

HART KIENLE PENTECOST

Attorneys at Law

Legal Briefing Newsletter

December | 2022

A Note From Our Owners

As 2022 draws to a close, we reflect on what has been a monumental year for Hart Kienle Pentecost. We started the year with a firm name change and celebrated the 40th anniversary of the founding of the firm in 1982. We also had the honor of being named one of Orange County's best places to work in 2022. In addition, we hired two exceptionally talented associates for our manufactured housing and transactional teams.

However, what we are most proud of are the significant results achieved for our clients in all departments throughout the firm. As we head into 2023, we extend the sincerest thank you to our clients and referral sources for placing their trust in us and look forward to another 40 years of providing exceptional legal services to our clients in all of our practice areas. We wish everyone a blessed holiday season and prosperous 2023!



John H. Pentecost



Andrew C. Kienle

2022 Highlights & Victories



Trust & Estate Litigation

- Prevailed in a two-week trust and estate litigation trial in Orange County. In the case, HKP represented the respondent, who was being sued by his brothers to challenge the validity of their mother's last will and testament which left 50% of the mother's estate to HKP's client and disinherited the petitioners. The Court found that there was no basis for any of the petitioners' claims and found in favor of HKP's client and awarded attorneys' fees and costs to the client.
- Prevailed in a four-day bench trial in San Diego. HKP represented a beneficiary of his mother's trust suing the trustee for mismanagement, breach of fiduciary duty and use of trust funds for his own benefit. The Court ultimately ruled in favor of HKP's client, awarding monetary damages which included a surcharge and attorneys' fees.
- Settled multiple trust contest lawsuits confirming clients' rights to receive multi-million dollar inheritance.



Manufactured Housing Department

- Negotiated complex multi-year settlement agreement between HKP client (a national mobilehome park owner) and a group of park tenants resolving legal claims in the United States District Court and administrative claims before local governmental entities governing the operations and disputes between the park owner and residents.
- Received favorable resolution of contentious litigation between estate administrator and park owner concerning propriety of long-term leasehold interest for benefit of minor heirs with satisfaction of delinquent charges.
- Obtained approximate 48% annual phase in space rent increase for park owner under local rent control ordinance following vigorously contested hearing.
- Assisted manufactured housing clients in eviction actions and had a 98% favorable outcome on the unlawful detainer cases filed against tenants in 2022.



Business & Real Estate Litigation

- Negotiated and reached a settlement on behalf of our client (a provider of environmental engineering services) concerning amounts owed to the firm's client. The settlement resulted in the firm's client recovering all of the principal amounts owed together with interest on the amount recovered.
- Succeeded in recovering substantial sums for HKP client in aerospace industry suing for of breach of contract, fraud and misrepresentation.
- Represented trustees in connection with eviction of "holdover" occupants in trust property in order to sell property and administer trust.



Business & Real Estate Transaction

- Represented the selling shareholders and closed a \$30 million stock sale of a chemical manufacturing and distribution business.
- Represented buyers and closed an asset purchase transaction for a bakery and food service business, as well as related corporate organization and planning for buyers to continue operations post-closing and position for growth of the business.
- Represented real estate investors and operators of income-producing properties in multimillion-dollar loan refinancing of existing assets and the acquisition of additional assets via the purchase of a long-term leasehold interest.

Construction Litigation



- Successfully resolved disputes on behalf of contractors and property owners resulting in correction of work and disgorgement of monies paid to unlicensed contractors and/or subcontractors.
- Represented property owners in the removal of "stale" or "invalid" mechanic's liens through statutory demand and petition process.
- Foreclosed on mechanic's liens resulting in six-figure payments to contractor, subcontractor and supplier clients.

New Attorneys at HKP



Mai T. Nguyen
Associate

Mai Nguyen is an associate with the firm and practices primarily in the areas of business and real estate matters, corporate formation, contract drafting and negotiation, and real estate purchase, sale and financing. She regularly represents small business owners, commercial establishments, and non-profit organizations.



Ryan D. Jones
Associate

Ryan D. Jones was admitted to the California State Bar in December of 2014, and since that time focused his practice on business and real estate law. In his tenure, Ryan has prosecuted and defended all manners of complex litigation, including mortgage disputes, partnership disagreements, trade secret litigation, and landowner and landlord/tenant disputes. Ryan has substantial experience in all phases of litigation, including law and motion, discovery, and jury trial.



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