



## September / October 2019 NEWSLETTER

### UPCOMING SEMINARS

#### **Wednesday, September 11, 2019**

##### **from 9:00 a.m. to 12:00 p.m.:**

Shannon B. Jones will be providing a “Back to Basics” Seminar for the Contra Costa Association of Realtors at the Shadelands Civic Arts Center, 111 N. Wiget Lane in Walnut Creek, California. For more information, please contact Jason Catalano (925) 295-9202 or [Jason@ccartoday.com](mailto:Jason@ccartoday.com).

#### **Wednesday, September 18, 2019**

##### **from 9:00 a.m. to 10:00 a.m.:**

Shannon B. Jones will be providing a New Member Orientation before the Contra Costa Association of Realtors at the Shadelands Civic Arts Center, 111 N. Wiget Lane in Walnut Creek, California. For more information, please contact Jason Catalano at (925) 295-9202 or [Jason@ccartoday.com](mailto:Jason@ccartoday.com).

#### **Friday, September 27, 2019**

##### **from 9:00 a.m. to 10:00 a.m.:**

Shannon B. Jones will be providing a Legal Update at the California Association of Realtors Legal Affairs Forum at the Marriott Hotel in Los Angeles, California. For more information please contact Cheryl Strong at [cherls@car.org](mailto:cherls@car.org) or (213) 739-8308.

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

### A NOTE FROM SHANNON –

Our office is pleased to announce and congratulate Nick Fine on becoming a Partner in the office. Nick has vast experience in representing real estate agents in defending claims, as well as in DRE licensing matters. Nick is an important member of our team and a valuable resource to our clients. We look forward to many years of success.

There appear to be two new developing issues for the real estate community in California. California has experienced three significant fires in the last two years, starting with the Sonoma fires, followed by the Camp Fire and the fires in Southern California. As a result of these fires, property insurers have been withdrawing from California and insurance is becoming more difficult and expensive to obtain. It is recommended that agents advise their buyers to arrange for insurance during the inspection contingency period. If insurance is not economically obtainable, buyers will have the ability to cancel the escrow during that inspection. If buyers wait until the last minute, buyers may find themselves in a difficult situation, as some properties are not insurable or insurance can be prohibitively expensive for properties in high fire areas.

We have seen other issues arising out of the extreme rain California saw in Winter of 2018 through 2019. Those claims are in the form of non-disclosed earth movement issues causing slides, water intrusion, roof leaks and mold. Agents should consider recommending soils inspections or additional inspections where there are potential red flags.



## RECENT RESULTS

We are pleased to announce the handling of a successful appeal of an attorney's fees award before the California Appellate Court. Our office represented a brokerage in a commission recovery case by an agent. The case was litigated for many years before it settled for a payment of a fraction of the amount sought. Plaintiff's counsel filed a motion for attorney's fees based on the Independent Contractor Agreement. The Court denied the motion in its entirety. Plaintiff's counsel appealed that decision. The California Appellate Court recently affirmed the trial court's decision in our clients' favor awarding zero attorney's fees to Plaintiff. This was a significant victory for our clients.

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

- An article regarding the city of Santa Monica retaining the ability to reject short-term rentals.
- A risk management tip regarding selling agents' obligations to recommend inspections and investigation in non-disclosure cases.

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

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

- Q & A regarding whether a licensed real estate salesperson can accept a referral fee from a lender.
- Q & A regarding Trustees' Disclosure.
- Q & A whether an Attorney may collect a commission.
- Q & A regarding Agent Visual Inspection Disclosure.

*Please visit our blog at*

*<http://www.calrealestatelaw.com/BLOG-1>*

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## HOLIDAYS –

Our offices will be closed for Labor Day on Monday, September 2, 2019.