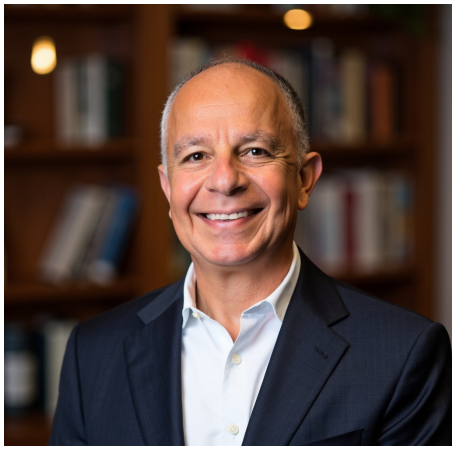
MILLER STARR REGALIA



Basil “Bill” Shiber

Shareholder

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Bill is an experienced trial lawyer representing private and public clients in matters of commercial leasing, land use, eminent domain/inverse condemnation, partition and other real estate property related matters. He holds the highest Martindale-Hubbell peer rating—AV. Bill is author of the Inverse Condemnation and Eminent Domain chapters of the Miller & Starr treatise on California real estate, and writes and speaks frequently about real estate issues.

Basil "Bill" Shiber has over thirty-five years of experience representing clients in negotiations, trials, arbitrations, and appeals involving all aspects of real property ownership, use and development.

Bill’s clients include property owners, public entities, developers, retailers, financial institutions, title insurers, and academic institutions. Bill’s practice has given him many opportunities to lecture, contribute to scholarly publications and take leadership roles in professional organizations. He has a Martindale-Hubbell peer rating of AV, the highest possible and is regularly on the “Super Lawyers” list.

Bill volunteers for Soccer Without Borders and has served as Chair of the firm’s Litigation Department and co-chair of the California Lawyers Association Real Property Law Section.

Bill has also served on the board of the Alameda Soccer Club and the Jack London Youth Soccer Sports League, which serves over seven thousand youth in the East Bay.

Practice Areas

- Administrative Law & Hearings
- Appellate Advocacy
- Arbitration & Alternative Dispute Resolution
- Commercial & Business Litigation
- Commercial Lease Disputes

- Construction Claims & Litigation
- Eminent Domain & Inverse Condemnation
- Land Use & CEQA
- Land Disputes, Easements & Lien Priority Claims
- Title Insurance
- Land Use - Litigation

Education

J.D., Santa Clara University (1989)

B.A., *cum laude*, University of Colorado (1986)

Representative Matters

Land Use

Weseloh v. County of Santa Cruz, (2025 Cal.App. Unpub. LEXIS 6182), Santa Cruz County No. 18CV03315. Represents County of Santa Cruz in case filed by owners of beachside rental homes challenging accepted dedication of walkway between homes and beach for public use.

Pacho Limited Partnership v. Eureka Energy Co. (2025) 115 Cal.App.5th 598, San Luis Obispo County No. 19CV-0158. Represents client Eureka Energy as property owner in case involving application of Civil Code section 717 to long term lease of Wild Cherry Canyon, 2,400 acres of pristine coastline near the Diablo Canyon Power Plant.

Whitred Holdings v, McConnell Foundation, Shasta Superior Court No. 21-0197-415. Represented cotenant owner of commercial property in partition action regarding manner of partition. Judgment entered in favor of client following trial.

Pear v. CCSF (2021) 67 Cal.App.5th 61. Represented property owner regarding surface use of Hetch Hetchy pipeline property. Judgment entered in favor of client following trial and appeal.

Patterson Frozen Foods, Inc., et al. v. Traina Pacific LLC, et al. (2020 Cal.App. Unpub. LEXIS 3400), Stanislaus County Superior Court No. 684866. Represented client in dispute regarding claimed easement for wastewater recycling relative to vegetable processing facility. Court entered judgment in favor of client and ordered plaintiff to pay client in excess of $1,300,000 in costs expended in connection with the litigation. The decision was affirmed on appeal.

