



NEWSLETTER

Foothills Bar Association's Annual Dinner Celebration

By Traci Hoppes, CLFS, FBA President

On January 27, 2017, the Foothills Bar Association held its 54th annual dinner celebration, along with the installation of the officers and board of directors for 2017. By popular request, this event was again held at the beautiful and unique Mission Trails Regional Park Visitor Center. The French Gourmet served an excellent meal, while a jazz band provided musical entertainment and a telescope was available on the outside terrace for viewing the planets and stars. Over 60 guests attended, including 5 judges, a large number of our members, their guests, and the San Diego City Attorney, Mara Elliott.

Hon. Robert Amador received the Foothills Bar Award this year. The Foothills Bar Award began in 1999 and is a recognition awarded to the member of the Bench or Bar whose contribution of service, effort, time and skills to the legal community of East San Diego County exhibits the highest ideals of public service. Judge Amador has been a strong supporter of our Association, attending numerous events and allowing the family law section to present monthly meetings in his courtroom, and we appreciate his service and dedication.

Long time FBA member William L. Fischbeck, Esq. was the recipient of the George A. Alspaugh Award. The George A. Alspaugh Award was initiated in 2003. This award is given to the member of the Association or legal community who exhibits the highest standards of civility in the practice of law, thereby advancing the positive image of the attorney as a professional and as an officer of the Court and in so doing garners the respect of his colleagues. A moving introduction to the award was presented by Mr. Fischbeck's law partner, Ron Oberndorfer, Esq.

Upcoming Events Calendar

February 9

Estate Planning and Probate Section 12:15 - 1:15 p.m.

Law Offices of Nancy Kaupp Ewin, Esq.
8166 La Mesa Blvd., La Mesa
Topic: Partnering with your Community
Foundation
Speaker: Leslie Klein, San Diego
Foundation

February 13 – Lincoln's Birthday State Courts Closed

February 20 – Presidents Day State and Federal Courts Closed

February 21

Family Law Section 12:00 - 1:15 p.m.

East County Court, Dept. 6
250 E. Main Street, El Cajon
Topic: Updates from the Bench
Speakers: Hon. Patricia Guerrero, Hon.
Enrique Camerena, Hon. Selena Dong Epley,
Hon. Earnest Gross, and Hon. Tilisha Martin
(Please note change in department)

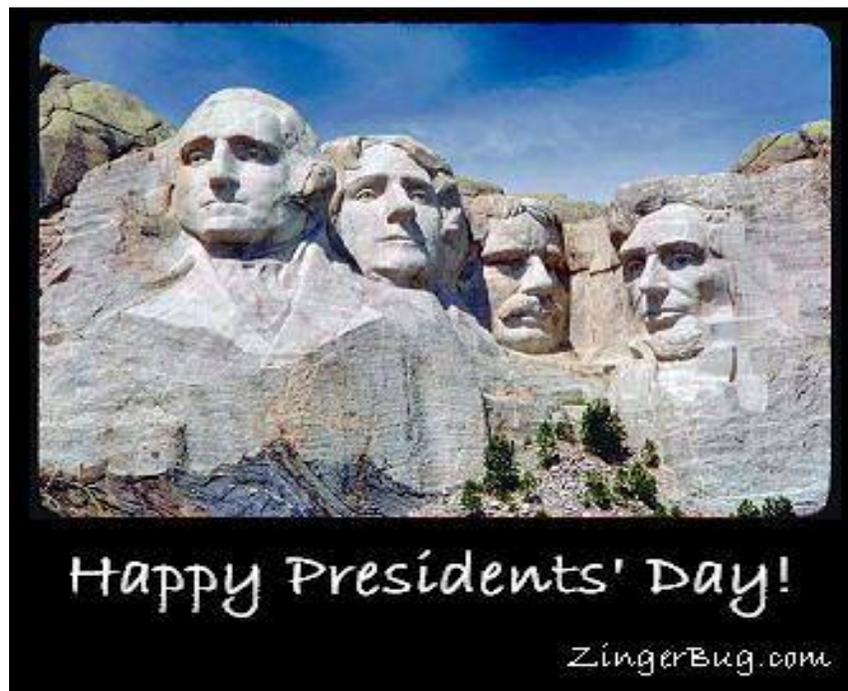
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The Lifetime Achievement Award was presented to Wells Lyman, Esq. This award was initiated last year, and is annually awarded to lawyers who have practiced law at a very high level of advocacy and competence for more than 25 years and who have practiced the bulk of their career in the East San Diego County area. Heather Rosing, Esq. provided a heartfelt and entertaining introduction, complete with hilarious video clips to demonstrate “the things we love about Wells”. Receipt of this award completes a trifecta for Wells, who has now been the recipient of the Foothills Bar award (2006), the George A. Alspaugh Award (2003) and the Lifetime Achievement Award (2017), as well as being a past president of the FBA. Judge Eddie Sturgeon swore in the new 2017 Foothills Bar Board of Directors, including the new officers and directors.

