

Alleged discrimination in home appraisal by Tenisha Tate, Paul Austin at 20 Pacheco, California - by Mary Cummins

mary--cummins.blogspot.com/2021/02/alleged-discrimination-home-appraisal.html



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real estate appraisal, discrimination, black, bias, mary cummins, california, 20 pacheco, paul austin, tenisha tate austin, lawsuit, complaint, facts, real estate appraiser, marin city, sausalito

Blog article has been updated. Original is at the bottom with recent updates on top. Original article was February 2021. Link to all legal documents below.

UPDATE: Case is now closed. Justice did not prevail. The facts were never stated or argued. We didn't see any appraisals. Side with deepest pockets won. Travesty of justice.

04/18/23 ORDER APPROVING STIPULATION FOR DISMISSAL WITH PREJUDICE AS TO DEFENDANTS JANETTE C. MILLER AND PEROTTI REAL ESTATE APPRAISALS, INC. Signed by Judge Maxine M. Chesney on 4/18/2023. (mmclc2, COURT STAFF) (Filed on 4/18/2023)

04/18/2023 Proposed settlement order just filed. Settlement appears to be confidential. Basic text.

04/17/2023 66 STIPULATION WITH PROPOSED ORDER for dismissal with prejudice as to defendants Janette C. Miller and Perotti Real Estate Appraisals Inc. filed by Paul Austin, Fair Housing Advocates of Northern California, Tenisha Tate-Austin. (Cristol-Deman, Liza) (Filed on 4/17/2023) (Entered: 04/17/2023)

"Plaintiffs and the remaining Defendants, Janette C. Miller and Perotti Real Estate Appraisals,

Inc., have reached a settlement in this matter. The parties hereby apply for and stipulate to issuance of

an order dismissing all claims with prejudice against these remaining two defendants, subject to the

terms of the settlement agreement. The parties request that the Court retain jurisdiction solely for the

purpose of enforcement of the settlement agreement.

Case 3:21-cv-09319-MMC Document 66 Filed 04/17/23 Page 1 of 4

STIPULATION FOR DISMISSAL WITH PREJUDICE; [PROPOSED] ORDER– CASE NO. 3:21-CV-09319 MMC

Claims against Defendant AMC Links, LLC have already been dismissed with prejudice pursuant to a previous settlement agreement."

<https://drive.google.com/file/d/1-Q2z8sKI21PPIRU7I6rJNsb23X82g7oA/view?usp=sharing>

03/14/23 Still nothing new on the docket. There is no official notice of settlement confidential or otherwise. Nothing new since 12/02/22. The settlement with the AMC was confidential. Nothing about that settlement was released. The alleged settlement with Miller et al is allegedly confidential per the Plaintiff yet they shared info about Defendant admitting no wrong doing, being forced to take a "class" from the private housing group and being forced to watch the false TV show about similar fake cases of alleged discrimination. Doesn't sound confidential to me. Sounds more like Plaintiff only sharing what they want to share. What was Plaintiff forced to admit? Most likely that there were no damages and no racism.

03/10/23 I was just told in the TMZ interview that the Austins lied. They said the appraiser didn't use comps from their neighborhood but a different neighborhood. The first appraiser used comps in their same neighborhood which is what the Austins didn't want. In the lawsuit

the Austins stated they lived in a "black" neighborhood with lower home values. They stated they wanted the appraiser to use comps from the "higher priced" "white neighborhood" only. The Austins did not want the appraiser to use comps in their same neighborhood. Then the Austins cited Andre Perry's fake paper as if it were fact.

Just saw the TMZ short video clip. It's not the full interview. I will only comment below on that short clip linked here.

Tenisha said "appraisers are on notice that if they continue to behave this way that there could be repercussions. Obviously people don't want to be sued."

This sounds like a threat to all appraisers in the US to me, white, black and brown. You will be sued if you appraise a home for market value and according to the law. If you don't give the borrower the value they want, they will sue the hell out of you with the help of deep pocketed private "fair housing" groups. This is undo pressure on appraisers. This is against the law. If any borrower said this or hinted this to an appraiser, the appraiser must notify the AMC, Lender and stop all work. If the appraiser hears this after they did the work, they must notify and the borrower will be denied any home loan.

This threat clearly already worked on the second appraiser who came in way too high. That appraiser knew the borrowers weren't happy and wanted, demanded a higher appraisal. They didn't want to get sued. The appraiser caved and used comps from Mill Valley which is miles away and worth twice as much as Marin City where the Austins' home is located. They knew the borrower would be happy with an overly high appraisal. Again, please, give me this appraiser's name and a copy of that report so I can report them to BREB. They need to go to prison for bank fraud. If I had the money, I'd offer a reward for a copy of that appraisal.

Harvey Levin: What did that appraiser gain by lowballing?

Tenisha: I don't think it's about them gaining anything either one way or the other because they're not the lender it's more about them perpetuating historical practices that have led to families of color cheated out of money for generations, so I think it's just the practice that they're conditioned to do.

Paul Tate: (paraphrased) Black, brown don't have opportunity to get wealth through homeownership. It's unconscious bias, I looked at this redlined black area or I see a black, brown family, my biases show up.

Harvey: You may have made a big difference by putting the word out you guys are gonna be held accountable if you do this. Must feel really good.

Tenisha: (big shit eating grin) (People) should arm themselves by knowing what their comps are in their neighborhood when asking for appraisal, also to, if appraisal doesn't come in where expected to ask for (sic) request for evaluation, ROV, and contact local fair housing association."

I fully support all homeowners finding out what SIMILAR homes of the same legal size in the SAME neighborhood area have sold for. I also support requesting a Reconsideration Of Value (ROV). What I don't support is what these people did and stated in their lawsuit. They specifically said they wanted the appraiser to ONLY use comps from OUTSIDE OF THEIR NEIGHBORHOOD. They wanted the appraiser to ONLY USE comps from a "WHITE" AREA MILES AWAY that sells for TWICE AS MUCH as their own neighborhood. They are the ones who noted black and white areas not the appraiser. We appraisers don't know the color or race of the areas. The appraiser never mentioned color, race... We know who the real racists are in this situation. The Austins said the most racist things in their lawsuit. I wish the appraiser was a billionaire so she could have sued them for defamation for what they said in the media. Sadly they attacked an elderly woman who was on the verge of retiring. Her daughter died of cancer during this stressful lawsuit. Her husband died a few months after her daughter.

I would love to see this couple apologize to the appraiser one day but that will never happen. These people are so in the wrong that it makes my blood boil. This settlement just shows the power of money for legal fees against an appraiser with a basic E&O insurance policy. These insurance companies are known to fold and settle 99.999999% of the time before any trial. The private fair housing organization knew this. They also knew the misguided media was on their side. They knew no one would actually read their racist lawsuit which is linked below. Defendant's reply to their suit goes into Plaintiff's shakedown lawsuit in great detail. At least all of that is on the record. Media is now just using these people to get traffic and sell ads from the fake racial outrage. People should be outraged by real racism and not this made up story.

And FTR this area was never redlined. It didn't even exist when the redline maps existed. Maps were 1930's to 1968. These homes were built 1965-1980. They never made a map of this area because it's a tiny city. Austins lied about redline maps affecting the value of their home. There were no maps of the entire county!

<https://www.tmg.com/2023/03/10/black-couple-settles-lawsuit-home-appraisal-racial-bias-accountability/>

Here is a tiny comparison of Mill Valley and Marin City where subject is located. The Austins wanted the appraiser to only use comps in the "white area" in Mill Valley where homes sell for twice as much. And I want my nonexistent home in South LA to be worth as much as one in Beverly Hills. Crime rate in Marin is twice Mill Valley. Home ownership rate is less than half of Mill Valley. Education levels in Marin City students is abysmal. Marin City income is only 29% of Mill Valley. Average home price is half in Marin. Violent crime is triple in Marin. Property crime is double. Where would one prefer to live?

Marin City was built as a public housing project for poor people. This included all the homes and apartment buildings. The properties are very low quality built by the lowest bidders. Appraisers never look at these stats but I'm showing them here so you can see why Mill Valley is worth so much more than Marin. If the Austins want a Mill Valley price tag, they should buy a home in Mill Valley instead of trying to force appraisers to value their home like a Mill Valley home.

Homeownership rate Mill Valley 66% Marin 31%

Graduate degree 36 19

Didn't finish high school 1 10

High school only 7 17

Management jobs 75 37

Service jobs 5 24

Single 42 64

Married 58 36

School proficiency math 82 25

same for reading 85 15

****Median income \$132K \$39K**

****Avg home price \$1,826,600 \$869,300**

Violent crime 7% 26%

Property crime 24% 45%

White population 88% 44%

Black 1% 23%

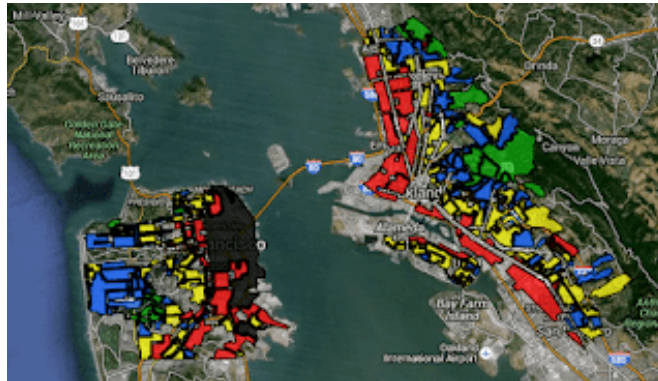
Latino 4% 17%

Asian 5% 12

Appraisers never look at racial makeup of any neighborhood. I'm doing this for the sake of exposing Plaintiffs' argument about race as false. They stated Marin is a "black" area. They stated because the inhabitants are black, their property is worth less than whites. Marin is 44% white, 23% black, 17% Latino, 12% Asian. What about the non blacks in Marin? Their homes are worth the same amount as blacks and it's not because they're black because they're not. The homes in Marin City are worth less than Mill Valley because of the location, location, location. Homes in South LA are worth less than Beverly Hills. Racial makeup of those areas is probably the same as Marin.

