

**Joseph Schabhetl v. Union Mutual Fire Insurance Company**

Held December 30, 2014 – Docket No. INS-14-2133

Decision Issued: January 23, 2015

The named insured requested a hearing to contest the cancellation of a homeowners policy based upon the alleged vacancy and lack of custodial care of the property.

**Held:** For the insured. 24-A M.R.S. § 3049(6) an insurer to cancel a homeowners policy if the insured property is vacant and custodial care is not maintained on the property. The insurer failed to establish either element of the statute. Although the property is *unoccupied*, it is mostly furnished and therefore is not vacant. In addition, the record shows that the property is regularly checked by one or more caretakers, and mowing and snow removal done as needed.