NEWSLETTER

It’s Time for Foothills Bar Association’s Annual Dinner!

The Foothills Bar Association is pleased to announce its Annual Dinner and Installation of Officers and Directors, on Friday, February 8, 2019 at 5:30 p.m. This event will be held at the Babylon Palace Banquet Hall, located at 456 Magnolia Avenue in El Cajon, which is very near to the El Cajon Superior Court.

This will be a meaningful opportunity to allow members and friends of the Foothills Bar, Judicial Officers, and representatives of all of San Diego’s bar associations to mix and mingle as we at the Foothills Bar Association fulfill an annual tradition that has lasted for 54 years now. At this special event, we will enjoy entertainment by Richard Lederer, best known for his books on the English language and on word play such as puns, oxymorons, and anagrams. There will also be a jazz band, as well as a delicious dinner. We will present several awards and swear in the new Board members for 2019. The festivities begin at 5:30 pm with cocktails and appetizers.

Space is limited so please RSVP. Pre-event registration may be done on our website at http://foothillsbar.org/event/fba-annual-dinner-2019/, or you may mail a check payable to “Foothills Bar Association,” to P.O. Box 1077, El Cajon, CA 92022. The cost is $65 per person ($50 for attorneys practicing 3 years or less), which includes drinks and dinner. Please reference “Annual Dinner” in the memo portion of your check, indicate your name, and how many guests you’ll be bringing. Also, please indicate your meal choice. We hope to see you there! If you have any questions, please contact Will Hannosh at will@familylawsandiego.com or Koryn Sheppard at koryn@familylawsandiego.com.

Upcoming Events Calendar

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>January 9</td>
<td>Foothills Bar Association “Hard to Get” MCLE Seminar</td>
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<td>5:00 – 9:00 p.m.</td>
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<td>March 19</td>
<td>Family Law MCLE</td>
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<td>(1 hour Bias CLE credit)</td>
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<td>12:00 - 1:15 p.m.</td>
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<tr>
<td>February 8</td>
<td>Annual Dinner and Installation of Officers and Directors</td>
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<td>5:30 – 9:00 p.m.</td>
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<td>February 26</td>
<td>Family Law MCLE</td>
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<td>Details Coming Soon</td>
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Testo Pepesto
Hooley’s Holiday Mixer Allows Time for Celebration and Camaraderie

On December 20, 2018, the Foothills Bar Association held its annual holiday mixer at Hooley’s Irish Pub in Grossmont Center, La Mesa. In keeping with long-held tradition, a drink ticket was provided to attendees who brought a new, unwrapped toy as a donation for the Salvation Army’s toy drive. This year, the Salvation Army’s donation barrel was overflowing with toys, which were donated to local children over the holiday season. The yearly, holiday celebration also saw its largest attendance in several years. Attorneys and other professionals were able to mingle, catch up or get acquainted, and enjoy food and drink provided by Hooley’s.

Attorneys Amy West and Koryn Sheppard.

Attorneys, Eddie Maravilla, Jeff Miller and Jeremy Elias, an active member of the Criminal Defense Section.

2018 Foothills Bar Association board of directors and officers. From left to right, Brad Schuber, Andrea Schneider, Traci Hoppes, George de la Flor, Jeremy Elias (at center), Dan Cohen, William Hannosh, Glen Honig and Koryn Sheppard.
Perfected Title Required By Foreclosure Buyer

By Keith A. Jones, Esq.

My Foothill Bar Association newsletter articles in February and April 2017 analyzed two cases, each involving efforts by a new owner of foreclosed property to evict the occupant. Both appellate benches reached opposite conclusions. I wondered in the conclusion of my second article as to whether the issue would be presented to the California Supreme Court, and it was.

In the first case, from San Diego, the plaintiff purchased the property at an 8:00 a.m. foreclosure sale, and later that day served the defendant occupant with the requisite notice to vacate. When the defendant didn't surrender possession after three days, the plaintiff filed the unlawful detainer action. The trustee's deed was recorded fifteen days after the sale, and after the plaintiff filed the eviction lawsuit, but it was recorded before trial.

The defendant lost at trial despite arguing that the notice was defective because the plaintiff had not first perfected its title to the property by recording the deed before serving the notice to vacate. San Diego's Appellate Division reversed, finding under Code of Civil Procedure Section 1161a(b)(3) that the title had to be perfected by recording the trustee's deed before the notice could be served.

