though a seller may not disclose a defect, if the home inspector finds it and it's in the inspection report, the seller is absolved from any liability.

### Just The Facts

A home inspector recently asked me the question, "If the seller does not disclose a defect that the home inspector finds does that relieve the seller from liability for not disclosing the defect?"

Of course it would. You can't claim that the seller deprived you of knowledge that you already possessed.

Let's look at this example from another angle to illustrate the point.

### Example from the Field

Apparently the inspector's friend had a home inspection performed but — **whiplash alert!** — his friend did NOT read the inspection report. And he was shocked, shocked I tell you, to discover upon taking possession of the property that there was a pretty glaring crack in the granite countertop, which had been described in some considerable detail in the unread inspection report.

Let's take it a step further. Suppose that the inspector failed to discover some other defect that ended up costing his client a lot of money to correct. Would the inspector be liable for that loss?

No.

Why? Because the client did not read the report. Even if the inspector had not failed to discover the defect and reported it in detail, it would not have deterred the client from purchasing the property, essentially as is, because he did not read the report. You cannot claim to have been deprived of knowledge that you made no effort to acquire.

### Your Professional Advocate

So, as a possible homeowner, read the inspection report. Plus, this is just another example of a home inspector's detailed inspection report saving somebody ... if not them, then the seller, even though he or she didn't disclose a defect.

It's an interesting case study that highlights the importance of an inspection report from all angles. Write it, read it, save it as an important part of evidence if a claim like this comes about.

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