

REAL ESTATE NEWSLETTER WINTER 2014

Welcome to 2014. 2014 looks to be a strong year. How can I tell? Did I read another economic forecast from the experts? No. I looked out my office window. From my vantage point from the 14th floor of 60 South Market Street in downtown San Jose, I can see no fewer than three major projects under construction: Centerra, One South Market and the Santa Clara County Family Justice Center courthouse.

How else can I tell? My business is picking up. There are more disputes between owners and contractors, buyers and sellers, co-owners, and adjoining land owners. These disputes are the lifeblood of my practice, and I am passionate about advocating for the rights of my clients. Many such disputes simply cannot be avoided and are a cost of doing business. However, many of the disputes I am seeing today could have been avoided with good prophylactic legal counsel.

We wish you successful deals and great prosperity in the new year. As the recovery continues and your activity picks up, we hope you consider investing in quality legal counsel. An ounce of prevention today surely trumps a pound of cure later. Happy 2014!

Thank you for reading.

Daniel W. Ballesteros

Editor and Managing Shareholder

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

REMINDER: Nonresidential Building Owners Must Comply with Energy Use Disclosures

by Sean A. Cottle

Starting January 1, 2014, an owner of a nonresidential building with a total gross floor area measuring more than 10,000 square feet is required to comply with the Nonresidential Building Energy Use...

[read the article . . .](#)

RECENT HOGE FENTON PROJECTS.

Sale of High Profile Historical Building in Los Gatos

Hoge Fenton attorney **Sblend Sblendorio** represented the buyer of a vital building in downtown Los Gatos, the Coggeshall Mansion. The historic building was constructed as a residence for a wealthy widow in 1891 . . .

[read the article . . .](#)

Ranching Family Successfully Subdivides and Sells East Bay Property

Hoge Fenton attorney **David Hofmann** worked with an established ranching family that subdivided over 400 acres, of which 14 were sold to a major home builder in the East Bay. The title company said that the pending escrow for sale and entitlement of the property was their longest . . .

[read the article . . .](#)

Increasing ROI and Cost Segregation

In September, the IRS published its final regulations on the expensing and capitalization of tangible assets and repairs and dispositions. All businesses that own real estate will be affected by these regulations.

[Click here to read the article.](#) [Click here for a copy of the presentation](#) mentioned in the article.

Sale of Apartment Complex and Minimizing Tax Impact

Any sale carries the possibility of adverse tax impacts if not structured properly . . .

[read the article . . .](#)

RECENT DEVELOPMENTS IN CASE LAW.

When Does a Change in Ownership of Real Property Trigger Reassessment?

by Lisa L. Gorecki

The transfer of a brother's joint tenancy interest in real property to himself as a tenant-in-common was subject to reassessment for property tax purposes . . .

[read the article . . .](#)

Easement Limited to Historical Use

by Allison A. Manov

The California Court of Appeal limited an easement holder's use of the encumbered property based on historical use . . .

read the article . . .

UPCOMING EVENTS.

January 22 and 23: Annual Employment Law Update — Year in Review and Preview

February 4: Silicon Valley Real Estate Breakfast, "Where Do We Put the Next Store?" with guest speaker Craig Saxton of Specialty's Café and Bakery

ARCHIVES YOU MAY FIND OF INTEREST.

Fall 2013 Real Estate Newsletter

INSIDE HOGE FENTON.

Meet steve siner



Meet Steve Siner. A second-generation Silicon Valley attorney (and his daughter will soon start law school to become a third-generation Siner attorney), Steve has spent the past 40 years in private

practice in both our Silicon Valley office and in Pleasanton at our Tri-Valley office. Steve was also a licensed real estate broker for many years so he has been “in the trenches” and has firsthand experience with real estate transactions as well as litigation. His practical, hands-on approach has helped many deals close successfully and his experience over the years has allowed him to structure transactions so future problems and litigation are avoided.

Steve is often retained directly by commercial brokers to assist them in complex transactions. He has worked on purchases, sales, sale lease-backs, exchanges and leasing. He has touched most sectors of the commercial real estate market over the years, and is a sought-after speaker for commercial real estate groups and has taught continuing legal education in real estate courses for attorneys.

In no small part due to his personal succession planning experience with his father, Steve has gained expertise in transferring wealth, not just in real estate, to successive generations. He is a frequent guest speaker at retirement workshops and at adult education programs for various colleges and universities in the Bay Area. Steve has also devoted quite a bit of his time to helping the elderly with the challenges they face.

In his spare time Steve and his wife Laura love to travel, scuba dive, play with their dogs and exercise. They love touring the nooks and crannies of Europe and diving in Hawaii. Although he hates to admit it, Steve dotes on his daughter and subtly brags about her accomplishments whenever he can.

Hoge Fenton supports its local chambers of commerce by sponsoring events and serving on various boards. In December, some of our attorneys attended the San Jose Silicon Valley Chamber of Commerce “Legends & Leaders” event and had the opportunity to meet Monterey-native Leon Panetta. Politician and lawyer, Panetta has served as Director of the Central Intelligence Agency and Secretary of Defense.

Attorney **Sean Cottle** has served on the Board of Directors for the San Jose Silicon Valley Chamber of Commerce since January 2010. He was elected as First Vice Chair for 2014. In January 2015, Cottle will be in position to become the Chairman of the Board of Directors of this 128 year old organization that is the region’s voice of business.

Another Hoge Fenton attorney was elected — technically reelected: real estate and litigation attorney **Daniel Ballesteros** was reelected for a second term as the firm’s managing partner.

Related Attorneys

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