

LIMITATION PERIOD FOR UNDER CAP CLAIMS

[Address]
[Date]

General Manager
[Insurer]

By email: [email address]

Dear Sir/Madam

[ADDRESS/EQC CLAIM NOS/INSURANCE POLICY NO]

Limitation Period for earthquake damage claims

We own the property at [address] which suffered earthquake damage during the Canterbury earthquakes from 4 September 2010. We have submitted a claim(s) to EQC for the earthquake damage and that claim is still being processed. We expect that the claim will be over cap as there is reasonably extensive earthquake damage.

We understand that once EQC decides the claim is over cap, it will be referred to you as our insurer at the time of the earthquake damage.

We also understand that you are a member of the Insurance Council of New Zealand ("**ICNZ**") and that you agreed to ICNZ's announcement on 18 December 2015 that:

"[You] have agreed not to plead a defence under the Limitation Act 1950 or Limitation Act 2010 for any residential claim relating to the Canterbury Earthquakes where proceedings are filed in the Courts before 4 September 2017.

We have seen Tower Insurance's position that in addition to the ICNZ agreement, Tower considers that the six year limitation period begins from the time a claim is settled or rejected, rather than from the date of the original earthquake.

We are doing everything we can to have our claim(s) resolved as soon as possible. However, given the history of EQC's management of our claim(s), we are concerned that it may not be resolved by 4 September 2017.

While we do not necessarily accept that the limitation period for our claim(s) will expire on 4 September 2017, we are concerned that you may consider that it does expire then, and that you may rely on it as a defence to any claim we may be required to bring. Therefore, please confirm whether you:

- (a) agree with Tower Insurance's position, in which case the limitation period for our claim(s) has not begun; or
- (b) if you do not agree to Tower Insurance's position, if you agree to extend the ICNZ limitation period date to 12 months after the date we receive notification from EQC that our claim(s) has gone over cap.

Please respond within 14 days.

Yours