

# THE LISTINGS

THE WEEK'S SALES, LEASES, LOANS, NOTICES OF DEFAULT AND UPCOMING INDUSTRY EVENTS

## daily deals

Financings, sales and leases from  
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Send deals to RealEstate@DailyJournal.com  
Compiled by Carla Pineda. Deals are listed in order of  
dollar amount, then square footage.

### LAND

**NEWPORT BEACH** — City Ventures LLC purchased a 25-acre parcel on Jamboree Road for \$26.1 million from Conexant Systems Inc. The property includes a 126,000-square-foot office building and a 311,000-square-foot manufacturing building. Both buildings are fully leased. **Jones Lang LaSalle** represented both parties.

**REDONDO BEACH** — Zislis Boutique Hotels signed an \$11 million ground lease from the city of Redondo Beach to develop the 54-room Shade Hotel. **Kosmont Cos.** represented the lessor.

**VENTURA** — The Isle Sultanian Trust purchased a 33,000-square-foot land parcel at 510 Mills St. for \$2.6 million from Weintura LLC. This is a 1031 exchange investment with a 40-year ground lease with Santa Barbara Bank & Trust. Fouy Ly of **Sperry Van Ness Real Estate Services Inc.** represented the seller, while Michael Cargile and Loren Cargile of **Voit Real Estate Services** represented the buyer.

**SAN BERNARDINO** — Meta Housing purchased a 3.5-acre parcel of land at 2120 and 2196 Medical Center Drive for \$2.4 million. Shiva Monify of **Sperry Van Ness Real Estate Services Inc.** represented both parties.

**SAN JOSE** — Target Corp. purchased a 10-acre parcel at the southeast corner of North First Street and Highway 237 from Hunter Storm Properties for the construction of a 138,000-square-foot store. Matt Kircher of **Terranomics Retail Services** represented the buyer.

**WILDOMAR** — **Capstone Advisors** purchased 101 entitled residential lots on 41 acres known as Rancho Fortunado Estates.

**SANTA FE SPRINGS** — Far West Heritage LLC purchased the 60 finished lots in The Villages at Heritage Square from Comstock Homes. Terry Ruckle, Richard Byrd and Randy Coe of **Park Place Land Advisors** negotiated the sale.

### MULTIFAMILY

**SAN BERNARDINO** — A \$13.8 million first mortgage financing was arranged for the 254-unit Broadstone Serrano Apartments. Daniel McCarthy of **NorthMarq Capital** secured the loan based on a 10-year term with two years interest-only and a 30-year amortization schedule thereafter.

**ENCINITAS** — Windsong Apartment Homes LP purchased the 67-unit Windson Villas at 1202-1214 N. Broadway for \$7.7 million from Windsong Villas LP. Steve Huffman and Allen Chitayat of **Hendricks & Partners** represented the seller.

**WEST HOLLYWOOD** — A 28-unit, 22,750-square-foot apartment property at 1275-1285 N. Sweetzer Ave. sold for \$6.1 million. Richard J Ringer of **Marcus & Millichap Real Estate Investment Services** represented the seller, while Clyde Isaacson, also of Marcus & Millichap, represented the buyer.

**PLACERVILLE** — HPD Placerville LP purchased

an 84-unit apartment community at 2684 Coloma Court for \$5.8 million from NSC Exchange. Steven A. Nelson and Al R. Inouye of **Hendricks & Partners** represented the seller.

**HOLLYWOOD** — Lion Real Estate Group purchased the five-story, 36-unit Orange Towers Apartments at 1757 North Orange Drive for \$5.5 million from Orange Towers Associates LLC. Darin Beebower of **Madison Partners** represented both parties.

**GLENDALE** — A 34-unit apartment property at 2121 N. Verdugo Road sold for \$4.7 million. Jeff Louks of **Marcus & Millichap Real Estate Investment Services** represented the seller, while Tony Azzi, also of Marcus & Millichap, represented the buyer.

**LOS ANGELES** — 5629 Laurel Canyon Boulevard LLC purchased a 34-unit apartment property at 5629-5635 Laurel Canyon Blvd. for \$3.9 million from PBM Group 12 LLC. Rick Raymundo of **Marcus & Millichap Real Estate Investment Services** represented both parties with the help of Philip Rodgers on the buyer's side.

