

FILING A CLAIM AGAINST THE CITY OF CULLMAN

Under Alabama law, any person who intends to file a claim against a municipality is required to file a sworn statement of the facts giving rise to the claim. For the City of Cullman, the Department of Administration has been designated as the proper department in which to file such claims. In the claims process there are certain responsibilities the City has. Although the process is not complicated, it is important for you to follow the correct procedure in order to assist the City in taking the proper action.

The Department of Administration does not represent your interests and is prohibited by law from give you legal advice. Claims must be paid with moneys obtained from the taxpayers of the City, and only in cases where the Department of Administration feels it is in the best interest of the City and taxpayers as a whole will a claim be recommended for payment.

Once you file a claim, the Department or Risk Management promptly begins an investigation, regardless of how large or small the claim is. We gather as much factual information as we can and then apply Alabama law, regarding municipal liability, considering all available defenses to such a claim. It is only in cases where our investigation reveals clear liability, with no available defenses, that we recommend that your claim be paid. *An investigation typically takes about two weeks, but may take longer, depending on the circumstances.*

Your responsibilities as the Claimant

The written statement of claim must be signed and sworn to by the owner of any damaged property, or in cases of personal injury, by the injured person (or parent/legal guardian if the injured person is a minor.) Claim forms are available on the City's website or in the Department of Administration in City Hall. A notary public is available in City Hall as well. (This requires an in-person visit and official picture ID.)

Tort claims must be filed with the City Clerk within six months of the occurrence giving rise to the claim, or else it is barred by law. The law puts the burden on you as the claimant to supply all factual information necessary to support your claim. Consequently, when you file a claim, you should state specifically all facts known to you which may affect the City's liability. If property is a total loss, then that fact must be proven, and the cost of replacement documented.

You should also include the names, addresses, and telephone numbers of any witnesses, any available photographs, any cost estimates, any applicable medical records/bills, and any other documents or information that you believe shows the City is responsible, or that shows how much damage you received. If all this information is not available at the time you file your claim, it should be obtained and given to the Department of Risk Management within one week of the filing of the claim. Any new information you learn that may be important in evaluating your claim must be conveyed to the Department of Risk Management as soon as possible. Otherwise, there is a chance that important information will not be considered.

It is important that you understand that the City generally does NOT arrange for repairs of damaged property, or for the provision of medical services or rental vehicles. If the City agrees to pay your claim, we will pay the appropriate costs to you. You would independently need to take the steps you deem proper to obtain the services to repair or replace any damaged property or receive any medical services.

If Your Claim is Paid

If the Department of Risk Management's investigation shows that the City is liable, then a recommendation to pay the claim is made. Some claims are paid directly by the City, and some are paid by the City's insurance company. If the claim is going to be paid, you will be notified, usually by mail, and given instructions of how to obtain your check. When the check is delivered, you will usually be required to sign a release of liability. This is a legal document wherein you acknowledge that the payment by the City constitutes full and final payment of the claim, and that no further payments will be made to you on that claim.

If Your Claim is Denied

If your claim is denied, you will be sent a formal letter stating that fact. At that stage of the process, your claim will have been carefully reviewed by our staff and will not be reconsidered unless new information becomes available that we were not aware of before the decision was made. If your claim is denied, it becomes your option, whether to file a lawsuit, contact an attorney, or take other appropriate legal action. It is your responsibility to know and protect your legal rights.

CHECK ONE:

_____ I HAVE INSURANCE THAT COVERS MY LOSS AND WILL BE FILING A CLAIM.

NAME AND PHONE OF REPRESENTATIVE: _____

_____ I EITHER HAVE NO SUCH INSURANCE OR ELSE WILL NOT BE FILING A CLAIM WITH MY INSURANCE COMPANY, NOW OR IN THE FUTURE.

I OWN THE FOLLOWING PROPERTY WHICH WAS THEREBY DAMAGED IN THE AMOUNTS INDICATED (FOR MOTOR VEHICLES INCLUDE YEAR, MAKE, AND MODEL, AND VIN):

TOTAL AMOUNT OF PROPERTY DAMAGE: \$ _____

PLEASE FURNISH ESTIMATES/RECEIPTS OR OTHER DOCUMENTATION OF CHARGES.

DID YOU RECEIVE ANY PERSONAL INJURY? _____ YES _____ NO

IF YES, DESCRIBE AND LIST ANY TREATMENT RECEIVED: _____

TOTAL AMOUNT PERSONAL INJURY(IES): \$ _____

NOTE: PLEASE DOCUMENT AMOUNT CLAIM BY FURNISHING COPY OF BILLS, Rx's, ETC.

TOTAL AMOUNT OF CLAIM (PERSONAL & PROPERTY): \$ _____

SIGNATURE
(TO BE SIGNED IN PRESENCE OF NOTARY)

State of Alabama
Cullman County

I, _____, a Notary Public in and for the State at Large, hereby certify that _____, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, in his capacity as such, executed the same voluntarily on the day the same bears date.

Given under my hand this _____ day of _____, 20__.

NOTARY PUBLIC