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**SERVICES, INC.**  
*Your Partner in Resolution*

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# GOOD FENCES MAKE GOOD NEIGHBORS

Resolving Easement, Title  
and Homeowners' Disputes



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# Speakers



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Easement Refresher

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Assessing Easement  
Matters

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Easement Litigation Tips

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Handling Quiet Title  
Litigation

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Title Insurance: Policy  
Review and Claims

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Homeowners'  
Association Disputes

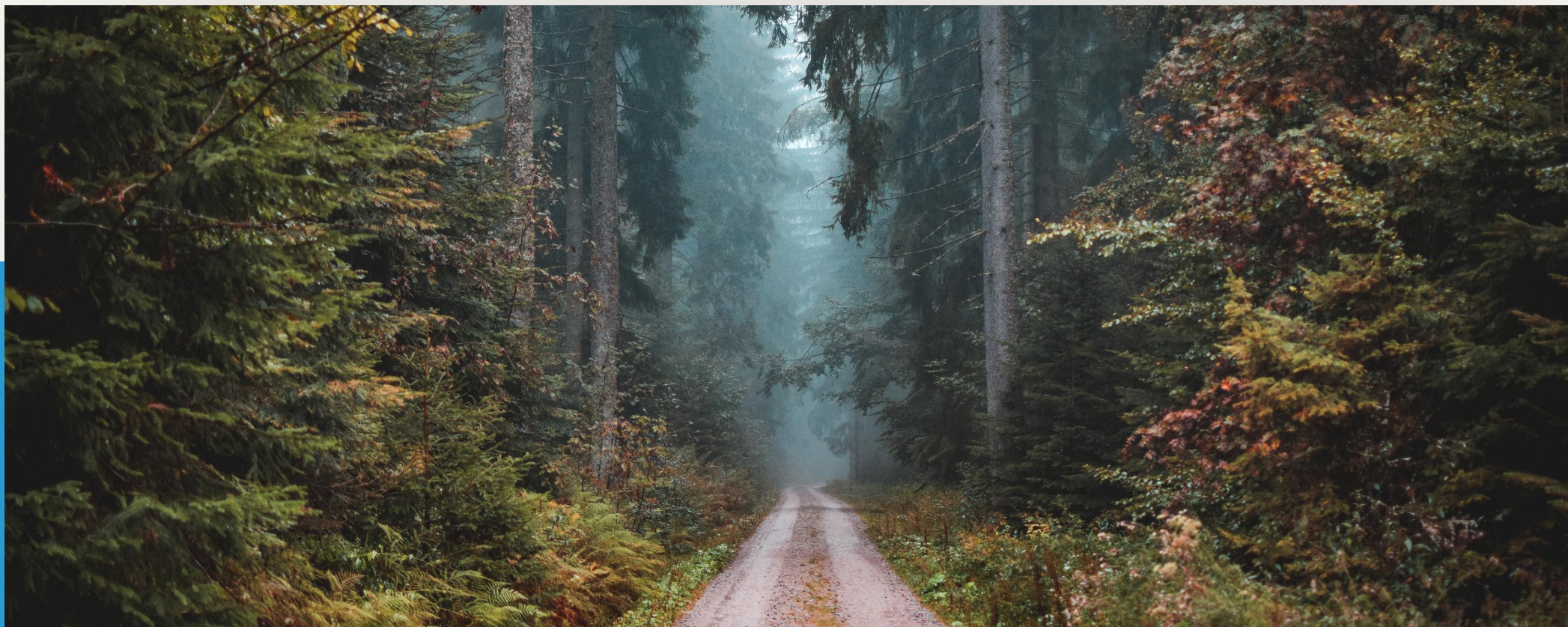
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Alternative Dispute  
Resolution and  
Settlement Strategies



# Refresher On Types of Easements

“An easement creates a nonpossessory right to enter and use land in another's possession and obligates the possessor not to interfere with the uses authorized by the easement . . . Easements may be created by an express grant, an implied grant, or by prescription.” ([Batta v. Hunt, \(2024\) 106 Cal. App. 5th 295, 304-305](#); Cal Civ. Code §§ 845, 1008.)



