



NEWSLETTER

Come One! Come All!

By William Hannosh, Attorney/FBA President

The Foothills Bar Association is ending 2018 and beginning 2019 with several events, including fun holiday festivities, the Annual Hard-To-Get MCLE seminar, and the annual dinner and board of directors installation. The FBA encourages your participation in all of these exciting events!

Stop by and enjoy a cookie (or more!) with our East County Judges on **Tuesday, December 18, 2018** at the annual dessert mixer from Noon to 1:15 pm in Department 10 of the East County Superior Court. This annual event is a fun opportunity to enjoy time with fellow members of the legal community and to enjoy some homemade goodies.

Mark the evening of **Thursday, December 20, 2018** on your calendar for our Toy Drive and Holiday Mixer at Hooleys Irish Pub in Grossmont Center, La Mesa, from 5:00 to 7:00 p.m. The Foothills Bar Association is pleased to collect donated toys for the Salvation Army, which will distribute them to local families in need. A flyer is included with this newsletter. Bring your new, unwrapped gift and receive a drink ticket (limit one ticket per person). Delicious buffet-style food is included. We look forward to seeing our members there!

Upcoming Events Calendar

December 11 – Family Law and Estate Planning & Probate Sections
12:00 – 1:15 p.m.

East County Court, Dept. 5
250 East Main Street, El Cajon
Topic: Crossover Issues in Family Law and Estate Planning
Speakers: Hon. Robert Longstreth and Attorney Jeff Fritz, Basie & Fritz
(Note previously announced date change.)

December 20 – Foothills Bar Association's Annual Cookie Mixer

12:00 – 1:15 p.m.
East County Court, Dept. 10
250 East Main Street, El Cajon

December 20 – Foothills Bar Association's Holiday Mixer and Toy Drive

5:00 – 7:00 p.m.
Hooleys Irish Pub in
Grossmont Center, La Mesa
(See Enclosed Flyer)

December 25 – Christmas Day
State and Federal Courts Closed

January 1, 2019 – New Year's Day
State and Federal Courts Closed

January 9, 2019
Foothills Bar Association
"Hard to Get" MCLE Seminar
5:00 – 9:00 p.m.
Location and Speakers TBA

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On January 9 2019, the Foothills Bar Association will present its Annual “Hard-To-Get” MCLE Seminar, providing one hour of continuing legal education credits for each of the legal ethics, elimination of bias in the legal profession and competence issues categories. The program will begin at 5:00 p.m. Location and speaker information will be announced soon.

Then, on **Friday, February 8, 2019**, the Foothills Bar Association will hold its Annual Dinner and Installation of Officers and Directors at Babylon Palace Banquet Hall in El Cajon. The evening will include a delicious dinner, music and fun festivities. Registration information will be provided soon.

**FOOTHILLS BAR ASSOCIATION
NOTICE OF GENERAL MEMBERSHIP MEETING AND
BOARD OF DIRECTORS 2019 ELECTIONS**

Dear Members:

On December 20, 2018, the Foothills Bar Association of San Diego County will hold its general membership meeting at 4:45 p.m. at Hooleys Irish Pub & Grill in Grossmont Center, La Mesa. At that meeting, paid members will have an opportunity to vote to elect the Board of Directors for 2019.

The board has open positions. If you are interested in serving on the board or would like to nominate someone else to serve, please send your nominations via e-mail to the “*Nomination Committee*” at bar@foothillsbar.org by no later than **December 14, 2018 at 12 p.m.** To be eligible, a nominee must have been a member of the Foothills Bar Association for at least one year and must maintain his or her residence or principal office in San Diego County. We will send out the slate of nominated directors and current directors for your consideration prior to this general meeting.

Please use the attached Nomination Form included with the newsletter.



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

NOMINATION FORM

The Foothills Bar Association is now soliciting nominations for the 2019 Board of Directors. There are several, open board positions, and nominees are encouraged to submit their names as soon as possible. Our elections will be held on December 20, 2018 at 5:00 p.m., prior to our scheduled holiday mixer and toy drive at Hooleys Irish Pub at Grossmont Center.