The Austins bring up redlining. They said their area was redlined when there were risk maps. The maps came out in the late 1930's. Marin City where they live didn't even exist at that time. Most of it was built 1965 as a federal housing project for poor people. The maps were banned in 1968. This area had such a low population that they never made a map. The Austins said redlining of their home caused their home value to be low. It was unbuildable swamp land that was filled in. Their house is located in an area which is too steep to build. The hillside homes should not have been developed in the first place. They didn't begin building the lower part of the city until 1942. That area was built as housing for employees of

the shipyard Marinship. Most private homes were built 1965-1980 after the redline maps were gone. Below is the redline map for the area. Look near Sausalito upper left. I don't think there was a redlining map for this area. I believe that means the Austins lied in their lawsuit. They said the area was devalued because of the redline maps. Here is a link to all the maps. There was no redlining map for Marin. There wasn't one for Mill Valley either because these cities are so small. <https://www.arcgis.com/home/webmap/viewer.html?webmap=063cdb28dd3a449b92bc04f904256f62>



The Austins said the settlement agreement is confidential. Then they said Defendant didn't admit any wrongdoing but agreed to watch a biased propaganda TV show and take a private class by the private fair housing organization. Then what's confidential? Just the dollar amount of settlement? Makes me think the dollar amount was zero since they revealed everything else. The insurance company clearly forced this on the appraiser.

This is for people new to this issue. Research has shown that whites make more money than blacks, Latinos. Married people make and keep more money than singles. People without young children make and have more money. Research has shown people who make more money have more money, more generational wealth and buy and own more expensive homes. People buy homes they can afford to buy and own. For this reason whites own more expensive homes than blacks, Latinos. It's not appraisers valuing white owned homes higher than black, Latino owned homes. We value homes based on recent similar sales in the same neighborhood. More whites live in more expensive areas. More blacks, Latinos live in less expensive areas. No one is valuing homes based on color or race. What the Austins stated are racist lies just to get attention and promote their personal agenda. They would have lost had the case gone to trial. The appraisers insurance company caved due to costs.

03/07/23 Case is allegedly settled. No actions have shown up on Pacer as of yet. Last entry was 12/02/22. Looks like the insurance company paying defendant's legal fees forced the appraiser to settle. They most likely threatened to stop paying legal fees. In the settlement Defendant states they "didn't engage in any unlawful discrimination." Plaintiff states "Caroline Peattie, the executive director of Fair Housing, said the decision to settle was made because of the toll such a case takes on the people bringing it and the uncertainty of the outcome." No mention of the toll on the defendant who did nothing wrong. The other terms of the

settlement would eat me up psychologically. Keep in mind the insurance company is probably footing the money for the payment, settlement. That's how it works. Imagine being forced to watch a very misleading TV show which promotes the false narrative of the racist white appraiser as part of this settlement. I covered most of the cases in that show. I'm just finishing up an article about that show. Just learned Miller has to take a class from the Plaintiff. "Miller, who the Austins have described as an older white woman, must also attend a training session on the history of segregation and real estate-related discrimination in Marin County, provided by Fair Housing Advocates of Northern California." This is cruel and unusual.

"The settlement announced Monday includes an undisclosed financial compensation from Miller and her firm, Miller and Perotti Real Estate Appraisers. The settlement also requires Miller to attend training on prevention of housing discrimination in the county and watch the documentary "Our America: Lowballed," on housing discrimination cases. "

<https://www.courthousenews.com/black-couple-settles-bias-suit-over-lowballed-home-appraisal/>

I once had a car accident set up against me. Homeless lady with a super beat up car ran right into me and apologized at the scene. She gave me her info on a piece of paper but had no pen? She sued me. My insurance settled with her against my wishes. I did all this research to prove the lady was a scammer who did this many times. I had witnesses which said she just ran right into me while I was stopped at a light behind the crosswalk. Insurance told me they wouldn't defend the case anymore because it cost more to defend than the settlement. It's a basic money issue. I still refused to settle. My insurance company settled the case without me. That is probably what happened here. Appraiser didn't want the continued stress of the case. Her husband and daughter had died recently. She's older. Lady has been through enough.

My personal opinion is the Tates are clearly in the wrong. By now they must know it. I really wish Miller would have sued them for defamation for what they falsely said in the media about her. The Housing Alliance of Northern California basically beat Miller into submission for their own political agenda. The main issues of the appraisal and discrimination were never argued in the court. Miller's appraisal was market value at that time. The other higher appraisal was way over market value. That appraiser should lose their license and go to jail for bank fraud. If anyone knows who did that appraisal or has a copy of it, please, send it to me. I won't divulge who sent it to me ever.

All this talk of whitewashing homes makes one think maybe people should do the opposite if they want an appraisal value twice as high as market value. It looks like threatening and filing lawsuits, falsely yelling racial discrimination will get you some money and press. The Austins

were so cruel that they even demanded this elderly woman be forced to watch a propaganda TV show which starred them and their lies to the media. Nothing they said was ever proven in a court of law. Everyone who knows the facts of the case knows the truth.

01/24/2023 The Tates sent in comment for today's ASC meeting on appraisal bias. Here it is.

https://files.consumerfinance.gov/f/documents/cfpb_appraisal-hearing_paul-austin-and-tenisha-tate-austin-testimony_2023-01-24.pdf

"The appraiser did not look at properties that were more similar in the nearby areas that have higher populations of white residents. This suggests that the appraiser was hyper focused on comparing our home to a certain type of home that was not favorable to our valuation."

Owner stated they wanted appraiser to use comps from the white area because they had higher values. This is what it's all about. They wanted a higher value than what their home was worth. Had the second appraiser not used the incorrect comps in Mill Valley, the first appraiser would not have been sued. I really want to find the second appraiser and their report so I can report them to BREB. They should lose their license.

The Tates went on to affirm that the appraiser didn't use comps outside of the neighborhood. The Tates don't just blame that one appraiser but all appraisers and the entire system for their alleged "devaluation."

The Tates keep referring to their "brooker," "Brooker" when meaning loan agent. Clearly they don't understand real estate or appraisals. They said they didn't file a complaint because of statute of limitations. Their statement is riddled with many mistakes. The husband who wrote it is supposed to have a degree and be involved in teaching children. His wife also has a degree. How did he ever graduate with all these errors? The Tates admit they use the house as means to get cash. They have \$90,000 in student loan debt. They basically bought it from the estate for no money down.

12/02/2022 Minute Entry for proceedings held before Magistrate Judge Sallie Kim: Settlement Conference held on 12/2/2022. Case did not settle. No further settlement proceedings scheduled at this time.

Total Time in Court: 5 hours, 15 minutes. Not reported.

Attorneys for Plaintiffs: Liza Cristol-Deman and Julia Howard-Gibbon.

Client Representatives: Paul Austin, Tenisha Tate Austin, and Caroline Peattie.

Attorneys for Defendants Janette C. Miller/Miller and Perotti Real Estate Appraisals, Inc.: Peter Catalanotti.

Client Representative: Janette Miller.

11/01/22 New comp showed up in Sausalito close to the ocean for \$1.3M. 81 Buckelew St, Sausalito, CA 94965-1101. Location is superior to subject. Ocean, mountain view, little bigger on bigger lot that's not as sloped. Clearly Pacheco was not worth \$1.4M at the last appraisal Feb 2020 if this sold for \$1.3M 11/22 almost two years later. https://www.realtor.com/realestateandhomes-detail/81-Buckelew-St_Sausalito_CA_94965_M25854-23340

10/24/2022 ORDER APPROVING STIPULATION FOR DISMISSAL WITH PREJUDICE AS TO DEFENDANT AMC LINKS LLC ONLY. Signed by Judge Maxine M. Chesney on 10/24/2022. (mmclc2, COURT STAFF) (Filed on 10/24/2022)

10/21/2022 I would love to know what the settlement was. I'm sure their insurance company is the one who agreed to it. The AMC ordered a second appraisal after the Austins didn't like the first one. That doesn't look good. The AMC should have walked away after the first appraisal. AMCs can learn from this lesson. AMC paid more for a second appraisal only to open themselves up for liability. Stupid, dumb and maybe even unethical. They didn't do it for profit. They lost money ordering the second appraisal. They did it to make the lender happy so they could continue to get work. Even with Dodd Frank Act AMCs and appraisers can still be pressured. The AMC probably tried to get Miller to up her value but she stood her ground because it was market value. To go higher would be wrong. Based on my research the second appraisal was wayyyyyyyy over market value at that time. That is the appraiser who should be sued but people don't sue appraisers who come in high. Well, not until the market drops or they can't pay their mortgage. I'd love to see that appraisal but I doubt we'll ever see it. I'm sure that appraiser is in hiding.

STIPULATION WITH PROPOSED ORDER for dismissal of defendant AMC Links LLC only filed by Paul Austin, Fair Housing Advocates of Northern California, Tenisha Tate-Austin. (Cristol-Deman, Liza) (Filed on 10/21/2022)

09/15/2022 Case settled to AMC Links only. Miller did not settle. As Miller just filed their amended reply, they have no desire to settle this frivolous case. Would love to see AMC Links' settlement but we may only hear about it from the Plaintiff. Legally the AMC carries the liability as they have to approve the appraiser's appraisal. The AMC did order the second appraisal which the Plaintiffs liked because it was higher than the first and most likely higher than market value. The written agreement has not been executed, signed or filed so it's not final yet. The AMC really didn't muster much of a defense in their filings though they did basically deny all of Plaintiffs' claims. AMC and Miller have different lawyers.

