

Robert J. Sheppard
Jaime C. Uziel
Lawrence R. Sussman
Juliana E. Pisani
Stephen J. Sherman
Weldon E. Bradstreet
Daniel D. Buchalter
Elizabeth W. Sheppard
Jeffrey S. Rosen (1958 - 2009)

Sheppard, Uziel, Sussman & Rosen Law Firm

100 MONTGOMERY STREET • SUITE 2100
SAN FRANCISCO • CA 94104
PHONE 415 • 296 • 0900 FAX 415 • 296 • 0999
website: sheppardlaw.com

Trials & Litigation
Dispute Resolution/Mediations
Real Estate Law/Land Use
Landlord-Tenant/Rent Control
Premises Liability Law
Personal Injury/Tort Law
Insurance Law and Coverage
Business/Contract Law
Estate Planning, Wills, Trusts

Our 2011 Achievements

“Super Lawyer of Northern California”

Selected by Peers Six Consecutive Years: 2006, 2007, 2008, 2009, 2010, 2011
Real Estate Law and Mediations/ADR

Cases Won:

- ✓ Won 6-Day **Trial in Breach of Contract** Lawsuit (Family Estate Distribution Dispute)
- ✓ Successful Recoveries for Property Owners with **Liability Claims** and **Landlord-Tenant Claims**
- ✓ Successful Results in Buyer/Seller **Non-Disclosure Lawsuits, Arbitrations, Mediations**
- ✓ Resolved Dozens of **HOA, Condo, and Tenant-In-Common (T.I.C.) Neighbor Disputes**
- ✓ Represented Numerous Homeowners Associations, Realtors®, Real Estate Agents
- ✓ Successful **Ellis Act Evictions** and Negotiation of “**buy-outs**” of rent-controlled Tenants
- ✓ Won Dozens of Eviction cases (including Trials): **Nuisance, Rent Non-Payment, Owner Move-In**
- ✓ Recovered Numerous **Insurance Payments** for Insurance Policy Holders/Property Owners/Renters

Professional Distinctions

- ☆ Headed **Real Property Section**,
San Francisco Bar Association
- ☆ Partners **Lectured** at numerous Seminars for Lawyers
on Real Estate Law, Landlord/Tenant Law
- ☆ Law Firm was Court-Appointed as a
Receiver for Rental Property

30 Years of Mediation Services

Disputes Get Settled

As a Private Mediator, Robert Sheppard settled
dozens of lawsuits/disputes in 2011

Vice President of The Mediation Society



Expert Witness Services

Robert Sheppard testified as an Expert Witness
(*Property Owner Liability, Standard of Care
for Property Owners, for Lawyers*)

AV-Rated Law Firm - - Professional Peer Review (Matindale-Hubbell)

Wishing You and Your Family Happy Holidays!

New Laws for 2012 Affecting Real Estate

Courtesy of Sheppard, Uziel, Sussman & Rosen Law Firm (415) 296-0900 www.sheppardlaw.com

Small Claims Court Jurisdiction Increased to \$10,000: Effective January 1, 2012, the Small Claims Court jurisdiction will increase from \$7,500 to \$10,000 for an action brought by a natural person. (The limit for an action brought in Small Claims Court by a corporation or other entity remains at \$5,000.) For a claim of bodily injury from a car accident, the increase to \$10,000 will not become effective until 2015.

Ban on Tenants Smoking: Effective January 1, 2012, a residential landlord can prohibit the smoking of tobacco products on the property, including any dwelling unit, building, or other interior or exterior area. For new tenants, the areas where smoking is prohibited must be described in the lease or rental agreement. For existing tenants, a new prohibition against smoking is a “change in the terms of tenancy” that requires adequate written notice.

Tenants’ Recycling Rights: Effective July 1, 2012, a building of five or more residential units (or any multi-family residential dwelling or business that generates more than four cubic yards of commercial solid waste per week) must arrange for recycling services. The property owner may require tenants to separate their recyclable materials.