If you are interested in serving on the board in 2019, or you would like to nominate another person to serve on the board, then please send this completed Nomination Form via e-mail to bar@foothillsbar.org **no later than December 14, 2018 at 12:00 p.m.** Please remember to write “**Nomination Committee**” in the subject line.

____ I would like to nominate myself, _____, to serve on the 2019 board of directors.

_____ I would like to nominate _____ to serve on the 2019 board of directors.

_____ I am not submitting a nomination, but I would like to speak with a member of the board about being more actively involved in a section or committee of the Foothills Bar Association.

Please complete:

Name: _____ E-mail _____

Phone () _____

*Note: Please fill out and return this form to: bar@foothillsbar.org by December 14, 2018.

New Abandonment Procedures For Commercial Landlords

By Keith A. Jones, Esq.

Residential and commercial landlords share a common issue: a tenant who is delinquent in rent disappears in the middle of the night, leaving personal property behind. The landlord sometimes may have no idea where the tenant went for purposes of serving a pay rent or quit notice, or to inquire about the tenant's intentions in continuing the tenancy or removing the personal property left behind.

The California Civil Code has procedures to assist both residential and commercial landlords if such circumstances occur as to the termination of a lease and the disposition of any remaining personal property. New changes to the Civil Code which become effective on January 1, 2019 provide new benefits to commercial landlords on both fronts.

Under the soon-to-be former law, a commercial landlord who reasonably believes the tenant, who had due and unpaid rent for at least fourteen consecutive days, had abandoned the premises can serve a notice of belief of abandonment of premises. The landlord is required to specify the lease's termination date in the notice. The date could be either fifteen days after personally serving the notice, or eighteen days after depositing the notice in the mail.

Under the new law, the commercial landlord who reasonably believes the tenant has abandoned may not have to wait fourteen days before serving the notice. The new statute permits the landlord to give the notice of belief of abandonment of premises after the rent is due and unpaid for the number days tied to the rent due date stated in the lease that triggers a landlord's right to declare a default, but in any event no fewer than three days.

A tenant can avoid abandonment by proving the rent was not due and unpaid for the time period necessary to declare a default, or if the tenant remits all or a portion of the rent during the beginning of the default rent period up to and including the termination date stated in the notice. If the tenant succeeds on either point, the landlord could be held liable for wrongful eviction. Thus, reviewing default and rent due date provisions in the lease will be critical in confirming the timing to serve an abandonment of premises notice.

The new statute also permits the commercial landlord to serve the notice personally, by mail, or by overnight courier. Regardless of how the commercial landlord serves the notice, the time period for the lease's termination date is fifteen days.

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If the tenant leaves personal property behind in the premises, the commercial landlord can serve a notice of right to claim abandoned property. The notice can be separate or combined with the notice of belief of abandonment of premises.

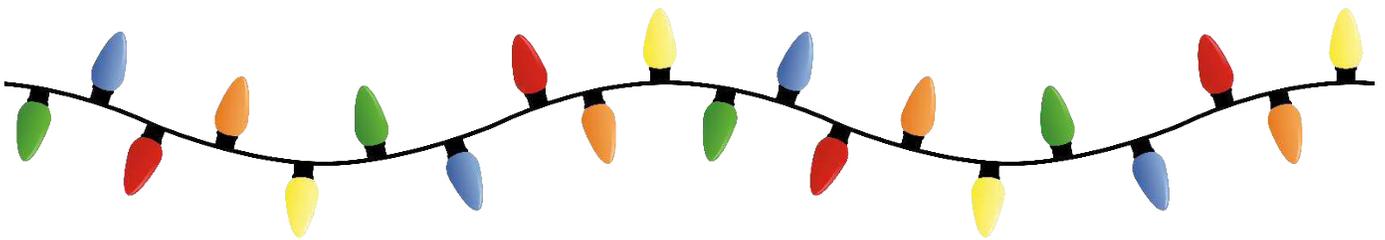
Under the soon-to-be former law, different rules apply depending on the value of the abandoned property. If the property's value is less than the threshold amount, which is the lesser of \$750 or \$1 per square foot of the premises, then the landlord can retain it or dispose of it in any manner. If the value exceeds the threshold amount, then the landlord is required to sell the property at a public sale with competitive bidding. The tenant's time to reclaim the property is like the notice of belief of abandonment of premises, i.e. fifteen days after personal service and eighteen days after service by mail.