Napa County v. Bremer, Napa Superior Court No. 17CV000884*.* Represented Napa County in enforcement action against winery relative to nature and extent of operations allowed under use permit, as well as County Code and Building Code violations. Matter settled shortly before trial on terms favorable to County, and stipulated judgment entered.

Marina Community Partners, LLC v. Fort Ord Reuse Authority, Monterey County Superior Court No. 18-cv-000871. Represented developer in securing reimbursement for removal of World War II era abandoned army buildings at the former Fort Ord Army Base in the City of Marina. Reimbursement allowed future phases of redevelopment and reuse to proceed.

Hacienda Ranch Homes v. Superior Court (2011) 198 Cal.App.4th 1122. Represented co-tenant of commercial property in defending claims based on tax deed irregularity and adverse possession. Prevailed on summary judgment.

Sherwin-Williams Company v. City of Emeryville and Emeryville Redevelopment Agency (9th Cir. 2010) 621 F.3d 1251. Successfully represented landowner in Polanco Act proceeding in which landowner sought contribution for clean-up costs.

County of Sacramento v. Superior Court (2009) 180 Cal.App.4th 943. Defended developer and landowner in connection with land use and CEQA challenges to proposed 400,000 square foot commercial/retail development. CEQA claims dismissed based on failure to timely request hearing.

City of Marina v. Board of Trustees of CSU (2003) 109 Cal.App.4th 1179 [Court of Appeal], (2006) 39 Cal.4th 341 [Supreme Court]. Represented California State University in writ of mandate action involving land use issues and CEQA approvals relative to the Campus at Monterey Bay. Prevailed on land use consistency issues.

People v. One Parcel of Land (1991) 235 Cal.App.3d 579. Represented building owner in forfeiture action relating to apartment building. Judgment entered in favor of client following court trial and appeal.

City of Arcata v. Humboldt State University. Defended University in CEQA challenge relative to addition of new facilities. Judgment was entered in favor of client following trial and appeal.

City of Rialto v. Department of Defense. Defended municipality in federal cost recovery actions involving TCE and perchlorate contamination in the Rialto/Colton basin. Obtained water replacement order and other relief.

Commercial Leasing

Contra Costa Retail Center v. Bally. Represented landlord in breach of lease action against tenant arising from “net worth” warranties in lease. Judgment entered in favor of client following trial and appeal.

Century Theatres v. Lincoln-Larkspur Office. Prosecuted case for preliminary injunction and for injunctive and related relief relative to interference with theater operation. Injunction issued in favor of theater operator client; matter settled favorably thereafter.

Shapell v. Lunardi. Represented grocery chain in connection with claimed breach of “continuous operation” covenant in commercial lease. Defeated application for injunction to enforce provision. Case resolved on favorable terms thereafter.

Gasoline Alley v. Stadium Promenade. Represented landlord in dispute involving alleged breach of non-competition clause in commercial lease agreement relating to simulated car racing facility. Judgment entered in favor of client following jury trial.

Pacific Plaza v. HPMC. Represented theater tenant in arbitration relating to challenge to management fees and level of maintenance of commercial shopping center. Arbitration award and judgment entered in client’s favor.

Eminent Domain/Inverse Condemnation

Santa Clara County Housing Authority v. Trustees of the DeRose Ranch Family Trust, et al., Santa Clara County Superior Court No. 19-cv-34799. Successfully represented client, Santa Clara County Housing Authority, to acquire property located in San Jose for the purpose of continuing to provide existing affordable housing to very low and extremely low income senior citizens.

WSAFCA v. Seecon. Represented property owner and developer in condemnation of property for levee project. Settled case shortly before trial for nearly four times original offer of compensation.

Sywest v. Richmond/BART. Represented property owner in inverse condemnation action relating to property damage resulting from construction of public parking garage. After prevailing on dispositive motions, settled for recovery of entire cost of remediation and attorneys’ fees expended.

Peralta Community College District. Represented community college district in eminent domain proceeding for acquisition of site for new community college (Berkeley City College) in downtown Berkeley.

