



Damage Appraisals and Court Appraisals

The common German certification of appointments by the individual chambers of industry and commerce, for example, as a publicly appointed and duly sworn in expert for wind energy converters certifies the thus distinguished person special experience and outstanding expertise in this field. The sworn expert **Veltrup** is publicly appointed and sworn in appraisers for wind energy converter technology. Next to his activities as private appraisers he is often called by courts and insurance companies in order to make appraisals in the case of a damage claim or legal dispute.

Damage Appraisals

Insurance companies require a damage appraisal in the majority of cases. For the insurance companies it is essential to provide adequate compensation in the case of damage. In the case of a damage claim the appointed appraiser is required, so that he/she can give an expert and correct clarification of the facts in the case and to bring about an objective assessment of the matter. The appointed appraiser is, as a rule, commissioned from the insurance company, and the appraiser must take into account the actuarial basis in his/her appraisal.

The duties of the appointed appraiser consist in the:

- ascertainment of the extent of damages,
- inspection/investigation of the cause of damage,
- determination of the possibilities of restoration,
- ascertainment and investigation of the repair costs,
- determination of the appreciation of value after repairs and
- ascertainment of the current value of the damaged components (as the case may be).

The **extent of the work** is very different from claim to claim and goes from gearbox damage arising from lightning damage on a rotor blade to a case of average, in which the entire nacelle is burnt out. For the clarification of questions in special cases as in those of fire, the adequate experts are called in. For the investigation of damage causes and of materials testing like, for example, a broken gear-tooth in the gearbox, testing laboratories or institutes are consulted; these have at their disposal the respective special installations (scanning electron microscopy, materials testing apparatus, etc.) and the adequate testing systems.

Results

The insurer/client receives an appraisal, in which the extent of the damage is photographically documented and described; the cause of the damage is clarified as far as is possible; all necessary measures for the case in question are presented; and the individually commissioned tasks are complete and answered.

Court Appraisals

Of special importance in court appraisals are a careful clarification of the facts of the case and an objective assessment, as these have a direct influence on the judge and his/her decision in a legal dispute between two parties with conflicting interests. Therefore, the judge normally calls upon the expert assistance of the publicly appointed and duly sworn in appraiser for help.



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Duty

In most cases of legal disputes in court there is a hearing of the evidence. In an evidence ruling the judge presents his/her questions to the appointed appraiser.

The duties of the appointed appraiser can vary to a great extent. The questions may refer, for example, to: defects and damages to WECs in relation to the warranty; points of controversy with an inadequate yield or, as the case may be, a deficiency in proceeds of an entire wind farm; or also the already mentioned tasks of an appointed appraiser.

Scope and Procedure

It is especially important in any appraisal to adhere to a structured sequence with the procedure and revision of the following points:

- ascertainment of the facts – investigation and inspection of the named defects and damages,
- assessment of the expense for the removal of defects or damages,
- naming of the costs and, as the case may be, of a depreciation of the value and
- overall assessment of the consequences.

In case of need, the consultation of specialists can also be called upon here: experts with special knowledge; testing laboratories for materials testing and institutes with the possibility of applying the adequate testing methods.

One must take care that in the context of the activities as an appointed appraiser at court, that the appraiser does not allow him-/herself at any point in time to come under the suspicion of a lack of impartiality and that the appraiser always takes a neutral position to both parties.

As a result the court receives an appraisal, in which the questions are answered to the best of the appraiser's knowledge and belief, all required measures are stipulated and the necessary assessment ensued.



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