

## HOGE FENTON'S FALL 2013 REAL ESTATE NEWSLETTER

**“Patience is a virtue.”** This proverbial phrase dates back to the fifth century. I am pleased to confirm that it is just as relevant today. If you have managed to successfully carry real property through the recession, now is the time for your reward. This pleasant turn of events is borne out by the development projects we all enjoyed on the Downtown San Jose Tour, including the Convention Center, the new home of the San Jose Earthquakes, and the fully occupied downtown residential towers. It’s also reflected in the two deals Real Estate Group Chair Sean Cottle closed this past quarter. Both deals were eight years in the making! Even litigation is picking up the pace as owners want to move forward with long-planned projects unencumbered by litigation. The signs in the real estate industry are all pointing up. The time for waiting is at an end. Your patience will be rewarded. Let our experienced real estate attorneys help you achieve your long-delayed goals.

Thank you for reading.

**Daniel W. Ballesteros**

*To read the PDF version of the entire newsletter, [click here](#).*

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### Recap of the 2013 Downtown San Jose Tour

*by Lisa L. Gorecki*

The long anticipated return of the Downtown San Jose Tour took place on May 2, 2013. The event was well attended.

**read the article . . .**

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### recent Hoge Fenton projects.

#### **Eight Years in the Making: Residential Development Deal Closes**

*by Sean A. Cottle*

After riding the real estate roller coaster with one of our property owner clients for more than eight years, the sale of their property to a national developer finally closed on June 19, 2013, three months

before . . .

[read the article . . .](#)

## **Other Property Owner Clients Close Deal after 8 ½ Years of Trying**

*by Sean A. Cottle*

More evidence that new life has been breathed into the real estate development market . . .

[read the article . . .](#)

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## **recent developments in case law.**

### **Take Note: New Energy Use Disclosure Requirement Takes Effect**

*by Lisa L. Gorecki*

Beginning September 1, 2013, owners of nonresidential buildings may have to comply with new Energy Use Disclosure Requirements.

[read the article . . .](#)

### **Recent Reform to California ADA Imposes New Requirements on Commercial Lessors**

*by Lisa L. Gorecki*

In an important, precedent-setting decision (Brisbane Lodging, L.P. v. Webcor Builders, Inc.), the California Court of Appeal has upheld AIA contractual language limiting . . .

[read the article . . .](#)

### **Case of First Impression: Court Upholds Shortened Time to File a Construction Defect Lawsuit**

*by Lisa L. Gorecki*

On July 1, 2013, a new commercial lease disclosure requirement went into effect. All commercial property owners and lessors must disclose . . .

[read the article . . .](#)

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## **upcoming events.**

**October 1: Real Estate Breakfast — with Senator Jerry Hill**

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*inside Hoge Fenton.*

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## ***meet david hofmann.***



***Dave Hofmann (left) and his son, at a cooking class***

Meet Dave Hofmann. David grew up in the Bay Area, graduating from Lowell High School in San Francisco; U.C. Berkeley ('64) and U.C. Hastings School of Law ('67).

David and his partner, Phil Steinbock opened their San Jose office in 1968. In 2003, David and Phil joined Hoge Fenton.

David's practice emphasizes real estate and real estate finance, including representation of major private lending funds, major land holders, and commercial property owners. His philosophy is to find the most cost effective and timely solutions for his client's legal challenges.

David has served as an Adjunct Professor at Santa Clara Law School and as Chair of the Real Estate section of the Santa Clara County Bar Association. He has also lectured extensively on real estate matters for the California Association of Realtors and National Association of Realtors.

Devoted to assisting kids at risk, David has continuously volunteered in group homes, homeless shelters and schools. For the last 6 years, he has acted as a mentor at the Boys and Girls Clubs of Oakland.

David comes from a close knit family that traces its roots in California back to the Gold Rush. He and wife, Lenore, love to travel (recent trips to the Amazon and Vietnam) and spend time with their two sons, Jeffrey and Mark and their children.

## **Related Attorneys**

- Daniel W. Ballesteros
- Sean A. Cottle
- David J. Hofmann

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■ Sblend A. Sblendorio

■ Steven D. Siner

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