

# 100 YEAR

## ACME BRICK COMPANY LIMITED GUARANTEE FOR HOMEOWNERS

**A**cmé Brick Company (“Acme”) guarantees to the homeowner (“Homeowner”) and subsequent transferees that the brick manufactured and sold by Acme and installed in the residence (“Residence”) comply with the applicable specifications and grading rules of the American Society for Testing and Materials in effect on the effective date of this Limited Guarantee, and that such brick will not fail structurally due to non-compliance with such specifications. IN NO EVENT SHALL THIS LIMITED GUARANTEE EXCEED ONE HUNDRED (100) YEARS FROM THE EFFECTIVE DATE.

### REMEDY

If any of the Acme brick do not comply with the provisions of this Limited Guarantee, Acme will, at its sole expense and within a reasonable period of time, replace defective brick by installing or causing to be installed Acme brick then available from current production. In the event a claim is made under this Limited Guarantee, Acme shall have the right, but not the obligation, to verify, by its own representative, the nature, extent, and cause of the alleged defect.

THE REMEDY PROVIDED FOR IN THIS LIMITED GUARANTEE SHALL BE THE SOLE AND EXCLUSIVE REMEDY FOR ANY BREACH OF THIS LIMITED GUARANTEE, AND IN NO EVENT SHALL ACME BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES RESULTING FROM ANY BREACH OF THIS LIMITED GUARANTEE. ANY IMPLIED WARRANTIES WHICH MAY BE AVAILABLE TO THE HOMEOWNER SHALL BE LIMITED TO THE DURATION OF THIS LIMITED GUARANTEE OR THE EXPIRATION OF APPLICABLE STATUTES OF LIMITATIONS, WHICHEVER IS LESS.

### EXCLUSIONS AND LIMITATIONS

This Limited Guarantee does not apply to failure, damage, deterioration, or color change to the Acme brick resulting from:

- a. Use of improper mortar or failure or deterioration of mortar;
- b. Improper building practices and/or improper masonry workmanship which result in structural defects in the Residence;
- c. Failure or cracking of brick due to settling of the Residence or subsidence of the ground;
- d. Non-compliance by the builder and/or mason with applicable building codes;
- e. Vandalism, collision, war, civil unrest, or other intentional or accidental events or acts;
- f. Fire, flood, storm, earthquake, tornado, hurricane, lightning strike, or other Acts of God; or
- g. Pollution or acid rain.

Some states do not allow the exclusion or limitation of incidental or consequential damages or limitations on how long an implied warranty lasts, so the above limitations or exclusions may not apply to the Homeowner. This Limited Guarantee gives the Homeowner specific legal rights and the Homeowner may also have other rights which vary from state to state.





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## CLAIM PROCEDURE

To submit a claim under this Limited Guarantee, you must notify Acme in writing, to Acme Brick Company, P.O. Box 425, Fort Worth, Texas 76101, Attention: President, within thirty (30) days after the discovery of the alleged defect. The written notice must include (i) a copy of this Limited Guarantee; (ii) proof of purchase, which can be established by attaching either a copy of the delivery ticket or a copy of the invoice. (IF NEITHER DOCUMENT IS AVAILABLE, PROOF OF PURCHASE CAN BE ESTABLISHED BY A VISUAL INSPECTION OF THE HOME TO LOCATE AN ACME BRICK LOGO IMPRINT EITHER AT CORNERS OR ON WINDOWSILLS.); and (iii) a reasonably complete and detailed description of the alleged defect.

Effective Date of Guarantee (Closing date for Original Homeowner's purchase of the Residence): \_\_\_\_\_

Address of Residence: \_\_\_\_\_  
\_\_\_\_\_

Name of Original Homeowner: \_\_\_\_\_

## TRANSFER PROCEDURES

I. I, \_\_\_\_\_, hereby transfer the guarantee of the above described property to \_\_\_\_\_  
upon this closing date \_\_\_\_\_.

II. I, \_\_\_\_\_, hereby transfer the guarantee of the above described property to \_\_\_\_\_  
upon this closing date \_\_\_\_\_.

III. I, \_\_\_\_\_, hereby transfer the guarantee of the above described property to \_\_\_\_\_  
upon this closing date \_\_\_\_\_.

\*Any additional Transfers of the Guarantee must be attached.  
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