

**LANDSCAPE CONTRACTORS BOARD (LCB)  
STATEMENT OF CLAIM FORM  
OWNER OR PRIME/SUBCONTRACTOR**



**INSTRUCTIONS FOR COMPLETION  
OF THE STATEMENT OF CLAIM FORM**

1. **Claims may only be filed up to one year** after the date the work was substantially completed, excluding warranty work.
2. **Caution: Using E-Mail to Communicate with the LCB.** The state e-mail filters may delete your e-mail before we receive it or we may delete the e-mail thinking it is spam. If you choose to submit items by e-mail and you do not receive a response within a few business days, please call to verify receipt.
3. Complete all applicable boxes on the form and date and sign the form at the bottom. If you do not give all required information or do not sign the form, it will result in delaying the processing of your claim. **If you do not have the license number of the landscape contracting business, you can leave that space blank and we will search our records for the number.**
4. You are required to notify the LCB within 10 days if you change your email or mailing address. Both parties may receive certain legal documents by first class and/or certified mail during the processing of this claim. These documents may require action by a particular date. **You are responsible for picking up your mail and responding in a timely manner.**
5. **Section 3: Contract.** You must fill in this area. Be sure to fill in all dates and include the month, date, and year. We cannot use documents you send us to fill in the form for you.
  - If you had an oral contract for the work, you must send documents to prove you had an agreement, i.e. invoices, billings, both sides of canceled checks, email, texts, etc. Make sure the copies sent to this office are clear and legible.
  - If you had a written contract for the work, you must send a copy of **every page** of that contract. Please also include copies of any change orders or addendums to the contract no matter what the form (i.e. email, text, written document).
6. Be sure to **date and sign the claim form.**

## 7. Section 6: Additional Info.

- If you or the business have filed a complaint in court that relates to the same facts and issues contained in the Statement of Claim, you must submit a copy of the court filing(s).
  - Your list of claim items in Sections 7 & 8 must be the same items listed in the complaint you filed with the court.
  - If you receive a judgment, please forward a copy to this agency.
  - LCB cannot provide legal advice. You may want to consult an attorney.
  - The laws and rules regarding filing in court and court judgments can be found in ORS 671.703 and OAR 808-004-0510 and 0520.
- Provide the total dollar amount associated with the damage you are claiming.
  - If you have an estimate/bid from another licensed business that shows the dollar amount of your alleged damages, please submit those along with your claim form.
  - If you do not know the amount when you file your claim, state “unknown”, but before mediation or investigation can be scheduled you may need to obtain estimates.

It is best to obtain estimates with each claim item listed separately. For example, if your claim involves a paver patio and that patio must be completely removed and reinstalled, you should obtain an amount for the removal and a separate amount for the reinstallation. The lack of an item-by-item breakdown may cause an item of complaint to be dismissed.

## 8. Sections 7 & 8 – Claim Items and Details

Be sure to give a brief, numbered list of exactly what landscape items you believe the business did incorrect, did not finish, or did not start. Clearly state what the business did that breached your contract or the work that was negligent or improper. This may also include any damage that was caused to your property while the company was working on site.

Following are some examples of claim items listed out, followed by the detailed explanation:

### **Claim Items (section 7):**

Please be specific and include all the items you wish to claim. This may also include any damage that was caused to your property while the company was working on site.

1. Lawn, front yard.
2. Patio not constructed correctly.
3. Problems with Irrigation System installation in back yard.
4. Retaining wall not installed correctly.

### **Details (section 8):**

Please explain each listed claim item from section 7 in a clear manner and include specifics as to why you believe they either breached the contract, or performed negligent or improper work, or caused damage. You may attach a separate page showing claim items and details listed by number.

1. Seeded lawn is dead and did not germinate.
2. Contract states patio to be 60' X 90' and the constructed patio is only 55' X 88'.  
Grading of the patio slopes towards the house and puddles around the house foundation.
3. The drip irrigation in the back flower beds has not been installed. The spacing of irrigation heads in the lawn area does not provide adequate coverage.
4. The wall appears to be bowing outward and is not level in places.

**DO NOT LIST CLAIM ITEMS THAT ARE NOT LANDSCAPE RELATED ITEMS.** For example, do not list as a claim item “failure to return phone calls”. This is not a regulated activity under the Board’s jurisdiction. If you feel that a claim item you list was not completed properly due to a lack of communication, please feel free to state so.