Renting Out Condominiums: Effective January 1, 2012, an owner in a common interest development is exempt from any prohibition in a governing document against renting or leasing the unit, unless that prohibition was in effect before the owner acquired title to his or her unit or was in effect before 2012. For sales transactions, the required HOA disclosures must include a statement describing any such prohibition against renting or leasing.

Tenants Displaying Political Signs: Effective January 1, 2012, a residential tenant can display (in specified areas, and subject to local, state, and federal law or a lawful provision in an HOA’s governing documents) political signs related to elections, legislative votes, initiatives, and other political matters; but the landlord can make reasonable restrictions as to the location, size, and duration of display.

Foreclosures – Revising the Notice of Sale: Effective April 1, 2012, a Notice of Trustee’s Sale for the non-judicial foreclosure of one-to-four residential units must contain specified notices to the owner on how to seek postponement of the trustee’s sale, and to potential bidders on the risks involved in bidding at trustee auctions; and a lender must provide up-to-date information about sale dates via the Internet, a telephone recording, or other appropriate means.

Real Estate Agents Handling Appraisal Issues: Effective January 1, 2012, a real estate licensee cannot knowingly misrepresent the value of real property; and a licensee who provides an opinion of value used as the basis for originating a loan on residential property cannot have any interest in the property or transaction. A licensee or other interested party is also prohibited from improperly influencing a person preparing an appraisal or valuation.

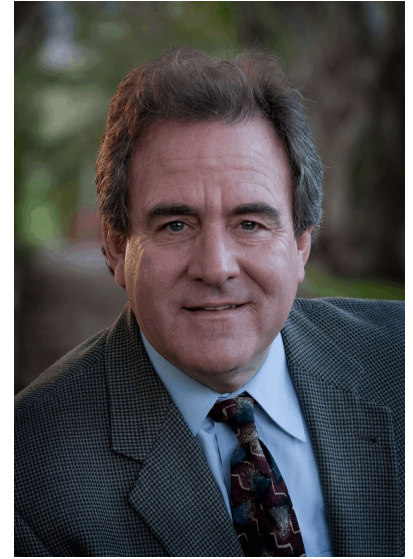
Sellers Must Provide Disclosures Regarding Water-Conserving Plumbing Fixtures: Effective January 1, 2012, the Transfer Disclosure Statement (“TDS”), required for selling most residential real estate, will be revised to require seller disclosures related to water-conserving plumbing fixtures (low-flow toilets, shower heads, and faucets).

Fee for HOA Disclosures Must be Separate, Reasonable: Effective January 1, 2012, an HOA (Homeowner or Condo Association) must, upon written request, give an estimate of the reasonable fee for providing a prospective buyer with the governing documents and other required HOA disclosures. The HOA cannot attach to, or bundle, the fee with any demands for payments, fines, fees or assessments.

Strengthening DRE Enforcement: Effective January 1, 2012, the Department of Real Estate (which regulates the real estate industry including brokers and real estate agents) will have greater disciplinary authority.

Get Your Dispute Settled & Closed!

Robert (Bob) Sheppard
~30 Year Mediator~



100 Montgomery Street, Suite 2100, San Francisco, CA 94104

Phone 415 • 296 • 0900 Website/e-mail: www.sheppardlaw.com

Cost-Saving Mediation/Arbitration Services (Litigation and Pre-Litigation Cases)

Tenacious & Dynamic Mediator

BEFORE



AFTER



✧ **Mediation with flexibility & informality**

✧ **Mediator with People Skills**

✧ **Known for Techniques to “Break the Impasse” and “Close the Deal”**

* Robert J. Sheppard was recognized by other lawyers as a “**Northern California Super Lawyer**” in the field of Mediations/ADR for 5 consecutive years. Nominated by blue ribbon panel; Ballots sent to over 50,000 lawyers