Case Name: Austin et al v. Miller et al Case Number: 3:21-cv-09319-MMC

Document Number: 62(No document attached)

Minute Entry for proceedings held by Zoom before Magistrate Judge Sallie Kim: Settlement Conference held on 9/14/2022.

Case settled as to Defendant AMC Links only. The parties will execute a written agreement.

Further Settlement Conference with remaining parties set in person for 12/2/2022 08:00 AM in San Francisco Courtroom C, 15th Floor.

Total Time in Court: 8 hours, 15 minutes.

Not reported.

Attorneys for Plaintiff: Liza Cristol-Deman and Julia Howard-Gibbon.

Client Representatives: Paul Austin, Tenisha Tate Austin, and Caroline Peattie.

Attorneys for Defendants Janette C. Miller/Miller and Perotti Real Estate Appraisals, Inc.: Peter Catalanotti and Madonna Herman.

Client Representative: Janette Miller.

Attorney for AMC Links: Alex Graft.

Client Representative: Rod Olsen, Steve Bauer, Claudia Gaglione, and Bert Ringwood.

(This is a text-only entry generated by the court. There is no document associated with this entry.) (mkl, COURT STAFF) (Date Filed: 9/14/2022)

08/25/2022 Media articles about the court win for the appraiser.

"Judge Dismissed Marin County Couple's Lawsuit Claiming Racially Biased Home Appraisal."

<https://www.northbaybusinessjournal.com/article/article/judge-dismisses-marin-county-couples-lawsuit-claiming-racially-biased-home>

"Appraiser Miller Wins Claim in Racial Discrimination Lawsuit."

<https://appraisersblogs.com/appraiser-miller-wins-claim-in-racial-discrimination-lawsuit>

08/23/2022 One battle has been won on an important claim. "ORDER GRANTING MILLER DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT; DISMISSING PLAINTIFFS' SEVENTH CLAIM FOR RELIEF AS ASSERTED AGAINST MILLER DEFENDANTS; VACATING HEARING. Plaintiffs' Seventh Claim for Relief, as asserted against the Miller Defendants, is dismissed without further leave to amend. Signed by Judge Maxine M. Chesney on August 22, 2022. (mmclc2, COURT STAFF) (Filed on 8/22/2022)

Below is the text of the order. They lost for all the reasons Defendant and I stated. This proves the Plaintiffs are liars. They lied to the Court. They lied to the media. This case is about people taking advantage of the current charged racial environment since the murder of George Floyd to try to shake people down for money. They don't care that the Defendant is being threatened, harassed, attacked every single day. Her business and reputation have been permanently destroyed by liars out for a buck and media attention.

"Before the Court is defendants Miller and Perotti Real Estate Appraisals, Inc.

("MPREA") and Janette C. Miller's ("Miller") (collectively, "Miller Defendants") Motion,¹

filed June 27, 2022, to dismiss, pursuant to Rule 12(b)(6) of the Federal Rules of Civil

Procedure, the Seventh Claim for Relief asserted against them in plaintiffs Tenisha TateAustin, Paul Austin (collectively, the "Austins"), and Fair Housing Advocates of Northern

California's ("FHANC") First Amended Complaint ("FAC"). Plaintiffs have filed opposition,

to which the Miller Defendants have replied. Having read and considered the papers filed

in support of and in opposition to the motion, the Court deems the matter appropriate for

decision on the parties' respective written submissions, VACATES the hearing scheduled

for August 26, 2022, and rules as follows.

In their Seventh Claim for Relief,² plaintiffs allege the Miller Defendants negligently

misrepresented "that they were providing an unbiased appraisal of [the Austins' house],"

¹ On May 19, 2022, defendant AMC Links LLC filed an answer to the FAC.

² The Seventh Claim for Relief is brought only by the Austins.

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and that the Austins "reasonably relied" on such representations "in attempting to secure a mortgage loan with favorable terms." (See FAC ¶¶ 104-106.)

To state a claim for negligent misrepresentation, a plaintiff must allege "(1) the misrepresentation of a past or existing fact, (2) without reasonable ground for believing it

to be true, (3) with intent to induce another's reliance on the fact misrepresented,

(4) justifiable reliance on the misrepresentation, and (5) resulting damage." See Apollo

Cap. Fund, LLC v. Roth Cap. Partners, LLC, 158 Cal. App. 4th 226, 243 (2007). Here, as set forth below, plaintiffs have failed to allege the requisite reliance on the Miller Defendants' alleged misrepresentations.

Although plaintiffs assert the Austins "reasonably relied on defendants' representations" (see FAC ¶ 106), nothing in the FAC states, or even suggests, the Austins believed the representations in the Miller Defendants' appraisal report were true. Rather, plaintiffs allege the Austins were "shocked" by the report, did not use it, and, instead, contacted their broker to request a "second appraisal from a different appraiser" (see FAC ¶ 68), as they needed an appraisal in order to "refinance [their] mortgage" (see FAC ¶ 20). Contrary to plaintiffs' contention, however, the need for an appraisal is not "sufficient . . . to fulfill the element of reliance." (See Opp. at 3:21-4:1); see also *Kwikset Corp. v. Superior Court*, 51 Cal. 4th 310, 326 n.10 (2011) (noting "reliance" means "reliance on a statement for its truth and accuracy," and "not merely on the fact it was made"); *Buckland v. Threshold Enters., Ltd.*, 155 Cal. App. 4th 798, 808 (2007) (holding "reliance occurs only when [a] plaintiff reposes confidence in the truth of the relevant representation, and acts upon this confidence; finding, where plaintiff "suspected" defendants' misrepresentations were "false or misleading," plaintiff "lacked the requisite confidence" and could not "establish actual reliance"); *Morizur v. Seaworld Parks & Ent., Inc.*, Case No. 15-cv-02172-JSW, 2020 WL 6044043, at *15 (N.D. Cal. Oct. 13, 2020) (holding, where "plaintiff d[oes] not actually believe the representation at issue, there can be no actual reliance on it").

Likewise unavailing is plaintiffs' allegation that, had the Austins known the Miller Defendants would make misrepresentations in the report, the Austins "would not have used the Miller Defendants to appraise their house." (See FAC ¶ 68.) As the Miller Defendants point out, it is "illogical to argue" that, in allowing the Miller Defendants to

conduct the appraisal, the Austins relied on misrepresentations made in a report prepared after the appraisal was conducted. (See Mot. at 6:2-4.)³

CONCLUSION

Accordingly, the instant motion to dismiss is hereby GRANTED, and plaintiffs' Seventh Claim for Relief, as asserted against the Miller Defendants, is hereby DISMISSED without further leave to amend. "

Here is the order.

<https://drive.google.com/file/d/1fGk78xwzyKkpg0qGF8csvgfxChZD0c4w/view?usp=sharing>

08/18/2022 "Racial Targeting Under the Heading of Diversity, Equity & Inclusion." This article is about people losing their homes in the Great Recession. Some were appraised higher because it was a real estate bubble right before the crash. Some who were targeted were POC, poorer, less educated. Wealthier educated white people also lost their homes in the same predatory scams. The Dodd Frank Act was passed because of the predatory lending. Today people must be able to afford the payments.

Some are saying some banks, appraisers are appraising too high today because POC are being targeted in predatory lending at the peak of the market again. I have no idea if that is true. I know that scammers don't care about color or race. They will rip off anyone and everyone.

Will the Austins be able to continue to make their home payments? Their mortgage payments have gone up considerably because they have taken more and more money out of the home which they basically bought for no money down. Based on market value they could have very little equity in the home today. They should stop upgrading the home because it's probably an over improvement for the area. <https://appraisersblogs.com/racial-targeting-masked-as-a-virtue-under-the-heading-diversity-equity-n-inclusion>

08/16/2022 Settlement Conference schedule. This is normal court activity. It doesn't mean they're settling. I really hope Miller's insurance doesn't settle on her behalf because of legal fees. I hate seeing these shakedown lawsuits by Plaintiffs who lie especially about such racially and politically charged issues. I don't believe this is open to the public. There will be a public notice if they settle or not.

CLERKS NOTICE SETTING ZOOM HEARING. The Settlement Conference set for 9/14/2022 09:30 AM before Magistrate Judge Sallie Kim will now be held by videoconference via a Zoom meeting.

Meeting Access: Counsel and their clients may access the meeting information at <https://www.cand.uscourts.gov/sk>. Do NOT join the Zoom webinar for Public Hearings. Go to the section labeled: Non-Public Hearings [Settlement Conferences] to obtain the information for the non-public Zoom meeting. (Zoom Meeting ID: 161 399 7742 Passcode: 530648) Parties will be placed in a waiting room and admitted once the settlement conference begins.

080922 The Court allowed Plaintiff to file an Amended Complaint for Failure to State a Claim Upon which Relief can be Granted. Plaintiff previously lost that claim in Defendant's first Motion to Dismiss. Plaintiff filed that complaint. Defendant now answers that complaint to that claim.

REPLY (re [50] MOTION to Dismiss FIRST AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED (FRCP 12(B)(6))) DEFENDANTS JANETTE C. MILLER AND MILLER AND PEROTTI REAL ESTATE APPRAISALS, INC.S REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS FIRST AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED (FRCP 12(B)(6)) filed by Janette C. Miller, Miller and Perotti Real Estate Appraisals, Inc.. (Catalanotti, Peter) (Filed on 8/8/2022)

<https://drive.google.com/file/d/182bNy0DHI8GusGHok-JVmLdxYogpE2xa/view?usp=sharing>

My comments after reading it is summarized in the table of contents for their argument below. It's also the same argument I made it commenting on Plaintiff's Amended Complaint. Plaintiffs didn't rely on Miller's appraisal. They did the opposite. They ordered a new appraisal. They relied on the second appraisal and not Miller's. Plaintiff's main claim is they don't agree with Miller's appraisal which means they didn't rely on it.