**ROCKLIN** — HDP Shannon Bay LP purchased the 50-unit Shannon Bay apartment community at 5757 Shannon Bay Drive for \$3.85 million from Shannon Bay Co. Steven A. Nelson and Al R. Inouye of **Hendricks & Partners** represented the seller.

**REDONDO BEACH** — A four-unit apartment property at 2411 Clark Lane sold for \$1 million. Greg Bassirpou and Nicholas R. Petrosian of **Marcus & Millichap Real Estate Investment Services** represented the seller.



2231 Broadway, San Diego

**SAN DIEGO** — The Barbara and Charles Nedd Family Trust purchased the 10-unit Little Broadway Apartments at 2231 Broadway for \$895,000 from Colline Doree LLC. Rita Lancaster-Hannah of **Coldwell Banker Commercial** represented both parties.

**LOS ANGELES** — A refinance was arranged for an 18-unit multifamily property. Shahin Yazdi of **George Smith Partners** secured the loan with a 6.43 percent rate, a 10-year term, a 30-year amortization schedule and loan-to-value ratio of 75 percent.

### OFFICE

**PETALUMA** — A \$12 million loan was arranged for the purchase of the three-building Petaluma Marina Business Center totaling 116,000 square feet of office space. Thomas Dudley Jr. and James McConico of **Newmark Realty Capital Inc.** secured the financing.

**SAN DIEGO** — Jutland Investments LLC purchased a 52,425-square-foot office building at 9888 Carroll Centre Road for \$4.2 million from COMPS Plaza Associates. John Gross and Gary Williams of **Colliers International** represented the seller, while Jeff Solomon of **Major League Properties** represented the buyer.

**IRVINE** — Northwind LLC purchased a 9,600-square-foot office building at 17280-17288 Red

Hill for \$2.6 million from BCP #1 LLP. Lori Janzen of **CB Richard Ellis** represented the seller, while Allen Buchanan and Craig DeMiranda of **Lee & Associates** represented the buyer.

**CORONA** — Price Communications purchased a 4,086-square-foot office building at 1335 Corona Pointe for \$1.05 million from Sitework Development LLC. Cameron Jones of **Ashwill Associates** represented the seller, while Allen C. Buchanan of **Lee & Associates** represented the buyer.

**IRVINE** — A \$940,000 loan was secured for a medical office building. Brent Kenefick of **Johnson Capital** originated the 25-year Small Business Administration loan with fixed rates.

**VALENCIA** — Meshkat Precision Machining purchased a 3,027-square-foot office condominium in the Discovery Gateway Spectrum Business Park II at 28338 Constellation Road for \$450,000 from the Christine Foley Trust. Ash Joshi of **Capital Realty Solutions** represented the seller.

**SAN DIEGO** — Danmor Investments Inc. signed a three-year, \$85,000 lease renewal for 992 square feet of office space in Plaza Del Mar at 12526 High Bluff Drive from Plaza Holdings Inc. and KDH US Real Holdings LLC. Chris High and Jeff Oesterblad of **Cushman & Wakefield** represented both parties.

**VILLA PARK** — Peak Performance Concepts Inc. signed a three-year, \$53,000 lease renewal for an 810-square-foot office space at 17871 Santiago Blvd. from Gudzun Properties. Sonya Dopp-Grech of **Lee & Associates** represented both parties.

**SOLANA BEACH** — The Annona Co. LLC signed a one-year, \$22,000 lease for 1,000 square feet of office space at 444 S. Cedros Ave. from South Cedros Associates LLC. Geri Savitt of **NAI San Diego** represented both parties.

**SANTA ROSA** — Lytton Rancheria of CA purchased 21,120 square feet of office space at 437 Aviation Blvd. from Airport Business Center. Shawn Johnson of **Keegan & Coppin Co. Inc.** represented the lessor, while Frank Piggas of **Real Estate Services Inc.** represented the lessee.

**PALMDALE** — Sierra Medical Group signed a 20,000-square-foot lease in the Palmdale Corporate Center at 39115 Trade Center Drive from Realm Group LLC. Michael Dettling, Mark Evanoff, Sam Caloroso and Steven Robertson of **Ramsey-Shilling Commercial Real Estate Services** represented the landlord.

**LOS ANGELES** — Duane Morris LLP signed a seven-year lease for 13,059 square feet of office space in the TCW Building at 865 S. Figueroa St. from **Manulife Financial**. The landlord represented itself, while Clayton Hovivian of **Grubb & Ellis** represented the tenant.

