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MICHAEL J. ROBERTS, ESQ.

“Mediation almost always results in settlement when a skilled and determined mediator is involved in the process. My personal mission is to 'go the extra mile' to insure settlement no matter what obstacles stand in the way.”

REAL ESTATE DISPUTE RESOLUTION EXPERIENCE

Mike Roberts has over 35 years experience in the litigation and mediation of real estate disputes of every type and description. During the past 20 years, he has served as a mediator and arbitrator in over 1,000 real property matters. Mike is widely recognized for his expertise and resolve in settling difficult cases involving sophisticated and complex real estate issues.

REPRESENTATIVE REAL ESTATE ISSUES MEDIATED AND ARBITRATED BY MIKE ROBERTS

- CC&R's and restrictive covenant matters
- Commercial, industrial and residential sales and purchase transactions
- Easement and boundary disputes
- Eminent domain and inverse condemnation
- Flood and water damage disputes
- Foreclosures including relief from bankruptcy stays
- Fraud and non-disclosure
- Insurance coverage issues arising from damage to real property
- Investment partnership disputes
- Mobile home park development
- Options to purchase
- Real estate broker commission claims
- Real estate financing transactions
- Real property construction claims
- Real property development and entitlement
- Real property subdivision
- Secured loan transactions
- Shopping center, residential subdivision and other commercial property development
- Support of adjacent property
- Title insurance
- Zoning and land use

REPRESENTATIVE REAL ESTATE MATTERS RESOLVED BY MIKE ROBERTS

- Real estate commission dispute between school district and major commercial real estate brokerage company
- Hundreds of claims by purchasers against sellers and real estate brokers relating to non-disclosure issues
- Action by major bank tenant to enforce option to purchase downtown high rise office building
- Dispute between joint venture partners concerning development of regional shopping center
- Inverse condemnation action against flood control district arising out of flood damage to 1,200 unit apartment complex
- Mediated mobile home rent control ordinance between city and owners of mobile home parks
- Dispute between adjoining property owners over view easement rights
- Action by heirs to divide \$49 million in real estate trust assets
- Action by owner of commercial property against adjacent shopping center developer for damage caused by lateral soils movement
- Claims among adjoining property owners over implied and prescriptive easement rights for ingress and egress
- Hundreds of construction disputes between owners, contractors, subcontractors and design professionals concerning construction of commercial, industrial and residential projects
- Action by owner of real property against title insurance company which had insured title to parcel sold in violation of the Subdivision Map Act
- Action against sole tenant of 200,000 square foot office building for collection of rent and unlawful detainer with cross action for accounting as to common area maintenance expenses
- Dispute between Native American tribe and developer of gaming facility arising out of breach of real property development agreement
- Specific performance of an option to purchase by developers of commercial property against owners of adjacent optioned land
- Dispute between developer of single-family residential subdivision and construction lender over release provisions contained in deed of trust securing construction loan
- Toxic mold claim by property owner against developer of high end home in Laguna Beach arising from water damage caused by defective construction
- Fraud and misrepresentation claims in connection with sale of 400 unit apartment building
- Environmental contamination claim by adjoining property owners against major oil company arising from leaking of underground gasoline storage tank
- Court appointed partition referee in action between co-owners to partition 69 acre parcel of land zoned for mixed commercial and residential use
- Claim by tenants against shopping center developer contending no liability for rent due to misrepresentations by shopping center developer
- Dispute under long term ground lease concerning interpretation of rent adjustment provisions
- Dispute between buyers and sellers of industrial land concerning subordination and release

- provisions contained in purchase money note and deed of trust
- Adverse possession and prescriptive easement claims by encroaching property owners
- Dispute between shopping center prime tenant and landlord concerning lease of nearby shopping center site to competitor of prime tenant
- Real estate partnership dispute concerning distribution of sales proceeds of condominium development among joint venture partners
- Condemnation action by Water District against owners of several adjoining commercial properties and cross-actions by property owners claiming damages arising from unlawful pre-condemnation activities
- Dispute between limited partners and general partner arising out of sale of partnership's interest in Hawaii resort property investment
- Dispute between partners in time-share development
- Dispute between beneficiary of deed of trust on long term ground lease and lender who provided permanent financing for construction of commercial office building thereon
- Investors' claim of securities fraud against Real Estate Investment Trust
- Dispute arising from sale of servicing rights to portfolio of mortgage obligations

ACTIVITIES AND HONORS

- Full time mediator, arbitrator, special master and discovery referee since 1993 - Mediation Offices of Michael J. Roberts, 1993 to 2002; JAMS, 2002 to 2005; and, ADR Services, 2006 to Present.
- Fellow, International Academy of Mediators, 1997-present
- Member CPR Panel of Distinguished Neutrals, Los Angeles
- Former Chairperson, Real Property Law Section, San Diego County Bar Association
- Former Chairperson, Real Estate Advisory Committee, American Arbitration Association
- Member of the Association of Business Trial Lawyers of San Diego
- Member of the Board of Trustees of the San Diego Chapter of the National Multiple Sclerosis Society (1988-1998)
- Member of the Board of Directors of the San Diego Mediation Center (1993-1995)
- "AV" rated in the Martindale-Hubbell Law Directory
- Senior litigation partner in major San Diego law firms specializing in real estate, construction and business matters, 1974-1993

REPRESENTATIVE SPEAKING ENGAGEMENTS

Frequent speaker at various legal and industry seminars on subjects relating to real estate and business disputes including:

- *Negotiating With Difficult People*, California State Bar Annual Meeting
- *Alternative Dispute Resolution For Real Estate Disputes*, California Association of Realtors Conference
- *Mediation Savvy For Real Estate Attorneys And Professionals*, American Arbitration Association's Arbitration & Mediation Day.

- *What Every Right-of-Way Professional Should Know About Mediation*, International Right-of-Way Association Conference.
- *How To Win Your Case With Creative ADR And Dispute Avoidance Techniques*, California State Bar Association's Annual Meeting.
- *Mediating With Public Entities*, California State Bar Association's Annual Meeting.
- *Mediation of Business Disputes*, San Diego County Bar Association Meeting
- *Why Mediation Works*, Chief Financial Management Association
- *California Construction Law*, National Business Institute and various Lorman Educational Seminars
- *Mediation of Business Disputes*, American Arbitration Association's Alternative Dispute Resolution Symposium
- *Incorporating Mediation Into Your Practice*, Commercial Law Affiliates Annual Meeting
- *Ten Ways to Guarantee a Failed Mediation*, California Community Association Institute
- *Mediating The Complex Multi-Party Construction Dispute*, ABA Dispute Resolution Section Conference, Atlanta, 2006
- *Taking the Mystery Out of Construction Defects*, Construction Defect Seminar sponsored by San Diego Daily Transcript, 1995
- *A Mediator's Point of View...Do's and Don'ts For Architects In Construction Disputes*, Society of American Registered Architects, 1995

REFERENCES AVAILABLE UPON REQUEST