* Robert J. Sheppard serves on the Board of Directors (and Officer) of **The Mediation Society**: 2007, 2008, 2009, 2010, 2011

Sheppard, Uziel, Sussman & Rosen Law Firm

100 MONTGOMERY STREET • SUITE 2100
SAN FRANCISCO • CA 94104
PHONE 415 • 296 • 0900 FAX 415 • 296 • 0999
Website: sheppardlaw.com

Real Estate Law Transactions Trials & Litigation Dispute Resolution/Mediations

For-Sale-By-Owner (“FSBO”) Transaction Work



(When Buyer and Seller Have Already Found Each Other)

Sheppard, Uziel, Sussman & Rosen can do all the paperwork for sellers and buyers of real estate (usually a house, a condominium, or a Tenancy-in-Common interest in an apartment building), without charging the seller commissions (usually between 5% and 6%). We do the real estate agent/broker/legal work for a For-Sale-By-Owner (“FSBO”) transaction in a low-cost, high quality way.

Sheppard, Uziel, Sussman & Rosen has carved a niche as a law firm performing the necessary paperwork to streamline a FSBO transaction through the close of escrow.

Attorneys Jaime Uziel and Larry Sussman spearhead the FSBO work for sellers and buyers of real estate. Mr. Uziel is a licensed California Real Estate Broker, has been licensed in real estate since 1990, and is a member of the San Francisco Association of Realtors. Senior Counsel Larry Sussman has more than 28 years experience in practicing real estate law, and formerly was a licensed California Real Estate Broker.

Mr. Uziel’s and Mr. Sussman’s decades of experience as Real Estate Brokers and Real Estate Lawyers help facilitate smooth escrow closings.

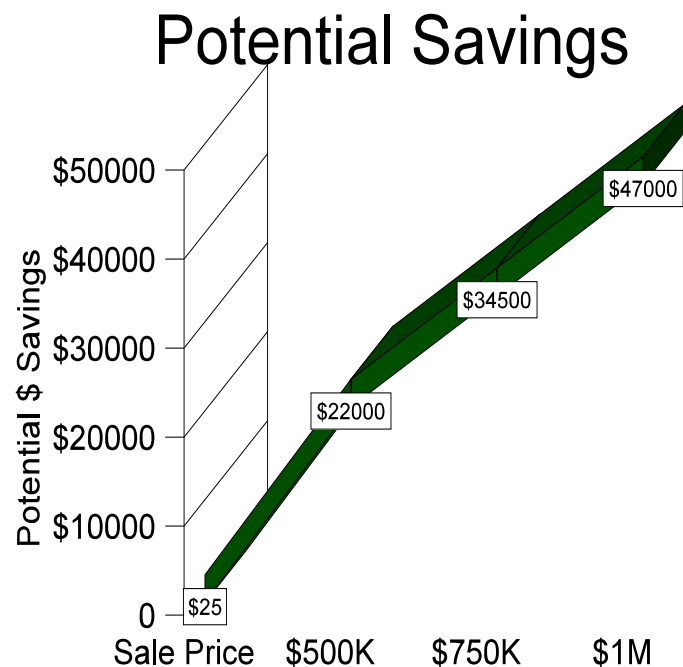
FSBO transactions usually take between 10 - 25 attorney hours, depending on the individual transaction and whether or not complications arise.* The fees expended can save the seller thousands of dollars in real estate commissions.

Please call Attorney Jaime Uziel (ext. 38) or Attorney Larry Sussman (ext. 25) at 415-296-0900 for additional information. Please also feel free to visit our law firm website (www.sheppardlaw.com) so you can learn more about us. Our law firm does not conduct public marketing of properties or searches for properties. You should hire a real estate broker if you want to market our property for sale or if you are looking for property to purchase.

(See other side for more info.)