While the Austins are telling the media and world that Miller appraised their home for \$500,000 less than what they felt it was worth, they didn't lose any money. FTR Miller's appraisal was accurate. The second appraisal was wrong. The Austins still basically told the media they lost \$500,000 when they didn't. In order to have a reason to file a lawsuit to help the Housing Alliance's political cause and promote the false racist appraiser narrative they sued for the difference in interest rates for a short period of time. If they had to pay for the lawsuit, I doubt they would have filed it because they have no chance of getting any true money damages. It appears the Housing Alliance just wanted to shake down the lender, AMC, appraiser who are all insured with a false discrimination claim because the political climate is ripe since the murder of George Floyd. This is how the Housing Alliance gets donations and grants. If only people didn't promote the disproved false racist appraiser narrative during the 2020 election, in Andre Perry's debunked paper, in the media and by HUD's Marcia Fudge's PAVE Task Force. Lies have consequences.

In light of the mortgage market meltdown will the AMC still exist and have any assets by the end of this case? Miller has insurance and her home has been in a trust for years. There's no money the Plaintiffs can get from the Defendants. They would have to prove Miller did this intentionally. If they prove that, insurance company is off the hook and Plaintiffs get nothing.

Legal Argument

- a. Plaintiffs' arguments regarding insurance are improper and should be stricken
- b. Plaintiffs fail to allege that they reasonably relied upon the Miller Appraisal
 - i. Plaintiffs allege no new facts to show reliance
 - ii. The cases cited by Plaintiffs to support reliance do not support Plaintiffs' position
 - iii. Plaintiffs' argument that they had no choice but to rely on the Miller appraisal has no merit
 - iv. Plaintiffs' argument that they relied upon Miller's standard certifications in the appraisal has no merit
- c. Plaintiffs failed to allege specific facts for each element of negligent misrepresentation
 - i. Bily does not support Plaintiffs' arguments
 - ii. The reliance language in the Miller appraisal does not support Plaintiffs' arguments
 - iii. Soderberg does not support Plaintiffs' arguments
 - iv. This Court should follow Tindell and Willemssen
 - v. The Court should not consider the unpublished CA COA decisions cited by Plaintiffs
 - vi. The published cases cited by Plaintiffs are easily distinguishable and do not support Plaintiffs' argument
- d. Miller owed Plaintiffs no duty
- e. Plaintiffs fail to allege specific facts to show that they suffered compensable damages

UPDATE: Plaintiffs' reply to Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint. This is important because it is the about the appraiser's liability to third parties who are not the client or intended user of the report. This is the negligent representation claim. The Austins claim they relied on Miller's appraisal and were damaged as a result. This is the one claim the Judge allowed the Plaintiff to restate in an amended complaint because it was denied in the original Motion to Dismiss. They assume Miller's appraisal was faulty. It wasn't but at this point the Judge is only interested in the argument "if it were faulty." From the reply,

"In January 2020, when the Austins first sought to refinance their house, their mortgage broker offered them an interest rate of 3.875%. (FAC ¶ 46)

- If the Austins had known that Miller's representations in her appraisal were not true, they would not have agreed to use her as an appraiser. (FAC ¶ 68)
(My comment. The borrower can't choose the appraiser per the 2010 Dodd Frank Act. There was no way the borrower would know the value before Miller did the appraisal. There was no way they could not allow an appraiser for no reason. They had no reason when she showed up at their home)
- The Austins relied on Miller's appraisal, which included false representations, and as a consequence were unable to finance at the interest rate of 3.875%. (FAC ¶ 68)
- By the time that a second appraisal was completed by a different appraiser, the interest rate available to the Austins was 3.99%. (FAC ¶ 68)
- Miller's biased appraisal based on false representations directly resulted in a delay in financing and the higher interest rate. (FAC ¶¶ 77; 106)

These allegations, considered together with the original allegations in the complaint and in the light most favorable to plaintiffs, state a valid claim for negligent misrepresentation by a real estate appraiser. The Miller Defendants' motion to dismiss this claim from the first amended complaint (ECF 50, or "Motion") should be denied."

Miller's argument,

"Miller first claims that Plaintiffs fail to allege specific facts to show that they reasonably relied upon Miller's Appraisal to their detriment. (Motion at 6-8.) Second, Miller argues that she owed no duty to Plaintiffs, and therefore cannot be held liable for negligent misrepresentation.

(Motion at 8-9.) Finally, Miller asserts that Plaintiffs fail to allege specific facts to show that they

suffered the type of damage recoverable in a claim for negligent misrepresentation. (Motion at 9-

10.) Each of these claims should be rejected."

Miller's appraisal report allegedly states paragraph 23,

"The borrower, another lender at the request of the borrower, the mortgagee or its successors

and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties."

They cite *Michelson v. Camp*, 72 Cal.App.4th 955 (1999). I followed that case because I used to work for Michelson. Dr. Gary K Michelson lost that case. Here is the main issue in regard to the appraiser,

"[1] Preliminarily, we discuss which of appellants' claims against respondent survive the Supreme Court's decision in *Bily v. Arthur Young & Co.* (1992) 3 Cal. 4th 370 [11 Cal. Rptr. 2d 51, 834 P.2d 745, 48 A.L.R.5th 835]. There the court held that an accounting firm, hired by a company to perform an audit of its financial statement, was not liable to anyone except the party contracting for its services for negligence in performing the audit. (3 Cal.4th at p. 406.) The court further held that persons who are "specifically intended beneficiaries of the audit report who are known to the auditor and for whose benefit it renders the audit report" may recover on a theory of negligent misrepresentation. (Id. at pp. 407-415.) Liability could likewise be imposed for intentional fraud as long as the representations were made with the intent to defraud plaintiff or the public or any other particular class of persons to which plaintiff belongs. (Id. at p. 415.)

Appellants alleged in their complaint that although respondent was not in their employ, the 1992 recertification was prepared for their benefit in connection with the Edelman loan transaction. Thus, their misrepresentation claims survive, but there is no basis for the pure negligence claim. (*Bily v. Arthur Young & Co.*, supra, 3 Cal. 4th 370; *Soderberg v. McKinney* (1996) 44 Cal. App. 4th 1760, 1765-1772 [52 Cal. Rptr. 2d 635].)"

The court went on to state,

"To rely on an old appraisal when a recent one had been prepared expressly to resolve the issue of value at the time of foreclosure is manifestly unreasonable."

In the Austin v Miller case there was also a second appraisal. The Austins didn't use Miller's appraisal in their refinance. They didn't give up on their refinance. They didn't accept whatever loan they could get based on Miller's appraisal. Instead they chose to order a new appraisal. Clearly the Austins did not rely upon the first Miller appraisal and requested a second appraisal which they relied upon. Court stated,

"prevent[s] the use of intentional self-contradiction as a means of obtaining unfair advantage in a forum provided for suitors seeking justice."

Here is that case <https://law.justia.com/cases/california/court-of-appeal/4th/72/955.html>

The full Plaintiff reply is below.

https://drive.google.com/file/d/1y6ROpCs3V48O5ERO3fNZRzNzLBhfPHE_/view?usp=sharing

07/16/2022 Set/Reset Deadlines as to [50] MOTION to Dismiss FIRST AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED (FRCP 12(B)(6)). Responses due by 7/25/2022. Replies due by 8/8/2022. Motion Hearing set for 8/26/2022 09:00 AM in San Francisco, Courtroom 07, 19th Floor before Judge Maxine M. Chesney. (mll, COURT STAFF) (Filed on 7/14/2022)

07/07/2022 ORDER GRANTING JOINT APPLICATION AND STIPULATION TO RESET BRIEFING SCHEDULE RE MILLER DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT. The deadline for plaintiffs to file their opposition is extended to July 18, 2022. The deadline for defendants to file their reply is extended to August 1, 2022. The hearing on defendants' motion to dismiss is continued to August 19, 2022, at 9:00 a.m. Signed by Judge Maxine M. Chesney on July 6, 2022. (mmclc2, COURT STAFF) (Filed on 7/6/2022)

07/06/2022 STIPULATION WITH PROPOSED ORDER re [50] MOTION to Dismiss FIRST AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED (FRCP 12(B)(6)) to reset briefing schedule filed by Paul Austin, Fair Housing Advocates of Northern California, Tenisha Tate-Austin. (Attachments: # (1) Declaration of Liza Cristol-Deman in support of joint application and stipulation to reset briefing schedule re Miller Defendants' Motion to Dismiss First amended Complaint [ECF 50])(Cristol-Deman, Liza) (Filed on 7/6/2022)

06/28/2022 MOTION to Dismiss FIRST AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED (FRCP 12(B)(6)) filed by Janette C. Miller, Miller and Perotti Real Estate Appraisals, Inc.. Motion Hearing set for 8/5/2022 09:00 AM in San Francisco, Courtroom 07, 19th Floor before Judge Maxine M. Chesney. Responses due by 7/11/2022. Replies due by 7/18/2022. (Catalanotti, Peter) (Filed on 6/27/2022)

<https://drive.google.com/file/d/1nSoWd-XumtfFH4U3H3tOvgDZ3NYM8/view?usp=sharing>

06/20/2022 STIPULATION re [43] Amended Complaint, STIPULATION TO EXTEND TIME FOR DEFENDANTS JANETTE C. MILLER AND MILLER AND PEROTTI REAL ESTATE APPRAISALS, INC. TO RESPOND TO PLAINTIFFS FIRST AMENDED COMPLAINT filed by Janette C. Miller, Miller and Perotti Real Estate Appraisals, Inc.. (Catalanotti, Peter) (Filed on 6/20/2022)

05/20/2022 STIPULATION re [43] Amended Complaint, Stipulation To Extend Time For Defendants Janette C. Miller And Miller And Perotti Real Estate Appraisals, Inc. To Respond To Plaintiffs First Amended Complaint filed by Janette C. Miller, Miller and Perotti Real Estate Appraisals, Inc.. (Catalanotti, Peter) (Filed on 5/19/2022)

DEFENDANT, AMC LINKS LLC.S ANSWER TO PLAINTIFFS FIRST AMENDED COMPLAINT; REQUEST FOR JURY TRIAL ANSWER to Amended Complaint by AMC Links LLC. (Attachments: # (1) Certificate/Proof of Service)(Graft, Alexander) (Filed on 5/19/2022)

05/17/2022 Standard court business. Minute Entry for proceedings held by Zoom before Magistrate Judge Sallie Kim: Scheduling Conference held on 5/17/2022. Settlement Conference (in person) set for 9/14/2022 at 9:30 AM. The Court will issue a settlement conference order.