**Recorded  
Implied**

*(Romero v. Shih (2024) 15*

*Cal.5th 680)*

**Equitable**

*(Hirshfield v. Schwartz (2001)*

*91 Cal. App.4th 749)*

**Prescriptive  
Necessity**

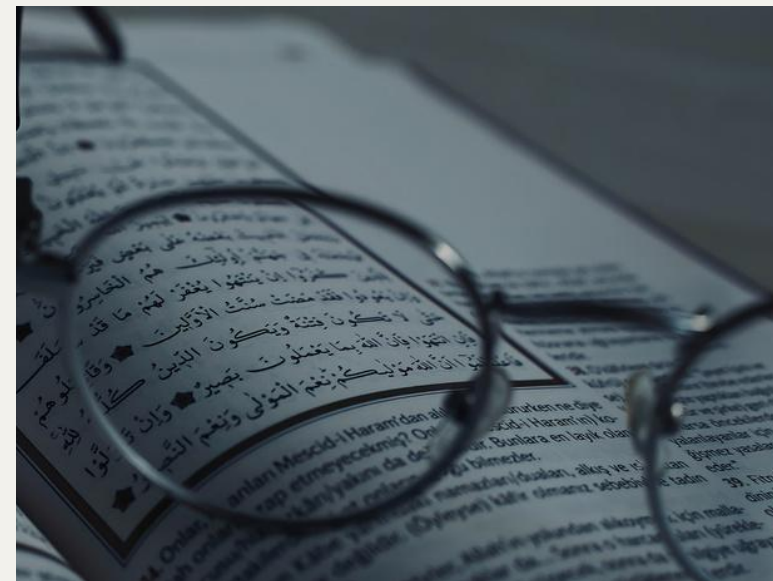


# How to Assess Easement Matters

## Mapping and Use of Experts



## Scope and Interpretation of the Easement



## Repair and Maintenance Obligations



# Easement Litigation Tips



**Procedural Tips**



**Law and Motion Advice**



**Remedies and Enforcement**  
(injunctions, damages,  
overcoming Ev. Code §  
662, etc.)



# Quiet Title Litigation and Lis Pendens Practice

An umbrella term for an action to determine adverse claims to property. It is used to assert a wide variety of underlying claims and establish any kind of title or interest, legal or equitable in real or personal property. *Golden West Baseball Co. v. Anaheim* (1994) 25 CA 4th 11, 40.



**Filing, Recording and Service (Code of Civil Procedure § 760.010, et. seq.)**

**Removing The Lis Pendens**

**Consequences for the Loser**

# Title Insurance Tips

**Reviewing the Policy  
and Exceptions**



**Submitting Title  
Insurance Claims and  
Working With the  
Insurer**



**Scope of Coverage:  
Affirmative or Defensive**





# The Difference Between ALTA and Standard Title Insurance Policies







# Homeowners' Association (HOA) Disputes

## Types of Cases



Maintenance and repair



Alleged malfeasance by HOA



Enforcement of covenants,  
conditions and restrictions (CC&Rs)



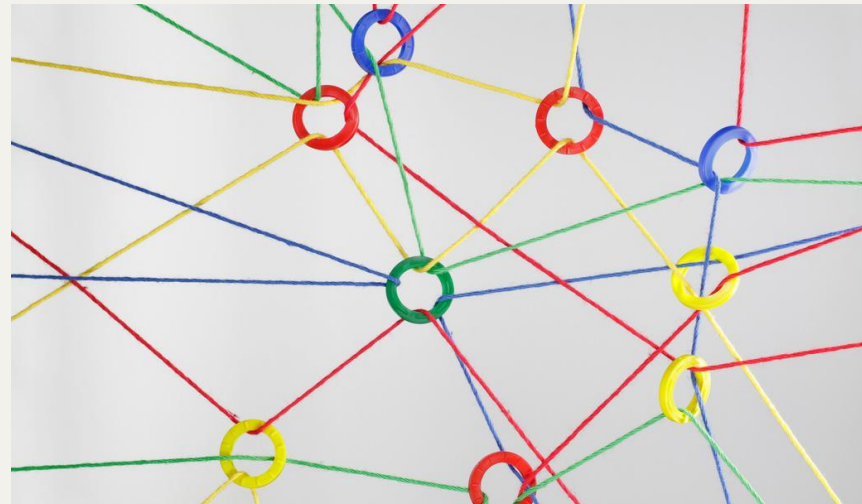
Assessments

- Consult the David Stirling Common Interest Development Act (Civ. Code § 4000, et seq. and Corporations Code § \_)
- Interpreting CC&Rs
- The “Business Judgment” Rule [*Lamden v. La Jolla Shores Clubdominium Homeowners Association* (1999) 21 Cal.4th 249)]
- ADR Rules
- Role of Insurance





# ADR and Settlement of Real Estate Disputes



Mediating With Multiple Parties



What is Below the Iceberg



Choices, BATNA and WATNA



More Issues, More Currency



Transforming Relationships and Early Mediation



Term Sheets and Documenting the Deal



# Thank You.



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