



February 2017

NEWSLETTER

**UPCOMING SEMINARS**

Thursday, February 2, 2017  
from 9:00 a.m. to 9:30 a.m.:

Shannon B. Jones will be providing a Risk Management seminar before the Real Estate Marketing Association at the Danville Veterans Hall located at 400 Hartz Avenue in Danville, California.

Wednesday, February 15, 2017  
from 9:00 a.m. to 12:00 p.m.:

Shannon B. Jones will be presenting a Risk Management Seminar for the Contra Costa Association of Realtors at the Shadelands Civic Arts Center located at 111 N. Wiget Lane in Walnut Creek, California.

For more information, please contact Jason Catalano at [Jason@ccartoday.com](mailto:Jason@ccartoday.com).

Wednesday, March 22, 2017  
from 9:00 a.m. to 10:00 a.m.:

Shannon B. Jones will be providing a New Member Orientation for the Contra Costa Association of Realtors at the Shadelands Civic Arts Center located at 111 N. Wiget Lane in Walnut Creek, California. For more information, please contact Jason Catalano at [Jason@ccartoday.com](mailto:Jason@ccartoday.com).

*A Note From Shannon...*

January 2017 has been one of the wettest Winters in California. While it is rectifying California's drought conditions, there have been significant water issues affecting real property throughout California. Issues include, but are not limited to the following: roof leaks; drainage issues; flooding issues; water intrusion; and leaking windows and doors. Agents should be cognizant of these issues when recommending inspections. Also, if you receive a call from a past client on a transaction, which has closed complaining of water intrusion issues, refer them to an attorney, but do not take any further action. Those calls need to be referred to your company counsel. Please note that the agency relationship terminates upon the close of escrow. However, if agents continue to communicate with clients and assist them in real property issues, arguably that agency relationship continues.

In January 2017, we posted and distributed a summary of Horiike v. Coldwell Banker Residential Brokerage Company. In that case, the California Supreme Court found that a listing agent had a fiduciary obligation to a buyer when the broker represents both the buyer and the seller through different agents. While on its face, it seems to be a serious concern, in reality, it is arising infrequently. The issue only arises when the same broker is representing both the buyer and the seller with two (2) different agents. We have circulated a Risk Management Tip to our clients to address this issue. If you are a client and did not receive the tip, please let us know.

**RECENT RESULTS** –

The Law Group recently obtained a dismissal of a client in a case where a prospective purchaser fell at a property during an open house. After the court filed a dispositive motion, plaintiff dismissed her claim recognizing that she had no valid basis for suing our real estate broker. Shannon B. Jones and Kendra J. Pappas handled the matter. For more details, please see the article posted to the website.



About Shannon...

Shannon B. Jones is the owner and managing partner of Shannon B. Jones Law Group. She has been representing real estate agents and brokers for 25 years.

She has an undergraduate and law degrees from the University of Southern California. She is a member of CAR's Strategic Defense Panel.

She has published a number of articles and the best-selling real estate book, "A Real Estate Agents Practical Guide to Avoiding Litigation." She is a shareholder in California Real Estate Legal Alliance ("CRELA"), a company established to represent real estate professionals throughout the State of California that offers real estate advice, coaching, claims prevention, effective and efficient management of claims, risk management, cutting edge industry information, insurance management assistance, as well as other beneficial services.

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

- A Risk Management Tip regarding the impact of the Horiike case;
- An article regarding a case where a court awarded a homeowner reimbursement of all amounts paid to an unlicensed contractor pursuant to a criminal action;
- A risk management tip regarding California Plumbing Water Conservation Law; and
- An article wherein an appellate court requires homeowners asserting construction defect claims against their builder to comply with the Right to Repair Act even if they are not asserting claims under the Act.

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

BLOG UPDATES - Our website was recently updated to include the following blogs:

- A blog wherein landlords may not collect rent on unpermitted residential units.
- A blog regarding marketing a property as "gay."

*Please visit our blog at <http://www.calrealestatelaw.com/BLOG-1>*

HOLIDAYS

Our offices will be closed for President's Day on Monday, February 20, 2016.