The second case concerned a Ventura County unlawful detainer action in which the plaintiff served the notice to vacate on the defendant occupant the day after purchasing the property at a foreclosure sale. Five days after serving the notice, the plaintiff recorded the deed transferring the property, but didn't file the unlawful detainer complaint until five weeks after serving the notice. In a bifurcated trial, the plaintiff succeeded in proving the lease had been extinguished by the foreclosure sale, so the defendant surrendered possession and reserved its right to appeal whether the notice was defective as being premature.

The Second Appellate District rejected the San Diego Appellate Division's decision, finding under CCP Section 1161a(b)(3) that the plaintiff's notice to vacate was effective, even though it was served before the trustee's deed recorded. The appellate decision in the Ventura decision reasoned that the plaintiff had perfected title by the time it filed the complaint so the notice to vacate served before recording the trustee's deed was not defective. To bolster this position, it concluded that a party does not begin an unlawful detainer action by serving a notice to vacate, but rather when it files the lawsuit which establishes the court's jurisdiction over the parties.
Continued from Page 3…

Although no longer in possession, the defendant in the Ventura County case appealed to the California Supreme Court. The Supreme Court focused on the verb tenses in CCP Section 1161a(b)(3), finding that since the language was stated in past tense, a party purchasing property at a foreclosure sale needs to establish the property "has been sold" and the title "has been duly perfected" before serving a notice to vacate. To be duly perfected, the new owner needs to complete all steps necessary to perfect the transfer to make it "valid and good beyond all reasonable doubt."

Consequently, the fact that the plaintiff's timing for serving the notice and filing the unlawful detainer lawsuit provided additional time for the defendant, it didn't aid the plaintiff. The plaintiff also argued to no avail that a statute governing the recording of a trustee's deed provides that the date of the sale is deemed retroactive to the date of the conveyance if the trustee's deed is recorded during the fifteen-day period after the sale. The Supreme Court rejected the argument, finding the statute related to protections given to a trustee to delay delivering the trustee's deed until a check given as payment for the sale is honored.

The Supreme Court reasoned that the trustee's deed needed to be recorded before it would relate back to the sale date. In the Ventura case, the trustee's deed had not been recorded before the plaintiff served the notice to vacate, and thus, did not relate back to the trustee's sale date until after the service of the notice. Much of the analysis focused on statutory interpretation and legislative intent, and supported the rationale that requiring a recorded trustee's deed assisted an occupant to avoid possibly unnecessary relocation expenses. The Supreme Court also considered a new wrinkle, recognizing that statutory time constraints in the summary nature of an unlawful detainer action was not the appropriate form of action to determine clouds on title, including those arising from claims involving activities not related to typical trustees' sales.

The Supreme Court's decision resolves the conflicting appellate decisions on when a notice to vacate can be properly served after a trustee's sale, and further bolsters the public policy of strictly construing the statutes to favor occupants due to unlawful detainer actions' streamlined procedures. Of course, circumstances may change if the California legislature determines that the statutes' intentions have been misinterpreted and amends the statutes.
Family Law Section Update

On December 11, 2018, the Family Law section of the Foothills Bar Association presented a continuing education event along with the Probate section. The title of the event was “Death & Divorce: Cross Over Issues with Probate and Family Law.” The event was held in Dept. 5 of the El Cajon courthouse and was attended by approximately 40 attorneys. Honorable Robert Longstreth began by explaining the jurisdictional issues between Family Court and Probate Court if a party dies during the pendency of a family court case. We learned that the basic rule as between parties in a dissolution action is that the death of one party before entry of an order dissolving the marriage abates the action. Following death of a party, the family court is deprived of jurisdiction to make further orders concerning property rights, spousal support, costs, or attorneys’ fees. Judge Longstreth also spoke about guardianships and property characterization in probate court. Attorney Jeffrey Fritz continued by discussing estate planning in family law matters as well as post-judgment issues. Mr. Fritz stressed that we should “know what you don’t know” and reach out to an expert if uncertain by referring to an estate planning attorney and/or family law attorney.