**IRVINE** — Brand Up LLC leased 9,920 square feet of office space at 9950 Research Drive from SLE Metal Inc. Kirk Cole of **Grubb & Ellis** represented the lessor, while Eric Lyon of **Real Estate & Logistics Technology** represented the lessee.

**SANTA ROSA** — Community Child Care Council of Sonoma County leased 8,719 square feet of office space at 131 Stony Circle from Stony Point West LP. Jennifer Turner of **Simons & Woodard** represented the lessor, while Shawn Johnson and Brian Keegan of **Keegan & Coppin Co. Inc.** represented the lessee.

**MISSION VIEJO** — Auxilio leased 6,824 square feet of office space at 26300 La Alameda from

The Realty Associates Fund V LP. Scott Johnstone and Greg Puccinelli of **Grubb & Ellis** represented the lessor, while Clint Hubbard of **Cresa Partners - West Inc.** represented the lessee.

**IRVINE** — California Healthcare Medical Billing Inc. leased 4,792 square feet of office space at 7700 Irvine Center Drive from Seventy Seven LLC. Oliver Fleener and Greg May of **Grubb & Ellis** represented the lessor, while Chon Kantikovit, also of Grubb & Ellis, represented the lessee.

**SAN RAFAEL** — Buckelew leased 3,730 square feet of office space at 900 Fifth Ave. from the Angstenberger Trust. Matt Storms of **Keegan & Coppin Co. Inc.** represented the lessor, while Sandy Greenblatt of **HL Commercial** represented the lessee.

**SANTA ROSA** — Bennett Valley Optometry purchased a 3,000-square-foot pad building at 2451 Summerfield Road from Wanack Corp. Joel Jarnan of **Keegan & Coppin Co. Inc.** represented the seller, while Bill Faherty, also of Keegan & Coppin, represented the buyer.

**SANTA ROSA** — Bennett Valley Optometry purchased a 3,000-square-foot pad building at 2451 Summerfield Road from SR Head Neck Surgical Group. Dennis Park of **North Bay Commercial** represented the seller, while Bill Faherty of **Keegan & Coppin Co. Inc.** represented the buyer.

**SAN FRANCISCO** — Kevin Hart Architecture leased 2,868 square feet of office space at 98 Battery St. from 98 Battery Associates. Jonathan Allen and John Norton of **Cornish & Carey Commercial** represented the lessee.

**FRESNO** — Ayde Adame Mendibles, doing business as Body Del Sol, leased 2,813 square feet of office space at 1648 E. Herndon Ave. from James Y. Hung. Scott Christensen and Jim Graham of **Grubb & Ellis|Pearson Commercial** represented both parties.

**SANTA BARBARA** — World Business Academy leased 2,000 square feet of office space at 308 E. Carrillo from The Rottman Group. Michael Martz and Steve Hayes of **Hayes Commercial Group** represented both parties.

**SAUSALITO** — Michael Sugrue leased 1,452 square feet of office space at 469 A Coloma St. from Westcore Marin LLC. Theo Banks and Nathan Ballard of **Keegan & Coppin Co. Inc.** represented both parties.

**SANTA ROSA** — Sitzmann, Morris & Lavis Insurance Agency Inc. leased 1,429 square feet of office space at 3554 Round Barn Blvd. from Fountaingrove Center Limited Partnership. Shawn Johnson, Dave Peterson and Brian Keegan of **Keegan & Coppin Co. Inc.** represented the lessor, while Tony Lucchesi of **NAI BT Commercial** represented the lessee.

**REEDLEY** — Tod Sorenson Investments leased 1,056 square feet of office space at 1592 11th St. from Janzen Properties. Mike Porte of **Grubb & Ellis|Pearson Commercial** represented both parties.

**WALNUT CREEK** — Sterling Savings Bank renewed its lease for 1,000 square feet of office space at 1700 N. Broadway from First Bank. Shawn Johnson of **Keegan & Coppin Co. Inc.** represented the tenant.

**CYPRESS** — Douglas B. Vanderpool signed a three-year lease for 856 square feet of office

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## DEALS

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space at 5400 Orange Ave. from Cypress Center LLC. George Thomson and Marshal Vogt of **Lee & Associates** represented both parties.

PETALUMA — Marilyn Stefonetti leased 392 square feet of office space at 6 Petaluma Blvd. from MDK Great Petaluma Partners LLC. Tony Sarno and Mike Thomason of **Keegan & Coppin Co. Inc.** represented both parties.