Under the new statute, the new threshold amount is the greater of \$2,500 or one month's rent. Consequently, a commercial landlord can use or dispose of the tenant's personal property in any manner if the value is less than the threshold amount, but must use the public sale procedure if the value exceeds the threshold amount. The fifteen days by personal service and eighteen days by mail time periods still apply during which the tenant can claim the property by paying the commercial landlord's storage fees.

Commercial landlords risk tort liability for property losses and other damages if they don't comply with the statutes. This article briefly identifies the new procedures for commercial landlords. A myriad of other issues remain that will affect the notices, including identifying the personal property, evaluating the facts causing the landlord's belief of abandonment, history of rent payments and acceptance of late rent payments, a tenant's right to claim the property before a public sale, the amount of storage fees, whether type of property is not governed by the statutes, whether the tenant is a former tenant due to a lease expiration or by an unlawful detainer judgment, and whether a non-tenant owns the abandoned personal property.

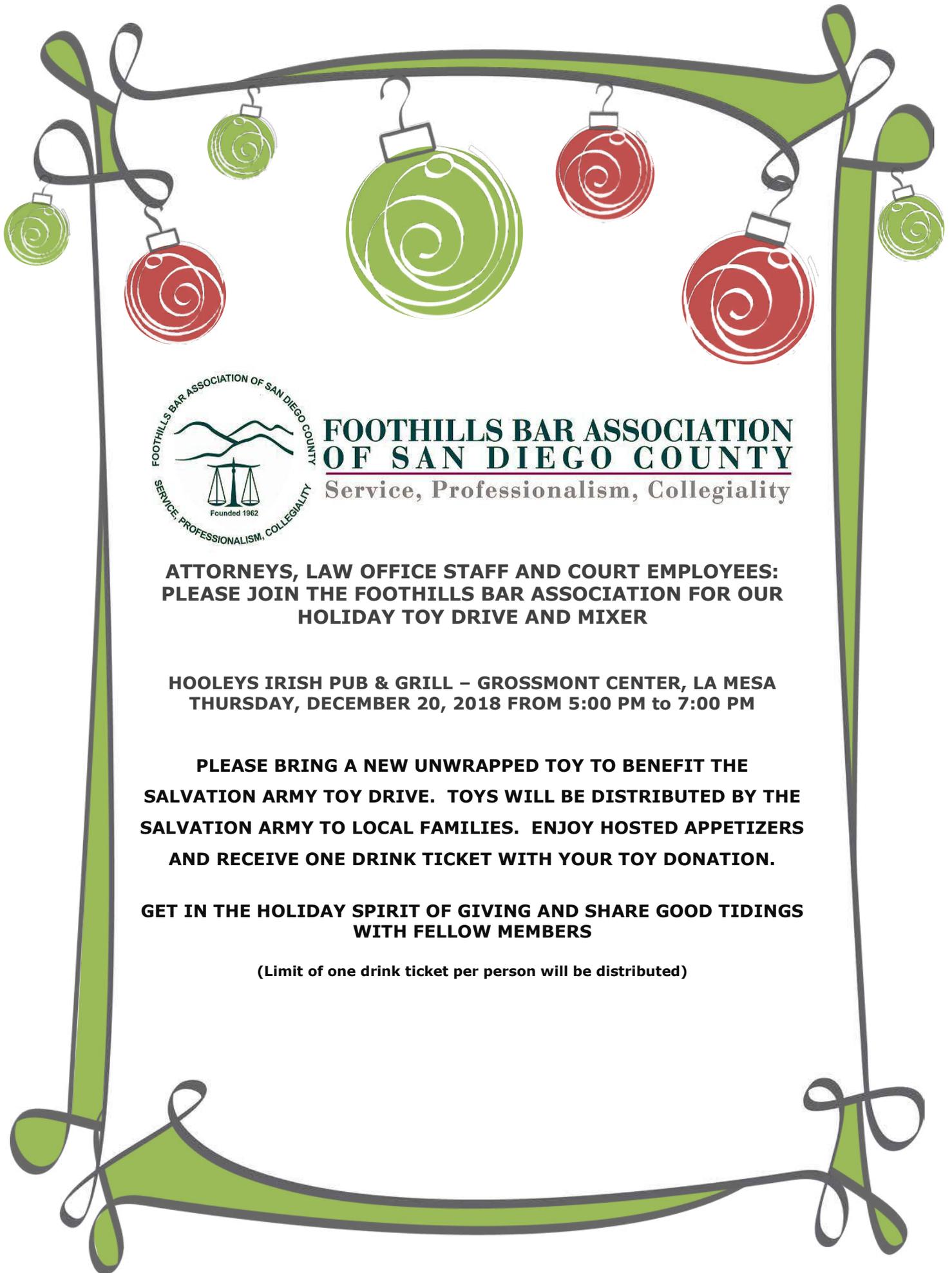
SAVE THE DATE!!!

