



STEVEN H. KRUIS, ESQ.

Representative Cases

Real Property

- Dispute involving complex title issues involving five parties stemming from original lender's premature and mistaken filing of reconveyance of trust deed before underlying loan was repaid. Subsequently, through a series of refinancing transactions, four other lenders made loans secured by trust deeds recorded against the same property resulting in equitable subrogation and lien priority issues between the lenders and their title insurers.
- Dispute involving sale of single family residence in which buyer alleged that seller failed to disclose material facts that affected the value of the property. Additional parties to the litigation included the buyer's real estate agent, the seller's real estate agent, the property inspector, and the termite inspector. Issues included allocation of liability and the correct measures of damages.
- Dispute involving sale of mobile home park in which buyer claimed that the seller failed to disclose known material facts that negatively affected the fair market value of the park. Issues included buyer's duty to conduct due diligence in a commercial transaction and the correct measure of damages.
- Dispute involving boundaries of single family residence and encroachment of defendant's improvements on plaintiff's property. Case complicated by competing surveys creating uncertainty as to true location of actual boundary between contiguous properties. Plaintiff was unable to obtain title insurance and sell property until boundary issues resolved by way of agreed boundary settlement.
- Dispute involving claim by homeowner association of large common interest development against individual owner for violation of the "CC&Rs" (declaration of covenants, conditions, and restrictions) regarding improvements made by the owner to his individual property interest without prior approval of the architectural committee. Case complicated by the owner's allegations that the recently-elected board of directors did not have authority to enforce the CC&Rs by virtue of irregularities in the voting process.
- Dispute involving commercial lease of industrial space. Lessor sought unpaid rent from the tenant, who cross-complained seeking recovery of rent previously paid because of ongoing water-intrusion issues allegedly causing mold infestation and amplification of dust mite population that made portions of the industrial space and office area uninhabitable.

- Dispute involving view obstruction of ocean view by uphill property owner claiming construction of second story by downhill owner violated view easement recorded against the downhill property. Issues included validity and enforceability of easement as well as remedies available to plaintiff.
- Dispute involving a prescriptive easement for ingress and egress to large tract of land that developer sought to subdivide. The easement traversed eight separate parcels owned by the defendants. Issues included scope of easement and burden imposed on the servient estates.
- Dispute involving claim by numerous downhill owners against uphill owner for damages caused by surface water drainage flowing downhill. Issues included whether uphill owner altered the natural flow of water, and the cost to repair extensive damage caused by flow of mud and debris following major storm.
- Dispute involving commission claim by real estate broker against seller of real property under prior listing agreement that broker had with seller. After the listing expired, the seller sold the property to the buyer to whom the broker had initially shown the property. Issues included “procuring cause” and interpretation of language in written listing agreement.