

## Four-Year Illinois Construction Statute Of Limitations Applied To Temporary Furnace and Ventilation System Which Caused Fire During Building's Construction

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Thursday, November 13, 2014

**Plaintiff filed a subrogation suit after it paid \$67,208.97 in damages to its insured, a general contractor who was building a commercial property.**

The defendant had installed two temporary hanging furnaces and a ventilation system to heat the building while the permanent floor was being installed. A fire occurred on February 1, 2008 which originated in one of the furnaces. Plaintiff filed suit on May 18, 2012. The defendant moved to dismiss the case asserting the four-year limitation of 735 ILCS 5/13-214(a) barred the case. Plaintiff argued that because the heating/ventilation system was temporary, it did not constitute an "improvement to real property" as required by the statute. The trial court dismissed the Complaint.

The Second District affirmed. Although the ventilation system was not a permanent part of the building, its temporary nature was not dispositive of the issue of whether it constituted an "improvement" to real estate. In this case, the system was necessary to complete construction of the building. It served no purpose other than to enable the installation of the flooring. Therefore, it was an integral part of the entire operation. *Firemen's Fund Ins. Co. v. Rockford Heating & Air-Conditioning, Inc.*, 2014 IL App. (2d) 130566.

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