The keynote speaker, new San Diego City Attorney, Mara Elliott, provided insight into the role of her office, current challenges and goals, as well as her political campaign experience.

Thank you to all who attended. And, a special thank you to Suzanne de la Flor with Litivate reporting and trial services, Mike Bond from Bonds Automotive, Ron Oswald with Minuteman Press in La Mesa, Johnny Fitzmaurice, Jr. with Farmers Insurance, and Ed Broderick with Guild Mortgage, for donating restaurant gift cards to award to the raffle winners.

I am honored to serve as FBA President in 2017 and look forward to an exciting year!



Perfect Notice Requires Perfected Title

By Keith A. Jones, Esq.

California law allows landlords to evict tenants with a quick unlawful detainer procedure when compared to the timing in other civil litigation. While the landlord may benefit from the summary procedure, a tenant is protected by the judicial policy that the landlord must strictly comply with the unlawful detainer statutes. Landlords frequently wrestle with the notice requirements as demonstrated in a recent San Diego County unlawful detainer case.

One prima facie element for the landlord to prove is that he or she is the owner of the property. In the case at issue, the plaintiff owner had purchased the subject property at an 8:00 a.m. foreclosure sale, and then served the defendant occupant with the requisite notice to vacate. The plaintiff filed the unlawful detainer action when the defendant refused to surrender possession. The trustee's deed transferring the property to the plaintiff was not recorded until fifteen days after the sale and after the plaintiff served the notice to vacate.

The defendant unsuccessfully argued at trial that the notice was defective because the plaintiff was not the owner of record when the notice to vacate was served. He acknowledged that the trustee's sale had been perfected on the date of sale, but argued that title to the property had not been perfected at the time that the plaintiff served the notice. The trial court rejected the defendant's contention and awarded possession of the premises to the plaintiff.

The defendant argued on appeal that permitting the plaintiff to rely on a notice to vacate that had been served before the plaintiff recorded the trustee's deed would deprive an occupant of verifying that the party serving the notice was the record owner. In other words, purchasing property at a sale did not equate to transfer of title evidenced by the recording of a deed with public records.

The appellate court agreed with the defendant, recognizing that the sale of the property and the recording the deed were two separate events. Relying on Code of Civil Procedure Section 1161a(b)(3), the appellate court held that while the transfer of ownership had been perfected on the date of sale, the transfer of title had not been perfected until the recording of the trustee's deed. Consequently, the plaintiff's notice had been served too early, rendering it fatally defective.

The appellate court reversed the trial court's decision and remanded the case with instructions to vacate the judgment for possession and conduct any further proceedings in a manner consistent with its opinion. Under the circumstances, I suspect the plaintiff had to start the process from the beginning, starting with service of a perfect notice to vacate based on the perfected title.

FOOTHILLS BAR MEETING

Estate Planning, Trust and Probate Section

THURSDAY – February 9, 2017

12:15pm – 1:15pm

Brown Bag Event

PARTNERING WITH YOUR COMMUNITY FOUNDATION

PRESENTED BY:

**LESLIE S. KLEIN, CFP
CHARITABLE GIFT DIRECTOR
THE SAN DIEGO FOUNDATION**

The San Diego Foundation maximizes the impact of charitable giving. They mobilize philanthropic resources to advance quality of life, increase social impact and champion civic engagement. For more than 40 years, The Foundation and their donors have granted more than \$1 million to grow a vibrant San Diego region.

