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Jeffrey S. Rosen (1958 - 2009)

Sheppard • Uziel Law Firm

423 WASHINGTON STREET • SUITE 200
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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 2017 Achievements

Voted by Peers “Super Lawyer of Northern California”
for TWELVE Consecutive Years: 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 & 2017
Real Estate Law and Mediations/ADR

- Successfully resolved dozens of Unlawful Detainer (eviction) lawsuits - - recovered rental units for Landlord clients, kept possession of homes and commercial units for Tenant clients
- Won several Arbitrations for individual condo owners against Condo Homeowner Associations - - and obtained substantial six-figure attorney fee award in heavily-contested Arbitration
- Won multiple Probate Court Petitions and actions, including Will Contests, Trust Contests, Estate Claims
- Successfully resolved many City Attorney lawsuits against property owners - - for alleged code violations, short-term rental violations, nuisance claims
- Successfully litigated Intra-Family disputes over distribution of four multi-unit real property assets
- Handled residential and commercial property private sales for Sellers/Buyers - - FSBO's

Highly Successful Mediation Services

Over 95% of Lawsuits/Disputes Settled



***30-Year Mediator Bob Sheppard
Helped Resolve Dozens of Disputes in 2017***

Professional Distinctions

- ☆ Partners Lectured at Seminars on Real Estate Law
- ☆ Partner served on **San Francisco Association of Realtors®
Standard Forms Committee**



Expert Witness Services

Bob Sheppard testified as an Expert Witness on
*Property Owner Liability, Standard of Care
for Property Owners and for Lawyers*

New Laws for 2018 Affecting Real Estate

Courtesy of Sheppard • Uziel Law Firm (415) 296-0900 www.sheppardlaw.com

Tenants' Expanded Rights Related to Immigration/Citizenship Status: Starting January 1, 2018, tenants will have expanded legal protections against discrimination based on immigration or citizenship status. The new law generally prohibits any threat (by a landlord or landlord's agent) to disclose information relating to a tenant's immigration/citizenship status with the intent of harassing, intimidating, retaliating, or influencing a tenant to vacate. Landlords who violate this law can be liable for statutory damages of between 6 and 12 times the tenant's monthly rent plus other damages and penalties. A landlord's disclosure of information related to a tenant's immigration or citizenship status is generally prohibited. A new affirmative defense is created in eviction lawsuits where the landlord seeks to recover possession because of immigration/citizenship status. (Landlords may still request information/documentation necessary to verify the identity and qualifications of a prospective tenant/occupant.)

Housing Accessory Dwelling Units: This new law provides that a local Housing Accessory Dwelling Unit ("ADU") Ordinance shall include the following (amongst other) provisions: An ADU may be rented separate from the primary residence but may not be separately sold or otherwise conveyed. Parking requirements for ADUs shall not exceed one parking space per unit or per bedroom, whichever is less. No setback shall be required for an existing garage converted to a portion of an ADU.

Pets Allowed for Certain New Housing Developments: Residents of new housing (financed through certain Department of Housing and Community Development programs) must be allowed to have one or more pets.

Flood Hazard Disclosure by Landlords: New laws require landlords, owners, and agents to disclose in writing in every residential lease or rental agreement information regarding flood hazards including any "actual knowledge" that the property is located in a special flood hazard area or an area of potential flooding. If a property owner receives written notice from a public agency stating that the property is in a flood zone, or when the owner carries flood insurance, the owner is deemed to have actual knowledge. Effective July 1, 2018.

Incentives to Replace Wood-Burning Stoves: This law establishes a new program ("the Woodsmoke Reduction Program") providing incentives for property owners to voluntarily replace older wood burning stoves. This new program will be administered by the State Air Resources Board in coordination with air districts. The mission of this program is replacement of "older" wood-burning stoves with cleaner and more efficient alternatives in order to achieve short- and long- term climate benefits and localized public health benefits.

Solar: This law prohibits a Homeowners Association from establishing a general policy precluding the installation or use for household purposes of a solar energy system on the roof of a building where the owner resides, or on an adjacent garage or carport assigned to the owner for exclusive use. It also prohibits a Homeowners Association from requiring approval of a solar energy system under such circumstances by a vote of HOA members.

CalBRE back to DRE: The re-titled (in 2012) Bureau of Real Estate (CalBRE) is returning to its former standing as the Department of Real Estate (DRE). Previously under the Department of Consumer Affairs (DCA), the DRE will now be directly under the Business, Consumer Services, and Housing Agency (BCSH).

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Real Estate Law Transactions Trials & Litigation Dispute Resolution/Mediations

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



(Jaime Uziel, Partner)

(When Buyer and Seller Have Already Found Each Other)

In a low-cost, high quality way, Sheppard • Uziel can do all the work for sellers and buyers of real estate (houses, condominiums, apartment buildings, tenancy-in-common interests, etc.). We do the real estate agent/broker/legal work for these For-Sale-By-Owner (“FSBO”) transactions, saving our clients thousands of dollars in seller commissions (e.g, 5% to 6%).

Sheppard • Uziel has carved a niche as a law firm performing the necessary work 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. Jaime is a licensed California Real Estate Broker, has been licensed in real estate since 1990, and is the former Chair of the San Francisco Association of Realtors® Standard Forms Committee. Larry has more than 33 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 seasoned Real Estate lawyers help facilitate smooth escrow closings.

FSBO transactions usually take between 8 - 12 attorney hours, depending on the individual transaction and whether or not complications arise.* The fees expended can save many thousands of dollars in real estate commissions - - see chart on reverse side.

* * * * *

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’s 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 your 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), contract formation, document drafting, disclosure completion/execution/review, tenant notifications, etc.
- * We work in conjunction with local, reputable escrow companies which hold deposit funds 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 between \$3,000 to \$6,000* 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” or bill for the excess, depending on the situation.
- * 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 whether any complications arise.

Get Your Dispute Settled & Closed!

Robert (Bob) Sheppard **~30 Year Mediator~**

*“I am proud to have settled/resolved
over 95% of all cases I’ve mediated.”*



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Cost-Saving Mediation/Arbitration Services

All types of Commercial and Civil Disputes, litigation and pre-litigation cases

✧ **Tenacious & Dynamic Mediator**

✧ **Mediator with People Skills**

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



* Bob Sheppard is recognized by other lawyers as a “**Northern California Super Lawyer**” in the field of Mediations/ADR. (Nominated by Blue Ribbon Panel; Ballots sent to over 50,000 lawyers)

* Bob Sheppard served as **President** of **The Mediation Society** in 2012 and 2013 and served on the Board of Directors of **The Mediation Society** from 2007 to 2014

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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.
- ▶ Trusts, Estates, Probate Matters, Nomination of Guardians, etc.