

Anthony & Doris Babicki (Estate) v. Union Mutual Fire Insurance Company

Held February 26, 2015 – Docket No. INS-15-2015

Decision Issued: March 2, 2015

The personal representative of Doris Babicki's estate requested a hearing to contest the nonrenewal of homeowners policy for the property no longer being owner occupied. The company failed to appear at the hearing or submit a sworn statement in lieu of appearance.

Held: For the insured. 24-A M.R.S.A. § 3054 places the burden of proof upon the insurer to establish its reason for nonrenewal, its relation to the insurability of the property, and its compliance with applicable statutory requirements. As the company failed to appear in person or to submit a properly sworn statement in lieu of appearance, the nonrenewal action was disallowed by default.