For January 2019, the Family Law section is encouraging all of its members to attend the Hard to Get seminar on January 9, 2019. The next Family Law section-specific MCLE will take place on February 19, 2019 – additional information will be forthcoming.
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 February 12, 2019 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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100 Spectrum Center Drive Suite
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Vice President: Koryn Sheppard  koryn@FamilyLawSanDiego.com  619-448-6500
Treasurer: Glen Honig  glen@FamilyLawSanDiego.com  619-315-9962
Secretary: Andrea Schneider  andreaattorney@gmail.com  619-518-0476

Immediate Past President: Traci Hoppes  traci@FamilyLawSanDiego.com  619-448-6500

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Jeremy Elias  ESQ@JHElias.com  619-843-8546
George de la Flor  gldelaflor@cs.com  619-246-9544
(Alternate Director)

REPRESENTATIVES

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

SECTIONS

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CIVIL LITIGATION: Chair: Steven Banks
CRIMINAL LAW: Co-Chairs: Andrea Schneider & Daniel Cohen
ESTATE PLANNING: Co-Chairs: Janice Miller & Julia Perkins

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HARD-TO-GET Chair: Glen Honig
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ADDRESS CHANGES Chair: Bradley Schuber
SPECIAL EVENTS Chair: Garrison “Bud” Klueck
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.

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
Foothills Bar - Hard to Get MCLE Seminar

Just in time to get those last few hard to get credits!

**When:** January 9, 2019

**Check in:** 5:00 p.m. to 5:25 p.m.

**Seminar and Breaks:** 5:30 p.m. to 9:00 p.m.

**Where:** BJ's Restaurant Brewhouse in Grossmont Center (Patio Room).

**Buffet dinner included.**

**Speakers and Topics:**

- **Ed McIntyre, Esq.:** (1 hr) Legal Ethics.
- **Richard Huver, Esq.:** (1 hr) Recognition and Elimination of Bias in the Legal Profession and Society.
- **Tom Horvath, Ph.D, ABPP.:** (1 hr) Competence / Substance Abuse

**Price:**

- $70.00 for members of the Foothills Bar Association.
- $80.00 for non-members

**Registration may be done on-line at http://foothillsbar.org**

Or, mail a check payable to "Foothills Bar Association", to P.O. Box 1077, El Cajon, CA 92022.

Please reference the Hard to Get Seminar in the memo portion of your check.

WE HOPE TO SEE YOU THERE! If you have any questions, please contact Glen Honig at Glen@FamilyLawSanDiego.com or 619-448-6500.
YOU ARE CORDIALLY INVITED TO ATTEND THE

Foothills Bar Association’s
Annual Dinner and Installation of Board of Directors

Friday, February 8, 2019
at
Babylon Palace Banquet Hall
456 Magnolia Ave., El Cajon, CA 92020
Social mixer starts at 5:30 p.m.
Dinner events start at 6:00 p.m.

Annual awards to be presented to:
Hon. Eddie C. Sturgeon
George de la Flor, Esq. and
Glen Honig, Esq.

- Live music by The Deborah Wolfe Quartet
- Comedy by author, speaker and commentator, Richard Lederer
- Dinner options: Sirloin steak and vegetables; Chicken Florentine with mashed potatoes; or Penne Pasta with Alfredo sauce and broccolini with asparagus

RSVP IS REQUIRED BY JANUARY 25, 2019
- REGULAR TICKET PRICE IS $65.00 -
  - ATTORNEYS PRACTICING 3 YEARS OR LESS PAY $50.00 -

You may register at http://foothillsbar.org/events or mail a check or money order payable to Foothills Bar Association, at P.O. Box 1077, El Cajon, CA 92022. (Please reference “annual dinner”, your name, a phone number and the number of guests in your group).

If you have any questions, please contact Will Hannosh at Whannosh@gmail.com. Thank you.
San Diego Superior Court’s East County Division Adds Family Law Courtroom

On January 14, 2019, the East County Division of the San Diego Superior Court will open an additional Family Law courtroom. Department 8 will handle Family Court issues such as Family Law Dissolution (Divorce), Child Custody and Support.

“We constantly monitor case filings throughout the San Diego County Superior Court system and have noticed, over time, that our Family Law filings and hearings have increased in our East County division. In an effort to meet the increased need for courtrooms to hear these cases in a timely manner, we are shifting our existing judges and courtroom resources to open another courtroom in this area,” says Court Executive Officer Michael Roddy.

Superior Court Judge Saba Sheibani will preside over the new department. The January 14th opening, brings the total number of Family Law courtrooms to four at the East County Courthouse located at 250 East Main Street, El Cajon.

# # #