

Legal Tracks

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A Publication of Hill, Peterson, Carper, Bee & Deitzler, PLLC

Cold Weather Tragedies

Every winter, defective or poorly maintained space heaters or other heat sources ignite deadly house fires. As attorneys, we are called upon to pursue compensation on behalf of families who suffer tragic fire losses. Through the court system we can often cause responsible parties to help pay for the loss.



Although prevention of fire would be the ideal solution, our experience reveals that such prevention is never 100% effective. As winter approaches, ***be sure that there is a functioning smoke detector in each sleeping area of the home.*** Most people are overcome by smoke inhalation long before actual burn exposure would have become an issue.

If you are a renter, insist on necessary maintenance, replacement, or repairs. Landlords often do not check the batteries or operation of smoke detectors. Sometimes landlords provide less than optimal maintenance on heaters, or worse yet, knowingly leave dangerous systems in place.



Although attorneys can bring a lawsuit against the landlord after the fire, many injuries, deaths, and other losses would be avoided if heating systems were examined before the fire ever occurred. Usually

there is someone in any family who has at least rudimentary knowledge of such systems. At a minimum, have that person check out systems before the winter weather arrives.

Unfortunately, we cannot heal the scars or bring back the lost loved one. Instead, the best we can do for others is to seek fair compensation for those who are harmed and tell people about the lessons that we have learned from helping those wonderful families. Please do not hesitate to share our cold weather concerns with friends or family who may be at risk as winter approaches, or call us if we can assist you after a loss has occurred.

Home Mortgage Ripoff Times Aren't Tough Enough Already?

Did you recently refinance your home or acquire a second mortgage that has become your primary home loan? In that process, someone may have "forgotten" to give you back unused credit life insurance money. That money is the credit to which you were entitled as refund of the unused credit life insurance premium that was included in the closing cost that you were charged at the time of your initial loan.

If your first loan is paid off in a loan conversion process, ***the unused portion of the life insurance premium should have been paid back to you.*** The unused premium is the cost of life insurance that would have covered the balance due on the loan during the years that no longer apply. Sometimes the refund amount can be several thousand dollars per customer. If an unscrupulous lender is ignoring refunds with most or all loans, the combined impact can amount to millions of dollars of profit, essentially stolen at the expense of families who need home loans.

Often the typical homeowner is not aware that he paid for the coverage, or that any refund is due. If mortgage insurance was included on your first loan, but no premium refund is reflected in your re-finance package, you may rightfully suspect that your refund was intentionally "overlooked". In that situation, our lawyers may be able to help you and hold the dishonest lender accountable. After reviewing your loan documents, if you see credit life insurance on your first loan and no mention of a refund when the second loan is acquired, please do not hesitate to call for our free consultation.



The Great Pretender

A friend recently called me to discuss a problem that she was having with her computer. She explained that "Windows Anti-Virus 2008" had reported that she had hundreds of viruses and recommended that she pay \$29.95 to download the "full version" of software which would remove the infections. After paying the funds and downloading the software, my friend's computer continued to have problems. Unfortunately, she had fallen victim to a new internet scheme called "Scareware". Scareware exploits the user's fear of on-line security threats by "pretending" to protect or clean the victim's computer. According to the Federal Trade Commission, some telltale signs to watch out for are:

- **Ads that promise to delete viruses or spyware, protect privacy, improve computer function, remove harmful files or clean your registry.**
- **Alerts about malicious software or illegal pornography on your computer.**
- **Invitations to download "free" software for a security scan or to improve your system.**
- **Pop-ups that claim your security software is out of date and your computer is in immediate danger.**
- **Websites that claim to have performed a security scan and prompt you to download new software.**

Scareware is a well organized and profitable scheme designed to steal your money. The best precaution that you can take is to have legitimate anti-virus/anti-spyware software installed on your computer. Keep it up to date. If you have already fallen prey to an apparent false security scheme, cancel the credit card that was used for the purchase. Have your computer checked and cleaned by a professional with experience in removing virus and spyware threats. Report on-line fraud at <http://www.ftc.gov> or call 1-877-FTC-HELP. Remember, when it comes to computer security, **if in doubt, do not buy.**

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Hill, Peterson, Carper, Bee & Deitzler 2nd Annual Food and Clothing Drive



Once again, we are accepting donations for our 2nd annual food and clothing drive coordinated by HPCB&D staff members Pam Clark, Amy Foster and Cindy Quillen. Their efforts last year produced 70 large containers of clothing and coats, 30 parcels of food and \$1,100 in cash. The items were delivered to the Charleston Sojourners Shelter and the Children's Home Society.

The YWCA Sojourners Shelter provides a 75-bed emergency shelter and supportive services to homeless single women, women with children, men with custody of their children and intact families. The Children's Home Society operates nine shelters providing short-term and emergency care for youth in crisis. Especially in these uncertain economic times, we encourage our readers to donate their time and resources to these and other worthy causes. Donations may be brought to the firm or made directly to:

Children's Home Society of West Virginia
P.O. Box 2942
1422 Kanawha Boulevard, East
Charleston, WV 25330
(304) 346-0795

Sojourners YWCA of Charleston
1114 Quarrier Street
Charleston, WV 25301
(304) 340-35941
info@ywcacharleston.org

**We represent persons who are injured due to the wrongful conduct of another.
Our practice continues to grow by referrals from our clients and friends.
Thank you for recommending us.**