



# HART | KING ADVOCATE

A Newsletter for Manufactured Housing Industry Community Owners & Managers

HART | KING  
ATTORNEYS AT LAW

NEWS AND VIEWS FOR  
MANUFACTURED HOUSING  
COMMUNITIES

## Eminent Domain In The Mobilehome Park Setting



### Why MHET?

MHET is a California non-profit association dedicated to promoting mobilehome parks and the manufactured housing community industry through the education of its members, community leaders, manufactured home owners and the public about mobilehome parks and manufactured housing community issues. For more information, on how MHET can provide you with value, please reach out to Vickie Talley, Executive Director for MHET, at 949-380-3303 or at [vickie@talleyassoc.com](mailto:vickie@talleyassoc.com).

If you are a golfer, you can register by Wednesday August 5, 2015, for the **20th Annual MHET Jim Jones Memorial Charity Golf Classic** at Coyote Hills Golf Course in Fullerton will be held on Friday August 14, 2015. This tournament benefits MHET's Rental Assistance Program for low income mobilehome park residents. Great event for a great program! For more information or to register for the tournament, please contact Brianne Virden at 949-380-3303 or at [brianne@talleyassoc.com](mailto:brianne@talleyassoc.com).

### Client Feedback...

"Thank you for all that you have done. I truly appreciate having an attorney whom I am so confident in, and who works so hard."

*Client – Jessica Bowen*

"Thank you for the update. It has been a pleasure working with you on this matter. I'm hoping to stay out of future litigation, especially involving family. However, if anything else in your wheelhouse does arise, you'll be the first to get the call. Similarly, I wouldn't hesitate to recommend you and Hart King to friends, colleagues etc..."

*Client – Anonymous*

"Thank you for all your work in helping me obtain a settlement. You offered very professional and honest service and I appreciate it. I hope in the future I will be able to send referral business your way. My very best to you."

*Client – Jenean Hill*



by Bill Dahlin

Many mobilehome park owners become involved in eminent domain proceedings. Typically, these proceedings arise when a portion of a community owner's property is being taken for an expansion or alteration of an existing interchange, or other road work on streets or freeways adjoining a mobilehome park. Such litigation, by its nature, involves a municipality or county or perhaps Caltrans buying additional property for a work of improvement.

California has a lengthy statutory scheme that governs how eminent domain matters are prepared for and proceed to trial. The provisions of the Code of Civil Procedure mandate that any condemning agency must make a "final offer" very shortly before trial. In a recent action arising in San Francisco, the City and County of San Francisco made its final offer twenty days prior to trial, but the "final offer" was expressly contingent upon approval of other governmental agencies who were participating in the funding for the project. The offer was rejected by the property owner and the matter proceeded to trial. Thereafter, the landowner sought reimbursement of attorneys' fees and costs as provided under the Code of Civil Procedure. The condemning agency asserted that its final offer was reasonable and therefore fees should be denied. The landowner asserted that the City's final offer was not reasonable, as a matter of law, because it was not an offer that could be accepted. Rather, the offer was expressly contingent upon approval by

entities that were not even parties to the litigation.

The trial court agreed with the City and the landowner appealed. The landowner prevailed at the Court of Appeal who agreed that the offer, being contingent, was not reasonable and was not a valid "final offer" as matter of law.

Eminent domain proceedings are a very specific and highly regulated form of litigation with a unique section of the Code of Civil Procedure governing the process. In that sense, that process is much like how the Mobilehome Residency Law (MRL) governs many aspects of the manufactured housing industry, in ways that are significantly different than normal landlord tenant law.

If you are faced with an issue with an agency seeking to utilize or take any portion of your land, it is imperative that you obtain proper representation. Condemning agencies, quite frankly, simply do not offer a true highest and best use valuation without property owners having knowledgeable counsel.

*Bill Dahlin is a partner with Hart King and a leader in the firm's Manufactured Housing Industry Practice Group. He can be reached at (714) 432-8700, (714) 619-7084 (direct) or [bdahlin@hartkinglaw.com](mailto:bdahlin@hartkinglaw.com).*

Hart King would like to congratulate one of its own, Bill Dahlin, on his recognition into being selected to CSPPR, *Committee to Save Property Rights*, which is a committee of WMA.



# Helping Veterans and Military Families

Hart King recently had the opportunity to assist a newly formed non-profit group. We managed the process for obtaining the new entity's tax exemption certificate from the Internal Revenue Service pursuant to Internal Revenue Code section 501(c)3. That means that this newly formed entity, *The Patriots Initiative*, can lawfully receive tax deductible contributions.

The Patriots Initiative is headquartered in San Diego County and its primary

function is to evaluate the numerous charitable veterans' groups that operate throughout the U.S. Specifically, The Patriots Initiative ranks such organizations by analyzing how cost effective that veteran's group is on a dollar for dollar basis.

For example, there are some non-profits that spend better than 90% of their total revenue on their charitable objectives. In contrast, there are many non-profits where less than 50 cents of each dollar raised is actually spent to benefit veterans or their families; the balance going to internal operations and administration. For a donor seeking to get the most "bang for the buck" this

information might be a key metric for a prospective donor.

The Patriots Initiative regularly publishes their data and makes information available to anyone who wants to evaluate a non-profit military veteran's support group.

Hart King is gratified that we could assist The Patriots Initiative successfully complete the challenging IRS process. We recommend you visit the website, [www.thepatriotsinitiative.org](http://www.thepatriotsinitiative.org) and check them out.

## Save The Date

### WMA 2015 Convention & Expo

Mon - Thurs, October 12 - 15, 2015  
Peppermill Resort Spa and Casino  
Reno, Nevada

John Pentecost will be speaking as part of the "Legal Management Advice" panel on October 13<sup>th</sup> at 9:00am.

*Come check it out!*



### QUESTIONS?

Please contact James Moorhouse  
657-622-4714 or  
[jmoorhouse@hartkinglaw.com](mailto:jmoorhouse@hartkinglaw.com).

## Acknowledging The CMPA's 2015 Award Recipients

- **Barry Cole** from the Manufactured Housing Insurance Services for the *Chelu Travieso-Earhart Lifetime Achievement Award*.
- **Phil Woog** from Cooksey Toolen Duffy & Woog for the *Freedom Fighter Award*.
- **Jess Maxcy** from the California Manufactured Housing Institute on the *Advocacy Fighter Award*.
- **Dick Ernst** from Financial Marketing Associates and **Bruce Baldwin** from Golden West Homes on the *Soar With The Eagles Award*.

*A special congratulation goes to all of you from Hart King for a job well done and a very well deserved honor. Keep up the good work and once again a hearty congratulations!*

# HART | KING

ATTORNEYS AT LAW

4 Hutton Centre Drive, Suite 900  
Santa Ana, CA 92707  
Address Service Requested

Hart King proudly supports the following trade organizations and publications:

