

The Alabama Jury Verdict Reporter

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Statewide Jury Verdict Coverage - Published Monthly

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Civil Jury Verdicts

Complete and timely coverage of civil jury verdicts in Alabama including circuit, presiding judge, parties, case number, attorneys and results.

Construction Negligence - Upon moving into her newly constructed home, plaintiff discovered damage caused by ongoing problems with water infiltration; plaintiff blamed the problems on the builder's allegedly shoddy workmanship

Buchanan v. Williamson, 23-900114
Plaintiff: H. Arthur Edge, III, *Edge Lawyers*, Birmingham

Defense: G. Edward Coey, Hanceville

Verdict: \$38,000 for plaintiff

Circuit: **Cullman**, 1-30-26

Judge: Emily N. Johnston

In April of 2018, Magan Buchanan and her husband Benjamin Buchanan contracted with Mitchell Williamson d/b/a Williamson Construction to build them a home at 5461 County Road 813 in Cullman. Magan took the lead in dealing with Williamson while Benjamin remained relatively uninvolved.

Once the construction was completed, the Buchanans moved in. However, they soon noticed problems with the construction. Among other things, the foundation was not properly vented, there was no moisture barrier in the crawl space, and faulty grading resulted in water infiltrating the crawl space. This all resulted in mold and rot developing in the floor joists and subfloor.

Magan contacted Williamson numerous times and asked him to correct the problems. Although Williamson did correct some of the problems, he did not correct them all. Finally, the Buchanans filed a consumer complaint with the Alabama Home Builders Licensure Board on 4-4-23. In the complaint the

Buchanans blamed Williamson for the problems with the house.

The Buchanans also filed suit against Williamson based on the set of facts outlined above. Plaintiffs alleged counts for breach of contract, breach of implied warranty, negligence, wantonness, and fraud by mistake or innocent misrepresentation.

If successful, plaintiffs sought both compensatory and punitive damages on the counts for wantonness and fraud, along with compensatory damages on the remaining counts. The claimed damages included the cost of repair to the house as well as emotional distress. The identified experts for plaintiffs included Donnie Jones, Construction, Trussville.

Williamson defended the case and denied any wrongdoing. The thrust of his defense was to accuse Magan of contributory negligence. Among other things, Williamson alleged he had advised Magan in November of 2018 to install gutters and down spouts, yet she did not do so until some two years later. During that two year period, rain water would wash directly from the roof to the perimeter of the house.

Williamson also claimed that in November of 2018 he advised Magan to contract to have the ground slope downward and away from the house, but she delayed some six years before doing so. Thus, water would run toward the house rather than away from it.

Furthermore, Williamson claimed that when Magan did finally have gutters and down spouts installed they emptied directly onto the

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