05/07/2022 Amended Complaint filed. Previously Defendant stated they may file another Motion to Dismiss. We shall see.

https://drive.google.com/file/d/1ihXBMKaz_rnf9i4eYuoKNB3YaBueVYSV/view?usp=sharing

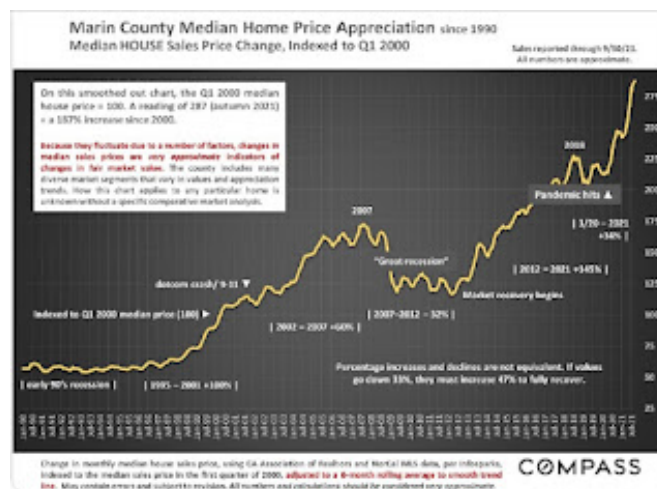
The Complaint cites the defective Freddie Mac data which was debunked by AEI.

Complaint now states the home originally appraised at \$575,500 2016 and was 4 bed, 2 bath with 1,248 GLA when they purchased it. They state they added 270 GLA, a den and half bath, to lower level. They obtained a permit to add 450 sf of ADU. It doesn't state if they added the ADU or not at that time. The size is different than public records which is 2,173 sf. One of the numbers is clearly wrong. It appears to be one floor and about 27' x 49' or about 1,300 sf.

Again they state the appraiser should have used comps in Mill Valley and Sausalito. That is absolutely incorrect. Now they argue Miller allegedly deviated from USPAP and recognized methods. They added that the AMC failed to review the work of Miller. They state they never would have allowed Miller to do their appraisal. As the property owner can't choose or not choose an appraiser this is moot. They requested a new appraiser and appraisal from the AMC which they received and got their loan. They state rates rose from 3.87 to 3.99% before they ultimately received their \$756,000 05/2020 refinance. They are suing for .0012% on

their mortgage payment. That would be the difference in 3552 and 3604 or 52/mo for 18 months or \$936 total. That's clearly not why they're suing. They are hoping to use the current political environment to shake a settlement out of the insurance company. This case is so ridiculous.

The complaint contains this chart from real estate agency Compass. The disclaimers on this chart which many have used on the internet means it doesn't carry any weight for a particular house.



Scheduling order from Judge.

Minute Entry for proceedings held before Judge Maxine M. Chesney:

Initial Case Management Conference held by Zoom webinar on 5/6/2022.

CASE REFERRED to Magistrate Judge Sallie Kim for Settlement Conference.

Amended Pleadings due by 7/15/2022. Close of Fact Discovery due by 5/1/2023.

Designation of Experts due by 2/27/2023. Rebuttal Reports due by 4/7/2023. Close of Expert Discovery due by 6/13/2023.

Further Status Conference set for 6/16/2023 at 10:30 AM in San Francisco, Courtroom 07, 19th Floor before Judge Maxine M. Chesney. Joint Status Conference Statement due by 6/9/2023.

Dispositive Motion due by 7/7/2023.

Final Pretrial Conference set for 10/17/2023 at 10:00 AM in San Francisco, Courtroom 07, 19th Floor.

Jury Selection/Jury Trial (5-7 days) set for 10/30/2023 at 09:00 AM in San Francisco, Courtroom 07, 19th Floor before Judge Maxine M. Chesney.

04/30/2022 Case status and management statement joint.

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"AMC Links Defendants and the Miller Defendants anticipate filing motions for summary judgment. Plaintiffs are uncertain as to whether there will be any dispositive motions filed in the future. Depending on the content of Plaintiffs amended complaint, discussed below, AMC Links Defendants and the Miller Defendants may file motions to dismiss."

"Plaintiffs intend to file a first amended complaint on or before May 6, 2022"

DISCOVERY: "Discovery Scope and Schedule. Plaintiffs will be serving requests for production,

interrogatories, and request for admissions. The initial round of discovery will seek information and

documents relevant to the discrimination claims brought under the Fair Housing Act, §§ 1981-1982,

the California Fair Employment and Housing Act, and Unruh Act, and the defenses asserted in

response to those claims.

Plaintiffs intend to take the depositions of Janette Miller and a 30(b)(6) witness from AMC

Links, as well as possible third-party witnesses and key witnesses identified by Defendants. The target

dates for these depositions are the fall of 2022, after Plaintiffs receive responses to written discovery.

In addition, Plaintiffs will designate expert witnesses and conduct related discovery.

AMC Defendants intend to serve initial written discovery including interrogatories and

requests for production and take Plaintiffs' depositions. AMC Links Defendants will take third party witness depositions including the Plaintiffs' mortgage broker, the friend who purportedly

greeted the second appraiser, and other witnesses disclosed in the Plaintiffs' discovery responses.

AMC Links Defendants expect to designate and depose appropriate expert witnesses.

The Miller Defendants intend to serve written discovery including requests for production,

interrogatories, and request for admissions to the parties. The Miller Defendants intend to serve

subpoenas on third parties including (but not limited to) the individuals and entities involved in the

each of the prior refinances alleged by the individual plaintiffs in the Complaint along with the appraiser who appraised the individual plaintiffs' property subsequent to Defendant Miller. The

Miller Defendants will depose Plaintiffs and all witnesses. Finally, appropriate expert witnesses

will be designated.

The parties agree to work cooperatively to schedule depositions on mutually convenient dates. Under current public health recommendations, and if those recommendations remain in place,

the parties also agree to conduct depositions remotely pursuant to Rule 30(b)(4)."

"Plaintiffs have agreed to provide a settlement demand in advance." of discovery.

Trial estimated October 2023.

My comment: I really hope this makes it to the summary judgment stage. Everyone needs to see the public evidence. Appraisers, AMCs, mortgage experts know this is a frivolous case but the public doesn't know that yet. The second appraisal I'm sure will include comps in Mill Valley which are worth twice as much as Marin City. I will bet that appraiser gave them most of the weight. The accurate robot AVMs already show that the second appraisal was way off and Miller's appraisal was in line with the true market value for that time.

I bet that the second appraiser has a lot less experience than Miller who has been an appraiser since at least 1992 or 30 years. Appraisers were first licensed in California in 1994 with first tests around 1992/1993. I've been licensed since 1993 but have been an appraiser for much longer since 1983. Per her website she's been appraising since the early 1980's. She was born in San Francisco and has lived in San Rafael since at least the 1980's. She's lived in same county as the subject for 40+ years. She's clearly an expert in the area. If you click menu, she has a lot of articles in there about appraisals, the appraisal process, types of appraisals... She talks about the sales comparison approach. She's an expert legal witness for legal cases. She does appraisal reviews. These skills will come in handy.

Sadly this woman is 77 years old and was probably getting ready to retire and take it easy enjoying her grandchildren and garden. This frivolous lawsuit and the stress I'm sure it's caused is probably devastating. On top of this Janette's daughter and biz partner just died in 2021 and her husband died months later. Janette has suffered even more tragedies. One of these tragedies caused her to start the Citizens Against Homicide to help families who have lost loved ones to homicide. The fact that she's being sued in a frivolous, meritless and defamatory lawsuit such as this is beyond frustrating and upsetting. Falsely calling someone a racist is disgusting besides racist. Maybe the Austins are biased against Italians. Thankfully Janette is a very sharp and tenacious fighter for what's right.

"Sales Comparison

Instead, appraisers rely on the sales comparison approach to value these types of items. Appraisers get to know the neighborhoods in which they work. They understand the value of certain features to the residents of that area. They know the traffic patterns, the school zones, the busy thoroughways; and they use this information to determine which attributes of a property will make a difference in the value. Then, the appraiser researches recent sales in the vicinity and finds properties which are "comparable" to the subject being appraised. The sales prices of these properties are used as a basis to begin the sales comparison approach."

<https://www.millerandperotti.com/>

It's possible the appraiser's and AMC's insurance companies may want to settle just to avoid the cost of a trial. Settling doesn't equate to winning on the evidence, law or arguments. It would be a shame if the insurance company gives in to the false media pressure from all the false and misleading articles about this case. If there is a settlement, I hope the Defendants don't have a gag order so they can state the truth of the case after settlement.

Just Googled Janette Miller and this case. The Justice Dept went so far as to post their statement in their website. Political.

<https://www.justice.gov/crt/case-document/file/1472031/download>

Newsweek sort of did an article. What they wrote is not accurate.

<https://www.newsweek.com/black-couple-sue-appraiser-accused-lowballing-them-1657294>

Current Assessment & Tax. The property taxes increased from purchase price to current market value per the assessor's office. County Tax Assessor assessed it at \$892,000 which is close to the appraised value.