Our FSBO (For-Sale-By-Owner) Work in a Nutshell:

- * We provide a service to both buyers and sellers of real property in the San Francisco Bay Area (and occasionally, beyond), whereby we facilitate purchase and sale transactions through negotiations (if necessary), document drafting, disclosure completion/execution, etc.
- * We work in conjunction with local, reputable escrow companies which hold deposit monies and deal with escrow-related matters.
- * The FSBO transactions we handle typically result from situations where the buyer and seller have reached a verbal agreement on “deal points” and need qualified, competent professionals to handle the details (i.e., to draft transaction documents, prepare legally-required disclosure documents, work with escrow companies, review all documents with clients, etc.). That’s where we step into the picture.
- * When we are retained, we are retained by one side of the transaction - either buyer or seller - to avoid a conflict of interest. We can refer the other party to competent legal counsel (at reasonable rates), upon request.
- * Consider: Assume a property’s purchase price is \$1,000,000. A 5% commission rate would amount to \$50,000. A seller would likely pay Sheppard, Uziel, Sussman & Rosen between \$3,000 to \$7,500* to handle the transaction (depending on the circumstances of the particular transaction), thereby potentially saving the seller up to \$47,000 on a \$1,000,000 transaction.
- * We do not charge a flat fee; rather, we ask for a reasonable up-front retainer and we bill against that retainer. Any funds left over are returned to the client. If our fees exceed the retainer (e.g., due to unforeseen circumstances), then we ask for a “refresher retainer.”
- * We are also skilled in conflict-resolution and have, on many occasions, succeeded in getting deposit monies released to our purchaser-clients when they have decided not to proceed with the transaction due to a failed condition. We are also experienced litigators, and we are ready to battle for our clients in court or arbitration, if necessary.



* There are no guarantees, of course, and a transaction may cost more to complete, depending on the circumstances and any complications that may arise.

Robert J. Sheppard
Jaime C. Uziel
Lawrence R. Sussman
Juliana E. Pisani
Stephen J. Sherman
Weldon E. Bradstreet
Daniel D. Buchalter
Elizabeth W. Sheppard
Jeffrey S. Rosen (1958 - 2009)

Sheppard, Uziel, Sussman & Rosen

100 MONTGOMERY STREET • SUITE 2100
SAN FRANCISCO • CA 94104
PHONE 415 • 296 • 0900 FAX 415 • 296 • 0999
Website/E-Mail: SHEPPARDLAW.COM

Trials & Litigation
Dispute Resolution/Mediations
Real Estate Law/Land Use
Landlord-Tenant/Rent Control
Premises Liability Law
Personal Injury/Tort Law
Insurance Law and Coverage
Business/Contract Law
Estate Planning, Wills, Trusts

We handle all types of
LITIGATION MATTERS
(Real Estate, Landlord-Tenant, Business, Tort, Etc.)

and

TRANSACTIONAL MATTERS:

- ▶ Real Estate Purchase/Sale, and For-Sale-By Owner (“FSBO”) Transactions
- ▶ Tenancy Buy-Outs
- ▶ Real Property Co-Owner Buy-Outs (in lieu of Partition litigation)
- ▶ Draft/Negotiate:



Commercial Leases
Residential Leases
Parking, Storage, and Pet Agreements
Lease Extensions/Renewals
Leases w/Options to Purchase
Tenancy-In-Common (“TIC”) Agreements
Owner-Contractor/Architect/Engineer Contracts
Business Sales/Lease Assignments
Easements/Licenses
Landlord-Tenant Legal Notices, Eviction Notices,
Ellis Act Eviction Notices, etc.

- ▶ Negotiate Homeowners Association (“HOA”) Disputes and Modifications/Amendments to HOA Governing Documents
- ▶ Condominium Conversions
- ▶ Private Loans (Notes/Deeds of Trust)
- ▶ Foreclosures and Related Negotiations
- ▶ “Hybrid Cases”: Owner Move-In Eviction (“OMI”) → FSBO; OMI → TIC; Litigation → Purchase; Condo Conversion → Tenant Purchases Property; Family Inheritance → Beneficiary Purchases Property; etc.