Leslie Klein will discuss how to work with community foundations to provide great charitable giving options and benefits for your clients.

1 HOUR MCLE

Meeting at:

**EWIN LAMBOURNE LAW
8166 La Mesa Blvd., La Mesa, CA 91942
(619) 698-1788**



**FOOTHILLS BAR ASSOCIATION
OF SAN DIEGO COUNTY**
Service, Professionalism, Collegiality

FOOTHILLS BAR ASSOCIATION FAMILY LAW SECTION MEETING

**Tuesday, February 21, 2017
12:00 pm – 1:15 pm**

LOCATION:

**East County Court House – Department 6
250 East Main Street, El Cajon, CA 92020**

TOPIC:

“UPDATES FROM THE BENCH”

SPEAKERS:

**Hon. Patricia Guerrero
Hon. Enrique Camarena
Hon. Selena Dong Epley
Hon. Ernest Gross
Hon. Tilisha Martin**

COSTS:

**Free for members of the Foothills Bar Association
\$10 for Non-Members and Guests (payable at the door)**

**This presentation qualifies for one unit (1.0 credit hour) toward
California Minimum Continuing Legal Education (MCLE).**

**For questions, please contact Traci Hoppes at
(619) 448-6500 or tracihoppes@yahoo.com.**

Notices

Looking for Speakers for Future FBA Civil Litigation Section Meetings:

If you have a litigation topic you would like to present at an upcoming Civil Litigation Section MCLE meeting, please contact Section Co-Chairs Mark Raftery at mark@markrafterylaw.com or Elizabeth Smith-Chavez at liz@smithchavezlaw.com.

Foothills Bar Association Notice of Board Meeting:

The Foothills Bar Association Board of Directors generally meets on the third Tuesday of each month. The next meeting will be on February 21, 2017 at the Brigantine in La Mesa, beginning at 5:00 p.m. If you want your voice to be heard in policy discussion and upcoming events planning or would simply like to learn more about the organization, your attendance is welcome.

The Family Court needs settlement conference judges. Please volunteer and share your expertise. Contact Kelly Fabros at 619-456-4065 or Kelly.Fabros@SDCourt.CA.Gov.

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OFFICERS

President	Traci Hoppes	traci@FamilyLawSanDiego.com	619-448-6500
Vice President	William Hannosh	Whannosh@gmail.com	619-579-4200
Treasurer	George de la Flor	gldelaflor@cs.com	619-246-9544
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 Immediate Past President: Glen Honig			 619-315-9962
		glen@FamilyLawSanDiego.com	

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REPRESENTATIVES

Garrison "Bud" Klueck, SDCBA, East County Representative, Board of Directors
Garrison@FamilyLawSanDiego.com 619-588-2064

SECTIONS

FAMILY LAW:	Chair: Traci Hoppes
CIVIL LITIGATION:	Chairs: Cheryl Stengel & Mark R. Raftery
CRIMINAL LAW:	Chairs: Andrea Schneider & Daniel Cohen
ESTATE PLANNING:	Chair: Nancy Kaupp Ewin & Julia Perkins

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MEMBERSHIP	Chair: Bradley Schuber & George de la Flor
ADDRESS CHANGES	Chair: Bradley Schuber
SPECIAL EVENTS	Chair: Garrison "Bud" Klueck
NEWSLETTER	Chair: Cheryl Stengel

SUBMISSIONS

Your submissions are welcome! Send articles, letters, flyers, and other non-advertising [submissions to Cheryl Stengel at clstengel@outlook.com.](mailto:clstengel@outlook.com)

ADDRESS CHANGES

Send change of address or telephone number to Bradley Schuber at bschuber@krigerlawfirm.com

**Foothills Bar Association
P.O. Box 1077
El Cajon, CA 92022**

**Addressee Name
4321 First Street
Anytown, State 54321**