Assessment Year 2021 2020 2019

Assessed Value - Total \$892,812 \$883,660 \$572,220

Assessed Value - Land \$375,266 \$371,420 \$364,140

Assessed Value - Improved \$517,546 \$512,240 \$208,080

04/13/2022 Miller Motion to Dismiss granted in part and denied in part.

1. With respect to plaintiffs' First Claim for Relief (FHA), the motion is (a) GRANTED to the extent said claim is based on § 3604, and (b) DENIED to the extent said claim is based on §§ 3605 and 3617.

2. With respect to plaintiffs' Second (FEHA), Third (§ 1981), Fourth (§ 1982), and Fifth (Unruh Act) Claims for Relief, the motion is hereby DENIED. In light of this finding, the Court does not address herein the Miller Defendant's additional argument that they did not owe the Austins a duty of care.

3. With respect to plaintiffs' Sixth (UCL) and Seventh (Negligent Misrepresentation) Claims for Relief, the motion is hereby GRANTED.

4. If plaintiffs wish to amend their complaint to cure the above-noted deficiencies, they shall file their First Amended Complaint no later than May 6, 2022.

<https://drive.google.com/file/d/1NFMf2XuswV93bDIJxFudpclBfUBpxkGq/view?usp=sharing>

This is a Motion to Dismiss per Rule 12(b)(6). The facts of the case have not been seen or proven. The Court merely looks at the statements made by Plaintiff as if they were true. As a real estate appraiser who has looked at the home and values, I believe the Appraiser appraised the subject property for fair market value at the time. I haven't seen any evidence of bias or even of a low appraisal value. We have not yet seen any of the appraisals. The Court has basically ruled that if everything Plaintiff has stated is the truth, they may have a legal basis for a lawsuit and claim.

The next step in the case is discovery. I would bet after discovery there will be a Motion for Summary Judgment filed by the Defendant. That will include the evidence which will show there was no bias. If Defendant doesn't win the Motion for Summary Judgment, the case will go to trial if there is no settlement. I assume Defendant's E&O insurance is paying for their legal fees. It will be up to the insurance if they want to settle or not. I firmly believe there is no evidence of bias based on the value. I haven't seen the appraisals. Plaintiff included words and phrases from Defendant's appraisal. Nothing I've seen would indicate bias. I would love to see the high appraisal. That appraiser should be reported and lose their license. They clearly used comps from a different neighborhood. It was either negligence or bias.

03/27/2022 I checked out Miller's reviews. They're very good except for the false reviews after the articles about this case. Those should be removed as those people were never clients. I then saw two negative reviews where the alleged clients state Miller came in lower

than they liked. They were from white people. Can't claim bias now. Plaintiff's would have to prove she came in low with black people only.

As a real estate appraiser there are some clients who think their home is worth more than it is or less than it is. The people who think it's worth less are happy to see a high value never complain. The people who think it's worth more complain. Sometimes they just don't understand the process. They may see a neighbor's home sell for \$100,000 more but they don't realize it's twice the size with a full view and has been totally remodeled. This is why I explain these things in layman's terms in the report. You know the owner and their brother will be reading it. Other people just think yelling, threatening and complaining will get the appraiser to increase the value so they can get a bigger, cheaper loan. A good and honest appraiser will never budge from true market value based on true sold comps. Thankfully there are now laws which state a homeowner will be denied a loan if they try to influence the appraiser and the value.

03/26/2022 Very well researched article about the PAVE Task Force report which mentions this case and Andre Perry's false and misleading paper which is mentioned in Plaintiff's complaint. Both PAVE and Perry conflate race with socio-economic status. When you adjust for SES, the race differences disappear. Home value is not a race issue but a socio-economic issue. It has to do with income. Income has to do with marital status, having children under 18 years... This article cites research which shows that race does not affect values in appraisals. <https://www.aei.org/research-products/report/comments-on-the-pave-report>

Marin City: Median income \$29,209. (25.1%) had a female householder with no husband present. (72.8%) lived in rental housing.

Mill Valley. Median income \$90,794. (7.6%) had a female householder with no husband present. (28.5%) lived in rental housing units.

03/24/2022 Hearing tomorrow March 25th is cancelled. Judge is taking it on briefs and will release her order later.

"Before the Court is defendants Miller and Perotti Real Estate Appraisals, Inc. and Janette C. Miller's (collectively, "Miller Defendants") "Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted," filed January 10, 2022, and noticed January 14, 2022. Plaintiffs have filed opposition, to which the Miller Defendants have replied. Having read and considered the papers filed in support of and in opposition to the motion, the Court deems the matter appropriate for determination on the parties' respective written submissions, and hereby VACATES the hearing scheduled for March 25, 2022."



03/02/2022 Defendant's attorney is good and experienced. They blow apart every argument and statement in Plaintiff's Reply. They even stated that the Plaintiff and their attorney lied and misrepresented the law and cases cited. Defendant stated and showed that Plaintiffs' arguments make no sense at all. They are not facts and aren't based on any legal authority or case law. Plaintiff failed to show that Defendant discriminated against Plaintiff in any way based on any law. Items in quotes came from the reply linked below.

"However, Plaintiffs admit that "Miller signed that she would "select[] and use[] comparable sales that are locationally, physically, and functionally most similar to the subject property," in Certification number 7. (Opp., 6:15- 17)(emphasis added). Miller is being sued for using comparable properties that were comparable in location to the Subject Property, as she certified she would."

The property and transaction are not under FHA because they are/were not owned by the government and did not use FHA financing. There was no sale or rental. There was no threat that Plaintiff could be deprived of housing.

"Plaintiffs' fail to provide evidence of discriminatory intent or impact."

"However, none of the five "indicia" of discrimination that Plaintiffs allege in the Complaint state that Miller treated Plaintiffs differently than any other person because of their race. "

"While Courts are flexible in what circumstantial evidence could support a claim of discriminatory impact, a stricter evidentiary standard applies to real estate appraisers. In 1988, Congress amended the FHA to provide a specific exemption for appraisers:

Nothing in [the FHA] prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status. (§ 3605(c))

Interpreting this amendment, the Supreme Court, provided the following example:

If a real-estate appraiser took into account a neighborhood's schools, one could not say the appraiser acted because of race. And by embedding 42 U.S.C. § 3605(c)'s exemption in the statutory text, Congress ensured that disparate-impact liability would not be allowed either. *Texas Dep't of Hous. & Cmty. Affs. v. Inclusive Communities Project, Inc.* (2015) 576 U.S. 519, 539.

Here, with zero support or any experience in the appraisal industry, Plaintiffs allege that

“Miller should have selected comps outside of Marin City ... but failed to do so because the racial demographics of surrounding areas were different – i.e., whiter -- than Marin City’s.” (Compl., ¶160). These allegations are not supported by any facts. More importantly, this is why Congress amended the FHA. This is exactly the situation that the Supreme Court warned against: allowing disparate impact lawsuits under the FHA against appraisers who take into account the neighborhood of the property they are appraising. Per the Supreme Court, these claims should “not be allowed.”

Putting an even finer point on it, the Supreme Court found:

In a similar vein, a disparate-impact claim that relies on a statistical disparity must fail if the plaintiff cannot point to a defendant's policy or policies causing that disparity. A robust causality requirement ensures that “[r]acial imbalance ... does not, without more, establish a prima facie case of disparate impact” and thus protects defendants from being held liable for racial disparities they did not create. *Id.* at 542. (citations omitted)

Here, Plaintiffs five indicia are based heavily on statistics. However, Plaintiffs fail to point to a policy by Miller that caused a disparity. Per the Supreme Court, the 1988 amendment to the FHA was designed to protect appraisers from racial disparities they did not create. In other words, Miller’s use of comparable properties within Marin City.

The best guidance to infer discriminatory intent actually stems from the cases that Plaintiffs cite in the Opposition. In *Hanson v. Veterans Admin.* (5th Cir. 1986) 800 F.2d 1381 for example, parties to a real estate transaction filed a suit against the VA alleging racial discrimination in its appraisal practice. The appraiser in *Hanson* used the “market approach” method to determine the reasonable value of the property being purchased – selection of three comparable properties with similarities to the property being sold as a starting point then adjustment of the sales price depending on the differences of the comps and the appraised property. *Hanson*, at 1383. The *Hanson* Court held that the use of such a method and practice is insufficient to establish discriminatory intent. *Id.*, at 1383. Plaintiffs also

introduced statistical evidence in an attempt to show that the low appraisal in racially mixed neighborhoods resulted in a negative impact on the property value in that community. Plaintiffs' expert found that approximately 80% of the appraised homes in Plaintiffs' community were undervalued when they should have appreciated in value because the community was "no longer experiencing the effects of racial transition." The VA's expert testified that Plaintiffs' expert failed to consider "non-racial variables" such as crime rates and quality, thereby, resulting in skewed data. *Id.*, at 1389. The Court ultimately found Plaintiff's data to be insufficient to establish discriminatory effect or impact on the community. *Id.*, at 1389.

Moreover, in *Latimore v. Citibank Federal Sav. Bank*, 151 F.3d 712, 715-16 (7th Cir. 1998), the Court concluded that "the fact that [the defendant's] appraisal was lower than someone else's does not create an inference of discrimination." Rather, it merely showed that the appraiser "uses conservative appraisal methods." *Id.* Justice Posner dissenting in *Swanson v. Citibank, N.A.*, 614 F.3d 400, 408 (7th Cir. 2010), argued that a more likely explanation for defendant's low appraisal of the plaintiff's home was a mistake rather than racial discrimination.

