

Women's dream threatened by termites

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Business Writer

February 22, 2010 - Businesswomen Cheryl McIntire and Nancy Magliocchetti have big dreams of converting a 95-year-old Victorian-style landmark here into a grand showcase for weddings and other gala events. But soon after renovations began in early 2007 at 216 First Ave., it came to a sudden stop.

Termites!



Nancy Magliocchetti, left, and Cheryl McIntire have big plans for the 95-year-old Victorian manor on First Avenue in Daytona Beach once the termites are eradicated and the damage repaired

N-J | Bob Koslow

Dreaded dry-wood termites have tunneled through wood floorboards, headers, support joists and wall studs. Low round piles of termite dung litter the floors, upstairs and down. Delicate, abandoned lace wings decorate other spots, even under a shiny copper painted cupola topping the master bedroom's bay windows.

The owners of Cher-Ancy Victorian Manor still want to fulfill their vision. They are suing Massey Services Inc. to repair the termite damage since the home had a termite-service contract that's been renewed annually since 1987. The complaint filed in December in Hillsborough County alleges breach of contract with damages in excess of \$15,000.

"This is a huge impediment in their business plan," said the women's Tampa attorney, Pete Cardillo, who specializes in termite litigation. "We have not yet quantified the damage, but it is extensive."

Massey Services attorney Daniel Gerber in Orlando said he is familiar with Cardillo's work and is trying to figure out the facts.

Based on past cases, Cardillo anticipates Massey Services will cite contract disclaimers including the need to find live termites in the damaged area as proof the damage was caused after treatments and inspections.

"It's absurd to suggest the damage was pre-existing before 1987," Cardillo said. "Termites do not like to be seen. If exposed they dry up and die. The best you might do is see them scatter when you open up the wood. If they use that defense, we'll amend the suit to include the use of deceptive practices."

A New Jersey attorney built the house in 1915, but sold it a year later because his wife did not like Daytona Beach, McIntire said.

Area historian Harold Cardwell said the house has Queen Anne features and would be a significant contribution if a historical district was ever created within the old residential neighborhood that is somewhat run down.

"There are not rules to prevent its demolition, but it would be a real shame to lose something like that," he said.

The Eubanks family bought the house in 1916 and lived there until a family member, Arden Martha Dooley, sold it in 2006 to McIntire and Magliocchetti for \$178,500 in cash, so a termite inspection was not done.

The new owners thought the annual termite contract with Massey Services was enough protection. However, the sides have been fighting for more than two years, which included denials of responsibility by Massey Services, acoustical tests that heard termites activity, a complaint to the state Department of Entomology and Pest Control and an offer by Massey of \$5,000 to cover repairs.

It's not enough, McIntire said.

"We put a lot of money into the initial repairs of the roof and dormer, and do not want to sink more into this if it's being eaten alive from the inside," she said. "We want it treated so we can at least continue working, and, then, we'll deal with the damage claim."

Termite Tips

The Florida Department of Agriculture and Consumer Affairs, Division of Entomology and Pest Control, offers these tips:

- Remove woodpiles and other cellulose sources from under and around home.
- Direct water sources away from home foundations.
- Have annual termite inspections by licensed professionals.
- Call the division at 850- 921-4177 to verify licenses and to file complaints.

Before buying a home, have it inspected and check on its protection history.

- Obtain an renewable termite- service contract.
- Read and understand the contract before signing.
 - Ensure it lists all organisms being treated, subterranean, dry-wood or both.
- Check contract coverage to ensure it covers retreatment if termites are found after treatment and repairs damage or only when live termites are found.

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