Pleasant Hill Center/CalTrans. Represented owner of shopping center in connection with condemnation proceeding brought by CalTrans in connection with the widening of Interstate 680. Favorable judgment for client following jury trial.

Commercial/Business Disputes

Confidential (pre-lawsuit mediation). Represented client, a waste hauler and recycler, in the negotiation of an amendment to a waste recycling agreement and readjustment of the financial terms following changes to recycling market precipitated by "China National Sword" orders and regulations. Resolution allowed client to continue to provide the recycling service to the community.

City of King City v. Community Bank of Central California (2005) 131 Cal.App.4th 913. Defended Community Bank of California in action by redevelopment agency to avoid resort to collateral for a multi-million dollar community development loan. Judgment entered in favor of client following trial and appeal.

Outfront v. Caltrans. Represented outdoor advertiser in challenging civil penalties imposed by Caltrans. Judgment entered for client after trial.

ALTA Mortgage Impairment Matters. Represented American Land Title Association in litigation in federal and state court involving issuance of mortgage impairment/lien priority insurance by non-licensed insurers.

Hanson v. Moss Codilis/In re Ocwen Federal Bank Mortgage Servicing Litigation. Counsel for defendant in class action/federal multi-district litigation relative to mortgage servicing issues.

Confidential. Represented owner of $30,000,000 office building in action by limited partner alleging partnership interest. Prevailed following binding arbitration.

Associations

Association of Business Trial Lawyers (ABTL)

International Council of Shopping Centers (ICSC)

State Bar of California, Executive Committee of the Real Estate Section – Former Co-Chair/Advisor

Urban Land Institute (ULI)

Alameda Development Corporation and Habitat for Humanity – Pro-bono counsel

Awards & Recognition

Martindale-Hubbell – AV Preeminent Rated (2006 – 2019)

Super Lawyers Northern California (2012 - 2025)

Publications

Treatises

- Chapter 23, "Inverse Condemnation," *Miller & Starr, California Real Estate 4th*
- Chapter 24, "Eminent Domain," *Miller & Starr, California Real Estate 4th*
- Chapter 30, "Community Redevelopment," *Miller & Starr, California Real Estate 4th* (co-author)
- Chapter 8, "Representing the Owner," CEB's *California Mechanic's Liens and Related Construction Remedies,* 2012 (Consultant)

Journals

- "The Top Ten Real Property Cases of 2017," *California Real Property Journal*, Vol. 36, No. 1, 2018 (co-authored with Star Lightner)
- "The Top Ten Real Property Cases of 2016," *California Real Property Journal*, Vol. 35, No. 1, 2017 (co-authored with Star Lightner)
- “The Top Ten Real Property Cases of 2015,” *California Real Property Journal*, Vol. 34, No. 1, 2016 (co-authored with Matthew Henderson)
- “The Top Ten Real Property Cases of 2014,” *California Real Property Journal*, Vol. 33, No. 1, 2015
- “The Top Ten Real Property Cases of 2013,” *California Real Property Journal,* Vol. 32, No. 1, 2014
- “The Top Ten Real Property Cases of 2012,” *California Real Property Journal*, Vol. 31, No. 1, 2013
- “The Top Ten Real Property Cases of 2011,” *California Real Property Journal*, Vol. 30, No. 1., 2012
- “The Government Is Always Right: The Supreme Court Tackles Takings,” *California Real Property Journal*, Vol. 24, No. 1, 2006

