

HOGE FENTON'S SPRING 2013 REAL ESTATE NEWSLETTER

Welcome to Hoge Fenton's Spring 2013 Real Estate Newsletter! It is an exciting time for real estate in the Silicon Valley and Tri Valley regions. The housing market has been steadily rebounding. Developers are building new homes and existing homes are receiving multiple offers. Construction is well underway on the new 49ers Stadium in Santa Clara. And the Paragon Outlets Livermore and Hoge Fenton were recognized at San Francisco Business Times March 20th (more, below). Read on to see other transactions recently concluded by our real estate lawyers and recent developments in real estate law.

Our full service approach to serving our clients was an asset to the Paragon Outlets deal and can be an asset to your upcoming real estate transaction. While our transactional attorneys will help you avoid any issues or disputes, we understand that problems can and often do arise and our experienced real estate litigators will help you through the process when those disputes are unavoidable.

Hoge Fenton has been committed to exceptional client service for more than sixty years and we look forward to serving you.

Thank you for reading.

Daniel W. Ballesteros

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

Paragon Outlets Livermore Valley Opens — and Wins “New Retail Deal of the Year” Award

by Patty Blanquies

Since our last newsletter, Paragon Outlets Livermore Valley has had two notable milestones.
[read the article . . .](#)



Pictured above from left, are: Sblend Sblendorio (Hoge Fenton), Salem LaHood (Paragon Outlets LLC), Daniel Ballesteros (Hoge Fenton) and Kelvin Antill (Paragon Outlets LLC).

recent Hoge Fenton projects.

Complex Bi-County Transaction Closes with One Day to Spare

by Steven D. Siner

We represented the seller of multiple industrial and residential properties sitting on over 550 acres of farmland in Monterey and Santa Cruz counties. The sale price was \$9 million. The buyer, a commercial developer, intended to hold and then improve the property. The transaction was notably complex in that the property...

[read the article . . .](#)

Tenant-in-Common Buys Out Fellow Tenant-in-Common

by Sean A. Cottle

Attorneys David Mitchell and Sean Cottle and paralegal Ginger Thornell helped a longtime client buy his fellow tenant-in-common out of a high-rise, mixed use property in downtown Palo Alto in December 2012. [read the article . . .](#)

[read the article . . .](#)

Financing of Landmark Winery

by Steven D. Siner

We assisted in securing and collateralizing complex financing for the sale of a well-established Livermore Valley Winery that recently successfully closed escrow... [read the article . . .](#)

[read the article . . .](#)

Commercial/Retail Property in Vacaville

by Sean A. Cottle

In October 2012, Hoge Fenton assisted clients in acquiring a piece of commercial/retail investment property located in the Nut Tree area of Vacaville. The seller had two existing leases on the property that our clients assumed.... read the article . . .

read the article . . .

Sale of “Old Mill” in Mountain View

by Sblend A. Sblendorio

We assisted in securing and collateralizing complex financing for the sale of a well-established Livermore Valley Winery that recently successfully closed escrow...

read the article . . .

recent developments in case law.

Recent Appellate Court Decision Strengthened Protections for Consumers and Licensed Contractors

by Daniel W. Ballesteros and John Adams

A recent appellate court decision strengthened protections for consumers and licensed contractors while striking a blow against the once-iron-clad finality of arbitration awards. ...

read the article . . .

Neighbors and Their Trees — a Never-ending Source of Disputes

by Daniel W. Ballesteros

The Soneses were afraid that an Aleppo Pine tree growing on the property line they share with the Kallises could topple and cause damage to their property. The tree was 70 feet tall with one large “trunk” growing over the Kallis property and one over the Sones property. Instead of trimming encroaching branches or other, less drastic measures, the ...

read the article . . .

upcoming events.

May 2: Downtown San Jose Real Estate Tour (read article, below)

June 19: Real Estate Breakfast — with Bill Sherry

Watch for our announcements!

inside Hoge Fenton.

Downtown Real Estate Tour – It's Baaaack!

by Grace Carr Lee



On May 2, luxury tour buses will once again crawl the streets of downtown San Jose and surrounding areas, treating guests to an in-depth, narrated tour of local real estate opportunities: what's new, what's exciting, and what's coming soon. Founded in 2003 by Hoge Fenton, Colliers International and the San Jose Downtown Association, this year's Tour includes new steering committee member AEI Consultants.

Our popular event was on hiatus for several years because of challenging market factors. But, there has been a recent uptick in activity, and San Jose was named a "Top 3 Market to Watch" by ULI / Price Waterhouse Coopers in "Emerging Trends in Real Estate 2013" (**click here to read**). With the pent-up interest and demand, we believe the time is right to get back on the bus.

Come see and hear why commercial, residential, retail, technology, and hospitality investors are choosing Downtown San Jose. We will be joined by local real estate professionals – developers, builders, lenders, investors, brokers, attorneys, accountants, owners, tenants, buyers, sellers – and public officials. Hope you will join us! For more information and to register, visit **www.downtownsanjosetour.com**.

meet dan ballesteros.



The spotlight of this edition of the newsletter is on Dan, a real estate trial lawyer who has spent his entire 23-year legal career at Hoge Fenton and currently serves as its managing shareholder. Dan has represented owners, developers, tenants and neighbors in all phases of ADR and litigation, through judgment at trial. He frequently represents brokers, sellers and buyers in cases involving non-disclosure issues in real estate sales transactions, and owners in cases involving partition, prescriptive easement, boundary line and other real estate-related disputes. Dan has also represented majority and minority interests in disputes involving governance and control of real estate LLCs and partnerships.

Dan has been recognized as one of Silicon Valley's top real estate attorneys and is regularly named a Northern California Super Lawyer.

Dan is often asked to speak at state and local bar association events and has lectured on real estate-related topics to the brokerage community and at a local community college.

When he is not practicing law, Dan serves the community. He has proudly served on the Board of Trustees of the Mexican Heritage Corporation, a nonprofit organization committed to the celebration and preservation of the art and culture of Mexico and the host of the annual San Jose Mariachi Festival. Dan is currently on the board of the Silicon Valley Campaign for Legal Services. He has coached high school mock trials for 19 years, and counting. Dan can also be found, among other things, brewing beer with his family.

Related Attorneys

- Daniel W. Ballesteros
- Sean A. Cottle
- David J. Hofmann
- Sblend A. Sblendorio
- Steven D. Siner