Plaintiffs claim that the Complaint "includes an abundance of direct and circumstantial evidence of discrimination besides the value differences." (Opp., 16:6-7). "Direct evidence" typically consists of clearly sexist, racist, or similarly discriminatory statements or actions without need for inference or presumption. *Antonio v. Sec. Servs. of Am., LLC*, 701 F. Supp. 2d 749, 782(D. Md. 2010) (referencing a person's race or the use of common racial epithets is considered direct evidence). Here, the Complaint fails to allege any instance where Miller made explicit remarks regarding the Plaintiffs' race during the Property inspection or within the appraisal report itself. Thus, Plaintiffs allege no direct evidence.

Plaintiffs argue that Miller's statement in her appraisal that Marin City has a "distinct marketability," "is considered unacceptable within the industry because it may demonstrate intent to discriminate." (Opp. 14:1-5). Plaintiffs cite to Fannie Mae Guidelines and provide a link at fn. 4. This could have been a strong argument but for the fact that the Fannie Mae Guidelines do not list "distinct marketability" as an unacceptable appraisal practice. Neither does the Flores case cited by Plaintiffs. Since the Guidelines and the case cited by Plaintiffs do not state that the use of "distinct marketability" is unacceptable, we will have to wonder how Plaintiffs' counsel came to this conclusion.

vi. Plaintiffs fail to state a claim under §§ 3604 (c) and 3617.

Plaintiffs argue that Miller "interfered with" with Plaintiffs exercise of fair housing rights in violation of § 3617 by considering Plaintiffs' race and the racial demographic of Marin City in determining the value of the Property. As discussed above, Plaintiffs fail to state sufficient

facts to show that Miller considered race. Moreover, Plaintiffs fail to establish how Miller's single appraisal was fairly traceable to the reduction in value of their Property and the properties in Marin City, on the whole. Therefore, Plaintiffs fail to state a claim under § 3617.

h. Plaintiffs' Seventh Claim for Negligent Misrepresentation fails to state a claim upon which relief can be granted.

Plaintiffs argue, with literally zero support, that "all of the cases cited by defendants are based on an outdated version of the Uniform Residential Appraisal Report (URAR). (Opp., 24:1- 2). Plaintiffs then go on to completely fabricate that the URAR was revised to include language that the borrower may rely on the appraisal. As the undersigned was the attorney in the Tindell case, from start to finish, Miller can represent that Plaintiffs' argument is completely false and that the same reliance language existed in the Tindell appraisal.

Plaintiffs cite to Soderberg v. McKinney (1996) 44 Cal.App.4th 1760, 1772, for support. However, the Court in Willemssen v. Mitrosilis (2014) 230 Cal. App. 4th 622, 631–32 distinguished Soderberg:

In Soderberg, the appraiser issued an appraisal to a mortgage broker with the knowledge and intent that the mortgage broker would distribute it to a class of potential investors who would rely thereon in making their decision to invest or not invest. In the matter before us, however, there is no indication that the ... Defendants issued their appraisal report with the knowledge or intent that Willemssen would rely upon it in deciding whether to buy or not to buy the property Rather, they knew and intended that the bank would use the appraisal report in determining whether the property had sufficient value to serve as its collateral.

The Court in Tindell affirmed the dismissal of a negligent misrepresentation claim similar to the one alleged in the Complaint. As Miller argued in her Motion, the appraisal is prepared for the lender, not the borrower. Plaintiffs did not rely on the appraisal in making any decisions. For these reasons, the Court should grant Miller's Motion as to this cause of action."

Plaintiffs did not show any evidence that Plaintiffs were harmed in any way. Plaintiffs did not show any evidence of discrimination by Defendant.

Defendant's Reply to Plaintiff's Reply to Defendant's Motion to Dismiss for Failure to State a Claim.

<https://drive.google.com/file/d/1GGy2jmqJmNGFIUC7KuNloFMxB8bBEeMw/view?usp=sharing>

Plaintiff's Notice of Letter.

https://drive.google.com/file/d/1GF-NSJ0F1LmQ_FMiWckpqDKvgIEu6gWW/view?usp=sharing

Letter.

https://drive.google.com/file/d/1JYLS8di7Q99NGvqKp6AUH4ZhLNf_WE3E/view?usp=sharing

02/18/2022 29 CLERK'S NOTICE CONVERTING MOTION HEARING SCHEDULED ON MARCH 25, 2022 AT 9:00 AM TO A ZOOM WEBINAR.

As to 19 MOTION to Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted (FRCP 12(B)(6)).. Motion Hearing set for 3/25/2022 at 09:00 AM in San Francisco, - Videoconference Only before Judge Maxine M. Chesney. This proceeding will be held via a Zoom webinar.

Webinar Access: All counsel, members of the public, and media may access the webinar information at <https://www.cand.uscourts.gov/mmc>

General Order 58. Persons granted access to court proceedings held by telephone or videoconference are reminded that photographing, recording, and rebroadcasting of court proceedings, including screenshots or other visual copying of a hearing, is absolutely prohibited.

Zoom Guidance and Setup: <https://www.cand.uscourts.gov/zoom/>.

Motion Hearing set for 3/25/2022 at 09:00 AM in San Francisco, - Videoconference Only before Judge Maxine M. Chesney. (This is a text-only entry generated by the court. There is no document associated with this entry.),(tl, COURT STAFF) (Filed on 2/18/2022) (Entered: 02/18/2022)

02/21/2022 30 STATEMENT OF RECENT DECISION pursuant to Civil Local Rule 7-3.d filed by Paul Austin, Fair Housing Advocates of Northern California, Tenisha Tate-Austin. (Attachments: # 1 Exhibit 1 - Inter-agency letter)(Related document(s) 27) (Cristol-Deman, Liza) (Filed on 2/21/2022) (Entered: 02/21/2022)

02/21/2022 31 REPLY (re 19 MOTION to Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted (FRCP 12(B)(6))) Defendants Janette C. Miller And Miller And Perotti Real Estate Appraisals, Inc. Reply In Support Of Its Motion To Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted (Frcp 12(B)(6)) filed by Janette C. Miller, Miller and Perotti Real Estate Appraisals, Inc.. (Catalanotti, Peter) (Filed on 2/21/2022) (Entered: 02/21/2022)

UPDATE: 02/23/2022 [Isaac Peck](#) of [WorkingRE](#) [OREP](#) just wrote a very good article on this case. OREP (Organization of Real Estate Professionals) is the main liability insurance company, agent for appraisers' E&O Insurance. WorkingRE is the main magazine. It goes into detail but the summary is "Allegation #1: Prioritizing Comps from the Same Neighborhood = Racial Bias. Allegation #2: Sales Comparison Approach is Racist."

Obviously the allegations by Plaintiffs make absolutely no logical sense. Matched paired analysis is the main method everyone in the world has always used to value for everything from gold to wheat to land. People in government, real estate experts have already recently stated that there is no way the government, lenders, banks or investors would ever not use the sales comparison approach to value. It's the most reliable estimate of value. It's based on sellers and buyers.

<https://www.workingre.com/first-discrimination-lawsuit-what-it-means-for-appraisers/>

A brief portion of the article. See link for full article.

"The valuation industry has been abuzz with talk of appraisal discrimination ever since one of the first discrimination lawsuits was filed against an appraiser in December 2021. Plaintiffs Tenisha Tate-Austin and Paul Austin, as well as the Fair Housing Advocates of Northern California filed a lawsuit against Jannette Miller, a white appraiser, and AMC Links LLC, an appraisal management company. (See First Discrimination Lawsuit: What It Means for Appraisers for details.)

Then, on January 10, 2022, Janette Miller and her attorneys filed a 29 page, full-throated assault on the many allegations made by the Austins, ultimately asking for a hearing on March 4, 2022 asking the court to dismiss the Austin's entire case because they have "failed to state a claim upon which relief can be granted." (The hearing has now been extended to March 25th).

No Proof of Racism

In response to the many accusations that Miller engaged in racial discrimination, the Miller brief argues that the Austin's have no proof of that claim.

For example, the Austin's lawsuit asserts that Miller's opinion is "fundamentally flawed" because of the small number of sales per year in Marin City (the subject's neighborhood), and further argues that Miller's methodology results in a huge margin of error, is inherently flawed, and is statistically unsound.

Miller's response: "Plaintiffs simply conclude that the small number of years and use of a sample size equates to racial discrimination. The allegations fail to show an intent to discriminate."

Furthermore, the Austins point out that Miller describes Marin City as having "distinct marketability which differs from the surrounding areas." The Austins go on to argue this is actually "coded" language based on race because of the "racial demographics and history of Marin City."

Miller's response is essentially that the Austins can't prove that the words "distinct marketability" are evidence of racial discrimination. "It is self evident that every geographical area would have some sort of distinct marketability. If the Plaintiffs' argument is accepted, any appraiser who used the term 'distinct marketability' to describe a home in Marin City would be liable for racial discrimination," reads the brief.

The Austins, in their suit, repeatedly take issue with Miller's appraisal methodology, from her use of "dated market trends" to the comparable sales that she selected for analysis.

However, Miller's defense continues with the same theme, pointing out that the use of dated marketing trend information does not mean that Miller discriminated against the Austins. Additionally, in answering the accusation that Miller's choice of comparables is somehow discriminatory, the brief argues: "There is nothing inherently racist about choosing comparable properties that are located in the same city as the Subject Property. Without any direct (or indirect) evidence of actual racial discrimination Miller's choice of comparable properties cannot support Plaintiff's claim of discrimination."

In each instance where the Austins alleged Miller discriminated against the Austins, the response from Miller's legal team is essentially that they have failed to provide any proof of that accusation. "None of the 'indicia' alleged by Plaintiffs shows that Miller was motivated to discriminate against the Austins on the basis of race. Each of the 'indicia' alleged by Plaintiffs could equally be explained by non-discriminatory factors. Plaintiffs do not allege that Miller treated any other borrowers differently than the Austins. Even if they did, that would not necessarily indicate a discriminatory motive," reads the brief.

In other words, even if the plaintiffs can win that Miller appraised the Austins' house negligently, erroneously, or incompetently, there is no evidence that Miller discriminated against the Austins."