Articles

- “Property Rights Hit By High Courts,” *Daily Journal*, November 29, 2017
- “High Court Takings Decision took a Few Shortcuts,” *Daily Journal*, January 24, 2017
- “Several Themes Ran Through High Court's Eminent Domain Questions,” *Daily Journal*, May 9, 2016
- “Calif. Justices May Clog Up Water Projects In Takings Case,” *Law360*, By Andrew McIntyre, March 21, 2016 (Quoted)
- "Attorneys Weigh In On Obama's Supreme Court Pick," *Law360*, March 16, 2016 (Quoted)
- “High Court Might Ease Way For Regulatory Takings Claims,” *Law360*, February 29, 2016
- “Testing the Temerity of the Takings Clause,” *Daily Journal*, September 18, 2015
- “‘No Build’ Condition On Shopping Center Property Is Compensable Regulatory Taking,” Miller Starr Regalia’s The Title & Escrow File blog, August 12, 2015
- “Don’t Miss This Deadline To File A Regulatory Takings Claim,” Miller Starr Regalia’s The Title & Escrow File blog, July 28, 2015
- “Five Real Estate Cases to Watch in 2015,” *The Registry*, January 30, 2015
- “Digging in Over SF Housing Ordinance,” *Daily Journal*, October 31, 2014
- “California's Precondemnation Law May Need Correction,” *Law360*, May 22, 2014
- “Government Precondemnation Entry and Inspection – A Review of Property Reserve, Inc. v. Superior Court (2014),” *Miller Starr Regalia Legal Update*, May 14, 2014
- “A Practical Guide to Securing Surface Rights for Solar Energy Projects,” *California Real Property Journal*, Vol. 30, No. 2, Summer 2012
- “Purchase Money Priorities,” *CEA News*, Vol. 44, No. 3., Summer 2012

- “California Supreme Court Confirms that Legislature Can Wind Up Redevelopment Agencies,” *Miller & Starr, California Real Estate Newsalert*, Vol. 22, No. 4, March 2012
- “California Supreme Court Ruling Winds Up Redevelopment Agencies: Legislative Reform May Be Next,” *Miller Starr Regalia Legal Update*, December 2011
- “California Supreme Court Agrees to Hear Redevelopment Challenge: Stays Portions of New Legislation,” *Miller Starr Regalia Legal Update*, October 2011
- “Crumbling Edifice: California Redevelopment Agencies Face Uncertain Future,” *The Registry*, September 2011
- “Redevelopment Agencies Face Elimination,” *Miller Starr Regalia Legal Update*, July 2011
- “Dual Representation and Due Process: Maintaining the Line Between Advocate and Advisor in Land Use Proceedings,” *California Land Use Law & Policy*, Vol. 19, No. 5, February 2010 (consultant)
- “Continuous Operation Covenants in California,” *California Real Property Journal*, Vol. 26, No. 4, Winter 2008 (consultant)
- “Grafton Partners: Juries Make A Comeback," *CEB Real Property Law Reporter*, Vol. 29, No. 1., January 2006
- “A Takings Trifecta: The Supreme Court’s Lingle, San Remo and Kelo Decisions,” *Miller & Starr, California Real Estate Newsalert,* Vol. 16, No. 1, September 2005
- “SLAPP Happy: An Analysis of California’s Anti-SLAPP (Strategic Lawsuits Against Public Participation) Statute,” *Miller & Starr, California Real Estate Newsalert*, Vol. 15, No. 2, November 2004
- “Courts Conflict on Requiring Public Use to Support Taking,” *San Francisco Daily Journal,* September 1, 2004
- “Competing for Control,” *Urban Land*, October 2003
- “Take This! A Road Map Through a Regulatory Takings Claim,” *California Real Property Journal*, Volume 21, No. 4., Fall 2003
- “Illusory Interest - No Recovery in Condemnation for the Taking of a Pipe Dream*,” San Francisco Daily Journal*, January 6, 1999
- “Priority Matters,” *Los Angeles Lawyer*, Volume 21, No. 1., March 1998
- Chapter 9, “Lien Protections,” CEB’s *California Mortgages, Deeds of Trust, and Foreclosure Litigation Practice Guide*, 1997

Speeches & Presentations

Bill speaks regularly on subjects relating to land ownership, use, development and leasing, and has published numerous articles in his areas of practice. He is also author of the "Eminent Domain” and "Inverse Condemnation" chapters of the authoritative Miller & Starr, California Real Estate 4th Edition.

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