

BARRY A. ROSS
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November 2, 2023

56th Annual Litigation Seminar of the Southern California Chapter of the Appraisal Institute
127 Center Court Drive, Cerritos, CA 90703

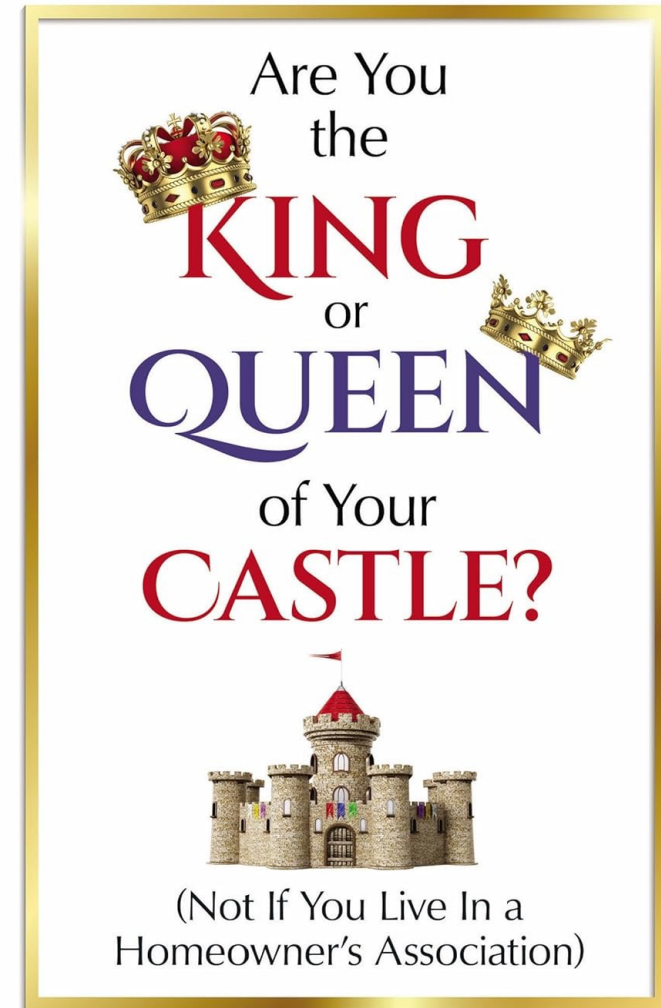
THE ROLE OF APPRAISERS IN HOMEOWNERS ASSOCIATION LITIGATION

The Role of Mr. Ross in HOA litigation.

Two Books

**The California Homeowners Members Guide
&**

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There are three
opportunities for input by
appraisers in HOA litigation
– **trial, arbitration**
(binding or non-binding)
and/or mediation.

See Civil Code Sections 5925 to 5965:
Davis-Stirling Common Interest
Development Act.

Types of Assignments for Appraisers in HOA litigation.

A.

The client has 1 story house.

The neighbor obtains permission from HOA for a two-story house, which blocks client's view of ocean, golf course, landscaping, etc.

What is the reduction in fair market value?

Alternate theory: loss of privacy. K case.

In book.

Types of Assignments for Appraisers in HOA litigation.

B.

Client applies to HOA for permission to remodel house.

HOA rejects application, without any justification.

What is the loss of fair market value?

Must consider the cost of construction.

What if the cost of construction exceeds the increase in fair market value? F case.

Types of Assignments for Appraisers in HOA litigation.

C.

HOA claims HOA and its members have an easement to walk across the front lawn of client's residential property.

Client denies that the easement exists.

What is the loss of value created by the alleged easement?

Do you consider the number of actual trespassers or the potential number of trespassers? C case.

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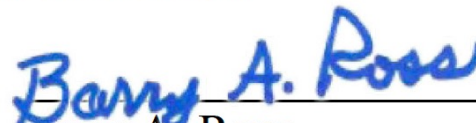
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Respectfully submitted,
BARRY A. ROSS, A PROFESSIONAL
CORPORATION

By: 

Barry A. Ross