The Foothills Bar Association's 56th Annual Dinner and Installation of Officers & Board of Directors will be held on February 8, 2019 at Babylon Palace Banquet Hall in El Cajon. Details are coming soon.



SAVE THE DATE!!!

On January 9, 2019, the Foothills Bar Association will present its annual "Hard to Get" MCLE seminar, providing one hour of continuing education credit in each of the three areas: legal ethics, elimination of bias in the legal profession, and substance abuse/competence issues. Information on the location and speakers will be announced soon.



FOOTHILLS BAR ASSOCIATION OF SAN DIEGO COUNTY

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**ATTORNEYS, LAW OFFICE STAFF AND COURT EMPLOYEES:
PLEASE JOIN THE FOOTHILLS BAR ASSOCIATION FOR OUR
HOLIDAY TOY DRIVE AND MIXER**

**HOOLEYS IRISH PUB & GRILL – GROSSMONT CENTER, LA MESA
THURSDAY, DECEMBER 20, 2018 FROM 5:00 PM to 7:00 PM**

**PLEASE BRING A NEW UNWRAPPED TOY TO BENEFIT THE
SALVATION ARMY TOY DRIVE. TOYS WILL BE DISTRIBUTED BY THE
SALVATION ARMY TO LOCAL FAMILIES. ENJOY HOSTED APPETIZERS
AND RECEIVE ONE DRINK TICKET WITH YOUR TOY DONATION.**

**GET IN THE HOLIDAY SPIRIT OF GIVING AND SHARE GOOD TIDINGS
WITH FELLOW MEMBERS**

(Limit of one drink ticket per person will be distributed)

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 Chair Steven Banks at: sbanks@krigerlawfirm.com or 619-589-8800.

Foothills Bar Association Notice of Board Meeting:

The Foothills Bar Association Board of Directors generally meets on the second Tuesday of each month. The next meeting will be on December 18, 2018 at the Law & Mediation Firm of Klueck & Hoppes, APC., 7777 Alvarado Road, Suite 413, La Mesa, CA 91942 beginning at 4:45 p.m. If you want your voice to be heard in policy discussion and upcoming event 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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\$25.00 for two months

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Treasurer	Glen Honig	glen@FamilyLawSanDiego.com	619-315-9962
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Immediate Past President: Traci Hoppes			619-448-6500
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Jeremy Elias	ESQ@JHElias.com	619-843-8546
George de la Flor (Alternate Director)	gldelaflor@cs.com	619-246-9544

REPRESENTATIVES

Garrison "Bud" Klueck, SDCBA, East County Liaison, San Diego County Bar Association
Garrison@FamilyLawSanDiego.com 619-588-2064

SECTIONS

FAMILY LAW:	Co-Chairs: Amy West & Traci Hoppes
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CRIMINAL LAW:	Co-Chairs: Andrea Schneider & Daniel Cohen
ESTATE PLANNING:	Co-Chairs: Janice Miller & Julia Perkins

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MEMBERSHIP	Chairs: Bradley Schuber & George de la Flor
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NEWSLETTER	Chair: Cheryl Stengel
YOUNG & NEW LAWYERS	Chairs: William Hannosh & Koryn Sheppard

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
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