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REAL ESTATE LITIGATION

Weintraub real estate litigators work with owners, developers, landowners, landlords, and community associations to provide swift and efficient results in a wide range of disputes. Our attorneys have decades of trial experience in both state and federal levels.

We assist clients with a broad spectrum of matters related to real property, including breach of agreements, deeds of trust, foreclosure, condemnation proceedings, easement and boundary disputes, construction-based cases, actions for partition, and quiet title claims.

We have helped our landlord clients with tenant disputes, Common Area Maintenance (CAM) issues, accounting disputes, and lease termination or eviction, as well as sale and disposition of assets. We have worked with our landowner clients on misrepresentation of sales, asset dispersal, due diligence, and boundary issues such as property line and easement disputes.

When the scope of a real estate matter extends into regulatory and entitlement disputes, our attorneys are prepared to assist clients before governmental entities such as the Department of Real Estate, local city councils and commissions, boards of supervisors, planning commissions, and other governing bodies.

REPRESENTATIVE MATTERS

- Successfully defended a partition action and engineered the division of assets related to a 9,500-acre agricultural operation located in Colusa, California, owned for over 130 years by an extended family in over 30 trust entities. The real estate issues involved to bring about the division of the land interests included compliance with the Subdivision Map, Parcel Map, and lot line adjustments in order to create new legal parcels from the existing ranches. The dispute also involved the division of substantial water and mineral interests. (Also on Trials&Arb.)



- Obtaining prescriptive easements for a resort over their neighbor's property for access to a scenic point for weddings and other related activities. Additionally, we acquired easements for the resort for a number encroaching structures and improvements located on adjoining properties. (also on trials&Arb but worded differently)
- Representing a large landholder in an array of boundary, easement, and title matters related to the development of a golf and resort community.
- Obtaining a sizable settlement for a Los Angeles developer relating to the construction of a luxury boutique hotel.
- Earning a favorable verdict when defending client that accused of various acts of malfeasance in the course of developing a property. The plaintiffs sought damages in excess of \$4 million and after the trial the plaintiffs' claims were greatly diminished and the parties entered into settlement
- Successfully represented a developer against of a publicly-traded homebuilder in a breach of an assignment agreement related to a nearly 700-acre development considered to be the last large developable residential/mixed-use project in the San Francisco Bay Area. Because of the market downturn, the homebuilder attempted to use a pretext to terminate the Assignment Agreement, and the developer sought specific performance. A favorable out-of-court settlement was reached.
- Successfully defending a client from efforts to terminate their 99-year lease for a 25-acre commercial property in Placer County. (trials and arb, worded differently)
- Acting as general counsel to community associations, counseling general managers and board members on a wide spectrum of issues, including corporate governance and corporate compliance, as well general liabilities and operations.
- Successfully represented the Sacramento region's largest land developer in a highly-publicized rescission action brought by a public entity alleging the developer misrepresenting the value of land sold during the height of the real estate market. Seller cross-complained for breaches of the public entity's post-closing obligations. After establishing the seller had not made any representations and the public entity was fully aware of the risks associated with the purchase, the public entity paid the Seller's attorney's fees in excess of \$500,000. (Also trials & Arb)
- Represented Beverly Park and won a major easement dispute after a three-month trial. (also on trials&Arb)

- We represented defendants in a multi-million dollar property dispute. Trial resulted in a defense verdict against plaintiff's claims and a \$500,000 award to our clients on the clients' cross-complaint. (also on trials&arb)
- We represent a client in a real property development partnership/breach of contract dispute. The first trial resulted in a multi-million dollar verdict in favor of our client. The case was appealed and has been remanded to the trial court on the issue of damages. (Also in civic appeals/writs)
- Defended real estate purchaser against claims of seller alleging breach of land purchase agreement, fraud, and conversion of personal property. Defeated most claims on summary judgment and prevailed after trial on the fraud and conversion claims. Successfully recovered attorneys' fees and costs and upheld verdict and award of attorneys' fees and costs on appeal. (On trail&Arb – worded differently)
- Represent the Commercial and Investment Property REO division of Wells Fargo Bank in post-default ownership and lease issues in order for the bank to sell these formerly distressed properties.
- Successfully appealed a summary judgment issued against the damaged landowner in a wildfire lawsuit prior to retention of the Weintraub firm. Subsequent discovery and mediation resulted in very favorable settlement compensating landowner for destroyed timber. (also on civic appeals)
- Successfully represented Shea Homes against allegations of violations of California's new home subdivision processes, misrepresentations in sales contract, and other malfeasance at a multi-phase trial related to a development it has acquired in San Jose, California. (also on trials&Arb)
- Defended lender in actions brought by a county and a district attorney seeking injunctions, civil penalties, and damages, relating to alleged releases of hazardous waste and county code violations at a marina. Following extensive negotiations, and after conducting substantial discovery and filing a cross-complaint, resolved case through a stipulation for consent decree under which client paid no money to either plaintiff.