## GUIDELINES FOR FILING A CLAIM

1. Use 8 ½" by 11" (normal letter size) paper whenever possible. If you have smaller items, please copy them onto 8 ½" by 11" paper. For two-sided items such as checks, photocopy each side; do not send double sided copies. **SEND LEGIBLE COPIES, NOT ORIGINALS.**
2. **Photos.** Colored photos are best sent by email as attachments not embedded in the body of the email or as a hardcopy. Due to security restrictions flash drives are not accepted. Since the person filing the claim has the burden of proof, photos may be necessary, but please limit the number of photos for each claim item. If you have hard copy photos, please send two copies. The extra copy will be sent by this office to the landscape contracting business. You may also be requested to submit an additional copy further in the process if this claim goes to hearing. The suggested number is up to 5 photos for each claim item. If you believe you need to submit more photos, please discuss with LCB staff before submitting them.
3. Do not use pencil because it does not copy well.
4. Do not put documents in notebooks or binders. These do not fit in our files and have to be removed to be copied. Please do not attach post-it notes to any documents or information.
5. Allow at least a ½" margin on all sides of each page. Single sided documents are best.
6. Use white paper. Colored paper does not copy well.
7. Do not highlight portions of documents. If you highlight portions of documents, please remember that when photocopied, the highlighted areas may blacken out the text.
8. Do not use staples.

Failure to complete the Statement of Claim form or provide documentation through the claim process may result in the closure of your claim. If your claim is closed, you will lose potential access to the bond.

Please be aware that all documentation you submit to this agency will be sent to the landscape contracting business and all documentation the landscape contracting business submits will be sent to you. This includes all emails. All documents are considered public records and are subject to public records disclosure.

## DEFINITIONS

**Breach of Contract** is when one party breaks the terms of a written or oral agreement between two or more parties. (The LCB encourages consumers to insist upon detailed written contracts)

**Negligent Work** is defined as failure to exercise the care of a reasonably prudent person in like circumstances.

**Improper work** is defined as not suited to the circumstances, design, or given job site. Explain the work that you consider negligent or improper.

Landscape Contractors Board  
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 Salem OR 97301  
 Telephone: (503) 967-6291  
 Fax: (503) 967-6298  
[lcb.info@lcb.oregon.gov](mailto:lcb.info@lcb.oregon.gov)  
[www.oregon.gov/lcb](http://www.oregon.gov/lcb)

<b>THIS BOX FOR OFFICE USE ONLY</b>
Claim Number
License Dates: License Type: Bond Info:
OFFICE DATE STAMP

## STATEMENT OF CLAIM

### Breach of Contract and Negligent or Improper Work

<b>1. PERSON FILING CLAIM (Claimant):</b> Name			<b>4. CLAIM AGAINST (Respondent):</b> Company		
Business Name (If Applicable)			Contact Person		
Mailing Address			Mailing Address		
City	State	Zip Code	City	State	Zip
Home Phone	Work Phone	Cell Phone	Phone Number(s)		
Email Address			Email Address		
<input type="checkbox"/> Check this box if you are a licensed landscape contractor or construction contractor. LCB/CCB #			<b>5. TYPE OF CLAIM – only mark one box</b>  <input type="checkbox"/> Homeowner <input type="checkbox"/> Subcontractor vs. Prime Contractor <input type="checkbox"/> Prime Contractor vs. Subcontractor  <b>Note:</b> If claim by material or equipment supplier, use Statement of Claim – Material/Equipment. For claim by employee use Statement of Claim - Employee.		
<b>2. JOB SITE ADDRESS (if different than above)</b> Street					
City			State		
Zip Code					
<b>3. CONTRACT</b> <input type="checkbox"/> Oral (Submit checks & invoices) <input type="checkbox"/> Written (Attach a complete copy of the contract)					
<b>Contract Date</b>	<b>Total Contract Amount</b> \$	<b>Total Paid to Date</b> \$	<b>6. Additional Info.</b>		
Date Work Started (mm/dd/yy)	Date Work Ceased (mm/dd/yy)		Estimated amount you are claiming? \$ _____		
<input type="checkbox"/> Check this box if this complaint has also been submitted to the Construction Contractors Board.			<input type="checkbox"/> Check this box if this issue has been submitted to a court or arbitration for determination or resolution. You must attach court documents.		

I certify that the statement of claim with all attachments are true, complete, and correct to the best of my knowledge and belief.

Signature: \_\_\_\_\_

Date \_\_\_\_\_

# STATEMENT OF CLAIM

Breach of Contract and Negligent or Improper Work  
(Continued)

FOR OFFICE USE ONLY

Claim Number:

## 7. Claim Items

Briefly List Claims Items by Number (attach a separate page, if needed):

Example: Patio.

1	
2	
3	
4	
5	
6	
7	
8	
9	

## 8. Details

This section is for more details for each claim item listed above (attach a separate page, if needed):

Example: Contract states patio to be 60' X 90' and the new patio is only 55' X 88'. Grading of the patio slopes towards the house and puddles around the house foundation.

1	
2	
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