HESPERIA — Office space was leased at 14608 Main St. Robert Kurth and Jeremy Schmidt of **Lee & Associates** represented the lessor.

VICTORVILLE — People's Care leased office space at 13901 Amargosa Road from Amargosa Executive Plaza LLC. Elizabeth Brown, Donald Brown and Ryan Travis of **Lee & Associates** represented the lessor.

WALNUT CREEK — Wells Fargo Bank NA's Commercial Lending division leased a portion of the seventh floor in RREEF's Mt. Diablo Plaza at 2175 N. California Blvd. Andy Schmitt and Jeff Birnbaum of **CB Richard Ellis** represented the landlord.

WALNUT CREEK — Moffatt & Nichol leased office space in RREEF's Mt. Diablo Plaza at 2175 N. California Blvd. Andy Schmitt and Jeff Birnbaum of **CB Richard Ellis** represented the landlord.

WALNUT CREEK — Wolfe & Wyman LLP signed a lease extension for office space in RREEF's Mt. Diablo Plaza at 2175 N. California Blvd. Andy Schmitt and Jeff Birnbaum of **CB Richard Ellis** represented the landlord.

### INDUSTRIAL

NEWPORT BEACH — **CT Realty Corp.** acquired a portfolio of loans backed by industrial and office properties throughout Southern California valued at more than \$10 million.

IRVINE — ResGroup Investment LLC purchased a 35,745-square-foot industrial building at 8710-8750 Research Drive at \$4.9 million from RDJH Enterprise LLC. Vince Kagawan of **Pinnacle Real Estate** represented the seller, while Randy Verdeck of **Lee & Associates** represented the buyer.



Five Star Storage, Vallejo

VALLEJO — The 81,664-square-foot, 483-unit Five Star Storage facility sold for \$4.5 million. Carl Touhey and Jason "Jay" Allen of **Bancap Self Storage Group Inc.** represented the seller.

SAN DIEGO — A \$2.2 million first mortgage was secured for a 111,479-square-foot Moreno Self Storage facility based on a 10-year term and a 30-year amortization schedule. Daniel McCarthy of **NorthMarq Capital** secured the loan.

CITY OF INDUSTRY — Optec Displays Inc. signed a five-year, \$1.4 million lease for 33,965 square feet of industrial space at 712-716 Nogales St. from Dedeaux Properties LLC. Brett Dedeaux, Mark Repstad, Rustin Mork and Anthony Dedeaux of **Binswanger/Realty Advisory Group** represented the landlord, while Jeff Bethel of **Lee & Associates** represented the tenant.

ORANGE — The Montgomery Family Trust purchased a 5,530-square-foot industrial building at 1759 N. Batavia for \$750,000 from Aubrey Gerth. Paul Gingrich of **Daum Commercial** represented the seller, while David Williams of **Lee & Associates** represented the buyer.

SAN DIEGO — Alcala Co. signed a 76-month, \$380,000 lease for 6,937 square feet of office and warehouse space at 10788 Roselle St. from BRS-Tustin Safeguard Assoc. II LLC. Dean Asaro of **CB Richard Ellis** represented the lessor, while Jay Arnett of **Cushman & Wakefield** represented the tenant.

SAN DIEGO — Corpro Companies Inc. signed a five-year, \$361,000 lease for 6,120 square feet of warehouse space at 6445 Marindustry Drive from RE Hazard. Dean Asaro of **CB Richard Ellis** represented the lessor, while Dan Gaston of **Lee & Associates** represented the lessee.

SAN DIEGO — Carol Harris, doing business as The Educated Pet, signed a five-year, \$85,000 lease for 1,600 square feet of industrial space at 8141 Engineer Road from the Louis and Mary Farrington Charitable Unitrust. Mark Arbar, Glen Volk and Randy LaChance of **Voit Real Estate Services** represented the lessor, while Ron Young of **Commercial Realty Advisers** represented the lessee.

CHINO — IDS USA renewed three of its leases totaling 1.12 million square feet from **Majestic Realty**. Frank Geraci, Walt Chenoweth, Juan Gutierrez, Patrick Wood, John S. Isaacs and Steve Sperber of **CB Richard Ellis** represented the tenant.

BUENA PARK — Saddle Creek Corp. leased a 626,304-square-foot industrial property at 6565 Knott Ave. from Prudential Insurance Co. **Overton Moore Properties** represented the landlord,

while Luke McDaniel and Cameron Driscoll of **Voit Real Estate Services** represented the tenant.

