

The Miller Law Firm Recovers \$2.8 Million
for a San Francisco Association Riddled with Construction Defects
In only 18 Months

April 23, 2013

San Francisco County, Calif. – The St. Francis Bay-One Crescent Way Condominium Owners Association has recouped \$2.8 million for construction defects even after the builder made significant repairs.

The 64-unit building in the Candlestick Park neighborhood was completed in 2001 and developed by St. Francis Bay, Inc., Top Vision Development and James E. Roberts-Obayashi Corporation. The project was originally constructed as an apartment complex that was part of a phased building community, including One Crescent's neighboring building, 101 Crescent Way. 101 Crescent Way was built by the same contractor and also recovered \$5.2 million in 2012 for construction defects.



Failed builder repairs at its neighboring association were revealed to be insufficient, sparking the One Crescent Board's decision to conduct their own investigation.

Just a limited amount of invasive testing proved that prior developer repairs made to an exterior column supporting elevated walkways were insufficient and dangerous. Forensic experts discovered significant dry-rot, moisture and even a bottle of soda left in the column. The walkways were deemed immediately unsafe and required emergency shoring.



According to Thomas E. Miller, CEO of The Miller Law Firm, "This Association had one very significant hurdle to overcome: they were over 10 years old. California law allows home and condominium owners to pursue a claim no later than 10 years from the date of completion. Because prior builder repairs failed, we were able to extend this strict time limit and prevail."

According to Rachel Miller, Senior Partner of The Miller Law Firm, "A common form of development is found in neighborhoods like Candlestick Park, where clusters of buildings are erected and each has its own Homeowners Association. Knowing that the neighboring building was able to recover \$5.2 million with our help, this board allowed us to help them begin their investigation."

Dane Besneatte, President of the HOA Board of Directors, states, "Relying on your builder to conduct repairs is a natural instinct but it didn't work for us. But it is now very clear that these repairs cannot only be temporary (they were) but they can also be dangerous. Having the right

team in place to address legal issues and repair options is key to meeting a Board of Directors' fiduciary duties. Hiring The Miller Law Firm, with their Attorney skills and expertise, was just what we needed and was key to our recovery of enough money to make the necessary repairs and have them done right." We owe Thomas Miller and his team the utmost appreciation and gratitude.

Leslie Bates, CCAM, PCAM of Jean Bates & Associates, "A professional community manager can bring legal and forensic experts to their boards, but teams with experience in a particular community brings incredible efficiency to the process. Recovering this claim in 18 months is proof of that expertise."

Thomas E. Miller and Rachel M. Miller of The Miller Law Firm (www.ConstructionDefects.com) are the co-authors of, "Home and Condo Defects: A Consumer Guide to Faulty Construction," (Seven Locks Press, 2012), available online at www.amazon.com.

Detailed information regarding this case can be accessed via the San Francisco Superior Court website at www.sfsuperiorcourt.org case number CGC-11-515334.