

Water Intrusion/Flooding: Property Owner Files Action Alleging Breach of Contract in Garland County, Arkansas, Circuit Court



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Steve Fletcher and Valerie Fletcher (collectively, “Fletcher”) filed a Complaint against Joel C. Walker, Individually and as the Trustee of the Joel C. Walker Trust and the Joel C. Walker Trust (collectively, “Walker”) in Garland County, Arkansas, Circuit Court in regards to the purchase of a residential property (“Property”).

The Complaint alleges breach of contract and fraud in regards to what it describes as water intrusion and flooding at the Property.

Fletcher alleges that they entered into a residential real estate contract (“Contract”) with Walker on March 20th pursuant to which they bought the Property. Walker is stated to have provided to Fletcher a Seller Property Disclosure (“Disclosure Form”) in which there was an obligation to disclose all known conditions affecting the Property. It is also stated that the Disclosure Form was required to be true and correct to the best of the Seller’s knowledge.

Fletcher alleges the following:

- That the information in the Disclosure Form was not true and correct
- Walker knew the information was not true and correct
- Walker failed to supplement answers as required

This statement is based on Fletcher’s allegation that they have experienced at the Property:

- Continuous flooding
- Water intrusion
- Bat infestation

Walker is alleged to have failed to disclose these conditions. The Disclosure Form is stated to have asked Walker:

. . . to your knowledge, has there been any flooding, drainage, grading problems, or has water ever stood on the Property or any improvement constructed thereon. . .

Walker is stated to have answered no.

A similar allegation is made in regards to whether there had been any past or present water intrusion.

The Complaint alleges facts that Fletcher believes indicate Walker had knowledge of the flooding and water intrusion at the Property.

Fletcher alleges that to address the previously referenced problems will require:

- Installation of a new drainage system and sealant around the exterior of the Property (i.e., house)
- Removal and replacement of the porch and all surrounding wall ways

The Complaint alleges two counts:

- Breach of contract
- Fraud

A copy of the Complaint can be downloaded [here](#).