



November 2011

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*A quick note to keep you current regarding events in our office, law and issues...*

A NOTE FROM SHANNON:

In October 2011, we saw the non-disclosure lawsuits against real estate agents level off and in fact, decline. However, we saw an increase in litigation arising out of wrongful foreclosure and landlord-tenant disputes. The banks have increased their foreclosures and as a result, real estate owned (REO) listing agents are receiving more listings. Borrowers are attempting to set aside foreclosures and are filing lawsuits against lenders. Agents have been caught in these lawsuits on a number of occasions when borrowers mistake the agents as being representatives from the bank. Although we have had great success in obtaining dismissals in these lawsuits, it can be expensive to file motions to dismiss, demurrers or motions for judgment on the pleadings, depending on the circumstances and the court. Therefore, agents are advised to be cautious when dealing with borrowers after foreclosure sales and ensuring that the borrowers understand the agent's role in the transaction. Agents need to ensure the borrowers are clear that agents were not involved in the foreclosure. Agents are also advised to follow the advice of the lender's attorney in handling these sales.

Because of the foreclosures and increase in short sales, more homeowners are renting. As a result, litigation is arising out of leases. Agents who are undertaking property management responsibilities should ensure that they are properly trained and understand their obligations. Agents are also advised to review their insurance policies to ensure that they have coverage for property management services.

ANNOUNCEMENTS:

We are pleased to welcome Andrea Ritigstein to our office. Andrea has an undergraduate degree in Political Science from UCLA and a Juris Doctor from American University received in 1993. Andrea can be reached at [amr@sbj-law.com](mailto:amr@sbj-law.com); (925) 837-5577 x 316.

We are also please to welcome Lonnie Moyal to our office. Lonnie can be reached at [lm@sbj-law.com](mailto:lm@sbj-law.com); (925) 837-5577 x 311.

The Law Group will be sponsoring the Danville Tree Lighting on November 25, 2011. Please visit our office as we will once again be serving hot chocolate and treats.

The Law Group will be undertaking a food drive for the Bay Area Crisis Nursery from November 1 through 18, 2011. Any contributions would be appreciated towards this great cause. Beginning November 21 through December 20, 2011, we will start a toy and gift drive in honor of Christmas to sponsor the Crisis Nursery.

SEMINARS:

Wednesday, November 16, 2011 from 9:00 a.m. to 10:00 a.m. – Shannon B. Jones will be speaking at the new member orientation for Contra Costa Association of Realtors. This seminar will take place at the Shadelands Civic Arts Center, 111 N. Wiget Lane, Walnut Creek, California. (Contact: Jason Catalano (925) 295-9202)

Wednesday, November 16, 2011 from 12:00 p.m. to 2:00 p.m. – Shannon B. Jones will be speaking at the Bar Association of San Francisco on Foreclosure Law Practice at a seminar entitled “How to/Can You Make a Living Representing Clients in Foreclosures.” This seminar will take place at the San Francisco Bar Association, 301 Battery Street, San Francisco, California. (Contact: Robert Sheppard (415) 296-0900 x 23; [rs@sheppardlaw.com](mailto:rs@sheppardlaw.com))

LEGAL UPDATES – Our website was recently updated to include the following:

- An article where a California Appellate Court denied an adverse possession claim to co-tenants who simply weeded the property.
- An article regarding elimination of court reporters by San Francisco Superior Court.
- An article regarding a case where a court allowed a borrower to sue for misleading and confusing disclosures in an option adjustable rate mortgage.
- An article regarding a new Federal Trade Commission rule known as MAP.

*A complete discussion of these matters can be found on our website, [www.calrealestatelaw.com](http://www.calrealestatelaw.com), under Legal Updates.*

HOLIDAYS – Our offices will be closed for the Thanksgiving holiday on November 24 and 25, 2011. The offices will be closed for the Christmas and New Year Holiday from December 26, 2011 through January 1, 2012.

Shannon B. Jones will be out of the office from December 23, 2011 through January 13, 2012. In her absence, please contact the main number at (925) 837-2317.