

## Buyer claws back deposit from builder

By: Bill Cresenzo ◉ April 17, 2019

A couple who put down a \$46,000 deposit for an unbuilt house based on a model home got their deposit back after claiming that the builder tried to charge them for items that were already included in the contract and overcharge them for upgrades, the couple's attorney reports.

In February 2018, Robert and Lisa Squatriglia signed a contract to buy a \$900,000 home in a Davidson subdivision from Peachtree Residential, said Adam Hocutt, an attorney with Dozier Miller Law Group in Charlotte. The home was patterned after a model home that they had toured in a nearby neighborhood. Representatives of Peachtree told them that the price included \$40,000 worth of upgrades that were not in the model home.

"My clients were thrilled: 'This home is our dream home, and we can build our dream home in our dream neighborhood,'" Hocutt said.

In the ensuing weeks, however, they claim that Peachtree wanted to charge them for items and features that were in the model home, and those charges were typically almost twice that what other vendors would charge, Hocutt said.

The couple told Peachtree they wanted out of the contract and their deposit back. Peachtree agreed to release them from the contract, but would not return their deposit. The case went into arbitration and attorney Jason James ordered Peachtree to refund the deposit, plus \$500.

Peachtree's president admitted the company had made some mistakes in the process and needed to do better, but maintained Peachtree should be entitled to keep the deposit since the Squatiglias canceled the contract, Hocutt said.

"The lesson this taught me you can get a deposit back if you can prove the builder breached their contractual duties or didn't act in good faith," Hocutt said.

Shawn Copeland of Copeland Richards in Davidson represented Peachtree. He declined to comment.

### SETTLEMENT REPORT — REAL PROPERTY

**Amount:** \$47,000

**Injuries alleged:** Breach of contract

**Case name:** *Robert and Lisa Squatriglia v. Peachtree Residential LLC*

**Arbitrator:** Jason James

**Date settlement:** Feb. 12

**Highest offer:** \$15,000

**Attorney for plaintiff:** Adam Hocutt of Dozier Miller Law Group in Charlotte

**Attorney for defendant:** Shawn Copeland of Copeland Richards in Davidson

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