

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**EXCLUSION – MOVEMENT OF LAND, EARTH OR SOIL**

This endorsement modifies insurance provided under the following:

OWNERS AND CONTRACTORS PROTECTIVE COVERAGE FORM

The following exclusion is added to **SECTION I – COVERAGES, BODILY INJURY AND PROPERTY DAMAGE LIABILITY**, Paragraph 2. **Exclusions:**

- A. This insurance does not apply to any actual, alleged or threatened:
  - 1. “Bodily injury”; or
  - 2. “Property damage” to “new residential construction”; directly or indirectly arising from or related to the “movement of land, earth or soil”, or the existence of the substance Bentonite in the soil.
  
- B. This exclusion applies regardless of any other cause or event contributing concurrently or in any sequence or manner to the loss including, but not limited to the following causes of loss:
  - 1. Flood waters, surface waters, subterranean waters, percolating waters, riparian and navigable waters, waves, tidal waves or water, overflow of streams or other bodies of water, spray from any of the foregoing, or irrigation or other appropriated waters, all whether driven by wind or not;
  - 2. Storm or sanitary sewer drain stoppage or backflow, or water which backs up through sewers or drains;
  - 3. Surface water or water below the surface of the ground including that which exerts pressure on or flows, seeps or leaks through sidewalks, driveways, foundations, walls, basement or other floors, or through doors, windows, or any other openings in such sidewalks, driveways, foundations, walls or floors;
  - 4. Water leakage, overflow or other escape from plumbing, heating, ventilating, air conditioning or other systems, equipment or appliances;
  - 5. Any acts, decisions, error or omission, including the failure to act or decide, of any person, group, organization or governmental body; or
  - 6. Faulty, inadequate or defective:
    - a. planning, zoning, development, surveying, siting;
    - b. designs, specifications, workmanship, repair, construction, renovation, remodeling, grading, compaction, drainage;
    - c. materials used in repair, construction, renovation or remodeling; or
    - d. maintenance of part or all of any property wherever located.
  
- C. This exclusion does not apply to the “contractor’s” paving “work”, including related site preparation and grading, where the “contractor’s” “work” exclusively involves streets, roads, or parking lots designed for common or public usage.
  
- D. This insurance will not become excess of any reduced or exhausted underlying aggregate limit to the extent that such reduction is the result of claims, damage, loss or expense arising out of or in any way related to the above.

- E.** The following definitions are added to **SECTION V- DEFINITIONS**:
- 1.** "Movement of land, earth or soil" includes but is not limited to, earthquake, landslide, mudflow, sinkhole, erosion, upheaval, slippage, sliding, sinking, rising, shifting, tilting, expanding or contracting of land, earth or soil.
  - 2.** "New residential construction" means any development, design, building or other construction, improvements, site selection, surface or subsurface site preparation or any other work or operations provided in relation to any of the foregoing, involving newly constructed property intended in whole or in part for residential habitation, or any common or public areas or facilities related thereto as respects any of the following:
    - a.** Condominiums;
    - b.** Town Homes;
    - c.** Multi-Family Housing Units; or
    - d.** Single Family Homes which number greater than 20 units in any one project.

All other terms and conditions under the policy remain unchanged.