LIVERMORE — Birdgelux signed a seven-year lease for 120,000 square feet of industrial space from LAM Research. Chris Shaffer, Kurt Heinrich and Jim Peterson of **Cornish & Carey Commercial** represented the landlord, while Tom Taylor, Chris Shepherd and Todd Husak of **CB Richard Ellis** represented the tenant.

LIVERMORE — Ms. Carita signed a five-year lease for 19,764 square feet of industrial/flex space at 2155-2159 Research Drive from L. One. Mike Lloyd and George Wineinger of **Colliers International** represented the lessor, while Mark Triska and Ned Wood, also of **Colliers**, represented

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## DEALS

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the lessee.

**WINDSOR** — Wine Wood Products leased 17,800 square feet of industrial space at 5900 Pruitt Ave. from Shiloh Oaks Co. LLC. Jim Sartin and Shawn Johnson of **Keegan & Coppin Co. Inc.** represented the lessor, while Rhonda Deringer, also of Keegan & Coppin, represented the lessee.

**SANTA ROSA** — Bimbo Bakeries USA Inc. leased 11,000 square feet of industrial space at 255/257 Sutton Place from MTA Co. LLC. Shawn Johnson of **Keegan & Coppin Co. Inc.** represented the lessor, while Tanya Pratt of **Mohr Partners** represented the lessee.

**NOVATO** — Mill Valley Bamboo leased 1,272 square feet of industrial space at 19 Digital Drive from F.H. Warren. Nathan Ballard and Theo Banks of **Keegan & Coppin Co. Inc.** represented the lessor, while Bart Ingariola of **BI Realty** represented the lessee.

**SAN RAFAEL** — Supertopo.com leased 1,200 square feet of industrial space at 21 Golden Gate from DM Jacobson & Sons Inc. Nathan Ballard and Theo Banks of **Keegan & Coppin Co. Inc.** represented both parties.

### RETAIL

**SANTA MARIA** — A \$7 million loan was originated for a retail property. Greg Richardson, Mark Wolf, and Spencer Rinker of **Johnson Capital** secured the five-year, fixed-rate loan.

**CHINO** — JMA Investment LLC purchased a pad building that is triple-net leased to Chase Bank and Juice It Up at the southwest corner of Schaefer and Euclid avenues for \$3.7 million from Euclid Plaza LLC. Edward B. Hanley and William B. Asher of **Hanley Investment Group** and Phil Berry of **Commercial West** represented the seller, while Mona Fang of **Re/Max 2000 Realty** represented the buyer.

**VAN NUYS** — An 11,374-square-foot retail property traded hands for \$1.5 million. Brandon Michaels of **Marcus & Millichap Real Estate Investment Services** represented both parties.

**LA PALMA** — Community Development Commission of the city of La Palma purchased a 3,000-square-foot retail building at 5410 La Palma Ave. for \$610,000 from the Grant Family Trust Dated 1991. Peter K. Grant, Kathryn T. Grant, Kam Walton and Nick Alford of **Cushman & Wakefield** represented the seller, while the buyer represented itself.

**SAN DIEGO** — Catherine Perez, doing business as Con Pane Rustic Breads & Café, signed a five-year, \$464,000 lease for 3,949 square feet of retail space at The Landing at Liberty Station, 2750 Dewey Road, Building 193, from McMillin Commercial. Jill Morton and Jim Rinehart of **CB Richard Ellis** represented the lessor, while **San Diego Investment Real Estate** represented the lessee.

**SAN CLEMENTE** — SCBNB LLC, doing business as Board & Brew, signed a five-year, \$286,000 lease for 1,800 square feet of retail space in Plaza Pacifica Shopping Center at 979 Avenida Pico from 45 Plaza Associates LLC. Jeff Reenders of **Strategic Retail Advisors** represented the lessor, while Chris Walton of **Cushman & Wakefield** represented the lessee.

**OAKLAND** — Target Corp. purchased a 117,826-square-foot retail building at 1555 40th St. formerly occupied by Expo Design Center

from Home Depot. Matt Kircher of **Terranomics Retail Services** represented the buyer.

**VAN NUYS** — Melrose Fashions leased 13,962 square feet of retail space at 6711 Van Nuys Blvd. from 6711 Van Nuys Boulevard LLC. Scott Lifschultz of **Robert K. Futterman & Associates** represented the lessor, while Richard Rizika of **CB Richard Ellis** represented the lessee.

**SANTA ROSA** — Bitech Inc., doing business as Performance Bicycle, leased 9,380 square feet of retail space at 1993 Santa Rosa Ave. from Fox Partners LP. Tom Laugero of **Keegan & Coppin Co. Inc.** represented the landlord, while Steve Cutler of **Lockhouse Retail Group** represented the tenant.

**SANTA ROSA** — Sterling Savings Bank renewed its lease for 9,300 square feet of retail space at 801 4th St. from Kinslow Investments LLC. Shawn Johnson of **Keegan & Coppin Co. Inc.** represented the tenant.

**SAN RAFAEL** — Tamalpais Hardwood Floors leased 3,270 square feet of retail space at 1133 E. Francisco Blvd. from Universal Portfolio Ltd. Abigail Levine represented the landlord in-house, while Matt Wagner of **Keegan & Coppin Co. Inc.** represented the lessee.

**VISALIA** — Wells Fargo Bank NA leased 3,200 square feet of retail space at 206 S. Mooney Blvd. from CMJ Investments. Scott Christensen and Jim Graham of **Grubb & Ellis|Pearson Commercial** and James Cortney of **Grubb & Ellis** represented both parties.

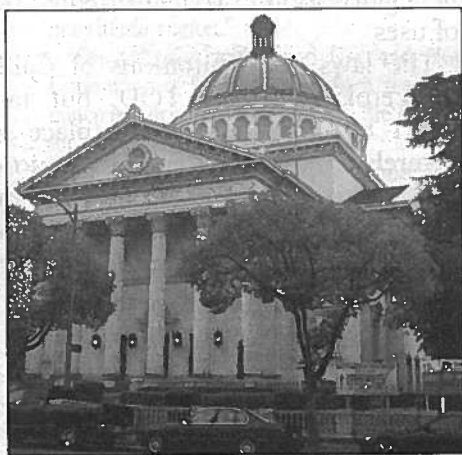
**FRESNO** — Save Mart Supermarkets leased 3,000 square feet of retail space at 7080 N. Whitney from the Luciano Aguiar Family Trust. Denver Butler, Jim Graham and Scott Christensen of **Grubb & Ellis|Pearson Commercial** represented the landlord, while Craig Capriotti of **Fortune Associates** represented the tenant.

**FRESNO** — A 1,360-square-foot retail space was leased in Times Square. Geoff Smith and M. Kennedy of **Grubb & Ellis|Pearson Commercial** represented both parties.

**LEMOORE** — Noel Financial Services LLC leased 1,280 square feet of retail space at 75 W. Hanford-Armona Road from Victor Chung. Mark Giuliani of **Grubb & Ellis|Pearson Commercial** represented both parties.

**FRESNO** — A 1,200-square-foot retail space was leased in the Wishing Well Shopping Center. Geoff Smith of **Grubb & Ellis|Pearson Commercial** represented both parties.

### INSTITUTIONAL



948 W. Adams Blvd., Los Angeles

**LOS ANGELES** — The Art of Living Foundation purchased the 25,000-square-foot Second Church of Christ Scientist on a 70,000-square-foot lot at 948 W. Adams Blvd. for \$5.2 million from WalCo LLC. David Eitches of **Charles Dunn Co.** represented both parties.

## REAL ESTATE in the courts

### Bankruptcy

■ Provisions of addendum incorporated into debtors' Chapter 13 debt-repayment plans do not improperly modify mortgage creditors' contractual rights

*Greenpoint Mortgage Funding Inc. v. Herrera (In re Herrera), US Bankruptcy Appellate Panel - Ninth Circuit, No. 09-1155, Jan. 5, 2010*

In four cases, debtors' incorporated several provisions in their Chapter 13 debt-repayment plans (collectively, addendum). The addendum imposed certain reporting and other obligations on the mortgage creditors that would change those duties found in their contracts with the debtors. The creditors objected that the addendum modified their contractual rights, but were overruled by their respective bankruptcy court judges. The creditors' objections were aggregated in this court on appeal.

The decision was affirmed. The Real Estate Settlement Procedures Act (RESPA) imposes duties on the creditors to provide account reports. Section 1322 prohibits modification of a mortgage creditor's contractual rights. "Modification" in Section 1322 only applies to fundamental aspects of a claim, which includes payment terms, because such terms were bargained for between the parties. This court found that there were no contractual provisions that granted the creditors a "right" to decline to provide accountings and reports to the debtors. While the creditors' contracts in these four appeals already imposed a duty upon them concerning account reporting, this duty was not a right, so the anti-modification portion of Section 1322 did not apply. Even had this been considered a modification of a right in layman's terms, it was not a modification of the payment terms of the contracts under Section 1322. Also, the reporting requirements in the contracts were not bargained-for elements of the contract in that they were imposed on the parties by federal law. As such, the presiding judges did not err in finding the addendum did not modify the creditors' contractual rights.

*Opinion by Justice Pappas.  
— Edward Chang*

### Taxation

■ County of Los Angeles uses erroneous calculation for pass-through payments due to Los Angeles Unified School District

*Los Angeles Unified School District v. County of Los Angeles (City of Los Angeles), California Courts of Appeal - 2nd District, No. B213703, Jan. 27, 2010*

In 1992, the Legislature enacted the Educational Revenue Augmentation Fund (ERAF). In addition to shifting property taxes from other local entities to ERAFs for distribution to schools, the legislation required redevelopment agencies to make supplemental deposits to ERAFs. Subsequently, the Legislature enacted the pass-through legislation, which required redevelopment agencies to share, or pass through a portion of the property tax increment to affected local taxing entities, including schools. In 2007, the Los Angeles Unified School District (LAUSD) petitioned to compel the county of Los Angeles as well as numerous community redevelopment and local agencies to increase its allocation of pass-through payments. The parties agreed that the county had consistently ignored LAUSD's ERAF revenue in calculating its percentage share of property taxes. However, the county contended that each statute was to be read separately, and therefore, ERAF revenue should be omitted from the calculations. The trial court entered judgment for the county. LAUSD appealed.

The decision was reversed and remanded.

Pass-through payments must be allocated among the affected taxing entities in proportion to the percentage share of property taxes each affected entity receives. This court agreed with LAUSD's argument that because it undeniably receives ERAF revenue that is allocated as property taxes to the ERAF, it must be included in the calculation of its percentage share of property taxes, which will necessarily increase its future pass-through allocations. This court further stated that the statute plainly and unambiguously states that property tax revenue shifted to ERAF's is deemed property tax revenue allocated to the ERAFs, and therefore LAUSD's pass-through payments had been based on an erroneous calculation.

*Opinion by Justice Suzukawa.*

*— Genevieve Knolle*

### Real Property

■ Rent Stabilization and Eviction for Good Cause Ordinance authorizes recovery of attorney fees only in proceedings between landlords and tenants

*Woodland Park Management LLC v. City of East Palo Alto Rent Stabilization Board, California Courts of Appeal - 1st District, No. A124154, Feb. 1, 2010*

Woodland Park Management LLC (WPM) managed residential rental properties subject to the city of East Palo Alto's Rent Stabilization and Eviction for Good Cause Ordinance (RSO), which was adopted by voters in 1988. 2008, WPM petitioned for writ of mandate, alleging that the city had improperly increased a landlord registration fee due under the RSO. WPM claimed that the city raised the fee to \$240 from \$135 per unit on June 18, 2008. WPM also alleged that on June 30, the city refused to accept a payment of \$135 per unit from WPM. The superior court granted WPM's petition and ordered the city to process WPM's payments. Next, WPM moved for attorney fees based on Section 15A.5 of the RSO. The city argued that Section 15A.5 only authorized attorney fee awards in actions between landlords and tenants. The court awarded WPM \$20,037 in attorney fees.

The decision was reversed. Attorney fees are allowed as costs to a prevailing party when authorized by city ordinance. Section 15A.5 states that a prevailing party is entitled to attorney fees "in any civil proceeding that a landlord or a tenant initiates to enforce his/her rights under this Ordinance." Given that WPM was a landlord that initiated an action under the RSO, it argued that it was entitled to attorney fees. In contrast, the city argued that Section 15A.5 applies only to proceedings between a landlord and a tenant to enforce rights under the RSO. Citing the intent of the electorate, this court agreed with the city. Thus, it held that Section 15A.5 authorized the recovery of attorney fees only in proceedings between landlords and tenants. Given that this case did not involve an action between a landlord and a tenant, this court ruled that the trial court erred in awarding WPM attorney fees.

*Opinion by Justice Bruiniers.*

*— Seena Nikravan*

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- California Courts of Appeal
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