An issue brought up in the above article. Plaintiff's alleged 35% of residents in Marin are black. The rest are not. That means allegedly, theoretically the appraiser was also "racist," "biased" against the non-black people who own property there. Legally a racism, bias lawsuit must prove that the appraiser was only racist, biased against the Plaintiff. They must show they treated other people differently than Plaintiff. That argument fails as the suit states all property owners in Marin were affected, damaged. That would mean black, white and other people besides Plaintiff. This was clearly a political lawsuit filed to raise issues to support reparations, Andre Perry's false and misleading paper and issues raised in the 2020 election after the death of George Floyd.

02/16/2022 Plaintiffs filed a Reply to Defendant's Motion to Dismiss. The DOJ filed a Statement of Interest in the case. Below is the DOJ Statement of Interest to intervene in the case. It'd be great if an appraisal organization would also file a Statement and intervene in this case. If I had the time and money, I would do it.

<https://drive.google.com/file/d/1ANKqe4WDUhGM1YyHhQ1sFIRGwGTJYwEC/view?usp=sharing>

Below is a one paragraph summary of the DOJ's position.

"The United States respectfully submits this statement under 28 U.S.C. § 5171 to provide an overview of the FHA and to address two questions of law raised in Defendants' Motion.² First, Defendants assert that the FHA does not apply to residential appraisers. (Mot. at 13-14.) The statute's text and caselaw make clear that it does. Second, Defendants lay out the elements of a prima facie case and argue that Plaintiffs have failed to allege these elements. (Mot. at 6-9, 11-13.) But Plaintiffs need not allege facts that make out a prima facie case at this stage. The Act simply requires that Plaintiffs allege a plausible entitlement to relief as a result of Defendants' "discriminatory housing practices."

I personally feel this is a political move on the government's part especially as the PAVE report is due any day. Their argument states that Plaintiff only has to show a possible claim without having to prove anything at this stage.

If this proceeds, Defendant and/or their insurance will spend \$150,000 that they will never get back even if, when they win. Their insurance may not even cover discrimination claims. Their name and business will be permanently destroyed by this totally false claim. The Plaintiff's credit reports, net worth, tax returns, pay stubs, medical bills, photos of interior of their home, building permits, family information, work information ... will all become public in discovery even with a protection agreement. So will that second appraisal. That appraiser should probably be reported to the state board for using comps in Mill Valley and Sausalito and not making large negative adjustments for location.

Below is Plaintiff's Reply to Defendant's Motion to Dismiss.

<https://drive.google.com/file/d/1vLljMkLvLI4pIPIpJr5UUwPkfuy55IQ/view?usp=sharing>

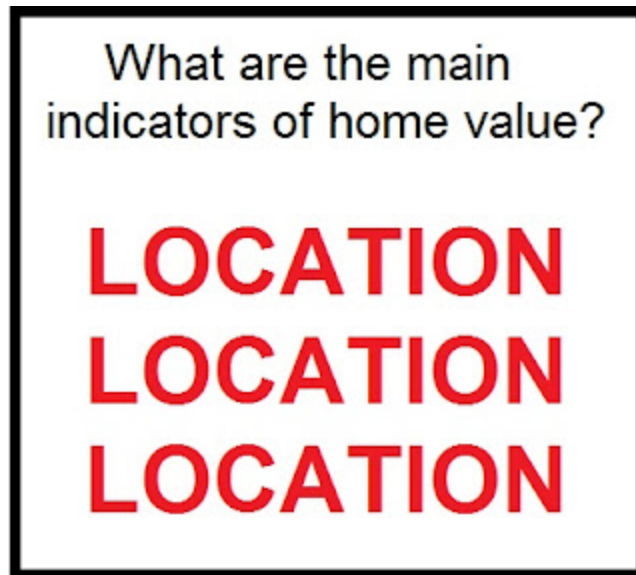
From that reply. Plaintiffs state the Appraiser is racist because she selected comps from the Marin City neighborhood where subject is located. That is the main argument for racism and discrimination. That would mean every appraisal ever done is racist and discriminatory along with every appraiser.

"One measure used by most real estate appraisers, including Miller, is the price of similar houses that have recently sold, called "comps." Miller selected five property sales and one sale listing as comps. Three of these comps were located in Marin City. Selecting comps primarily in Marin City, as Miller did, reflects racial considerations. The value of houses located in areas with historically non-white or heterogeneous racial demographics is artificially low because of historic discrimination, disinvestment, redlining, and explicit race-based appraisal standards. (Id. ¶¶ 22-25.) Marin City is an area with a long history of race-based discrimination and undervaluation. (Id. ¶ 31.) Choosing comps in Marin City recycles

and perpetuates the historically low values derived through discrimination. (Id.) Finding comps in Marin City also requires a narrow focus, because Marin City has a very small number of property sales every year compared to the rest of Sausalito and adjacent Mill Valley."

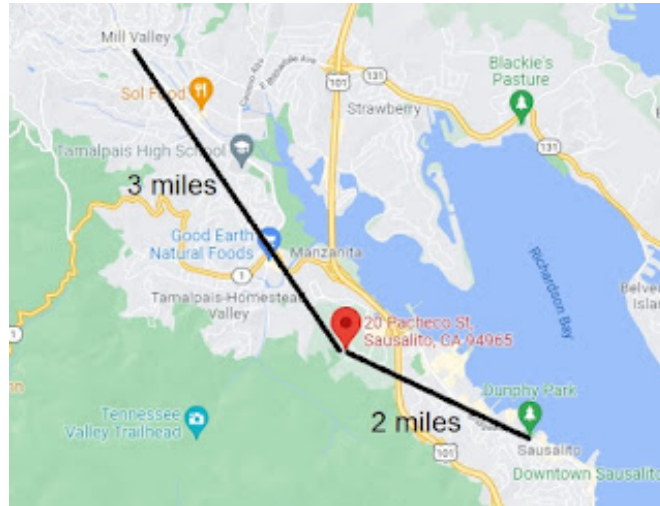
No, it does not show racial considerations. It clearly shows the Appraiser was following the law and doing her job. We must choose the most similar comps based on various factors. The most important factor, element is location. Everyone knows the three main indicators of home value are LOCATION, LOCATION, LOCATION. Also, the market, i.e., buyers and sellers, set the sales and list prices not the appraiser. We just report them.

Plaintiffs clearly state that they wanted the Appraiser to only use comparative sales from "white areas of Sausalito and Mill Valley." These two areas are MILES apart. We're not supposed to go over 1.0 mile as the crow flies from subject.



What is the main indicator of home value? LOCATION, LOCATION, LOCATION.

Most of the time I don't go over 1/2 mile from subject. The closer to subject, the more similar the location. Below is a map so you can see the huge distance between these three distinct areas. Mill Valley is 3 miles North West and in the hills. Sausalito is 2 miles South East and on the water. Those are three distinctly different neighborhoods and areas. Mill Valley has some of the best public schools in the state. People move there for the schools. Private individuals built high quality custom homes on good quality land. Sausalito is on the ocean. Private people built good quality homes. Marin City was built on unwanted swampland near the shipyards which was filled. The government used redevelopment funds and built cheap homes and apartment buildings for poor people. They only let poor people who were living in the port slums buy those homes. In fact the previous owner of this home was a couple who lived in the port slums. See full history below.



"Plaintiffs contend that focusing on Marin City and failing to consider comps in Sausalito and Mill Valley reflect race-based considerations." Who is the racist here? Who is considering race in an appraiser? The Plaintiffs. The Appraiser is following the law by using appropriate comps in the same area. Someone who wants to own a home in Mill Valley with the Mill Valley school district is not going to buy a home in Marin City especially for the same price. Mill Valley is worth double what Marin City is worth. Sausalito is worth about the same as Mill Valley and definitely much more than Marin City. Plaintiffs argue that choosing comp sales based on location is actually choosing them based on demographics of the location. They argue location = demographics = racial makeup of a neighborhood. Location is location. We appraisers don't even know the demographics. We have no demographic charts or search features for comps.

"By focusing on dissimilar properties in Marin City, which is a historically Black neighborhood that continues to be perceived as a Black neighborhood, Miller expressed racial bias."

The Appraiser was doing her job by choosing comps in the same area. They did state that one comp was an older foreclosure and one was an attached PUD. Based on my search of the area there were few comps in the immediate area. Few sales generally suggests an area with low demand. An Appraiser can use other comps and adjust if needed. Location is the most important factor in choosing comps.

"After choosing three dissimilar comps in Marin City, Miller added two comps in Sausalito and one in Mill Valley. (Id. ¶ 61.) But Miller apparently considered these two cities, which are overwhelmingly white, to be so fundamentally different than Marin City that she "adjusted" the value of the Sausalito and Mill Valley properties downward by 28% in order to compare them to the Pacheco Street House."

An important item to note is that subject is over improved for the neighborhood. That's one reason why there aren't similar comps. No one else would over improve a home in this area because it makes no sense financially. A sane real estate investor would not upgrade a low quality pole house in Marin City to this level. You would in Mill Valley because neighboring

homes are of similar quality. These people basically bought the home for almost no money down. They've been refinancing and pulling out all the equity in the home and spending the money.

The Appraiser included two comps in Sausalito and Mill Valley. As I stated above these areas sell for much more than Marin City. You would have to adjust them if you used them. I assume they were used because there were no other better comps in Marin City. It would also show that the Appraiser considered the others areas but they sold for a higher price.

"Miller opines in her appraisal that Marin City has a "distinct marketability which differs from the surrounding areas." (Complaint ¶ 55.) This is coded language based on race due to the differences in racial demographics of Marin City compared to Sausalito and Mill Valley. Embedded in this statement are Miller's assumptions that Marin City is predominantly non-white; that white homebuyers would not be willing to consider purchasing a house located in Marin City; and, thus, Marin City is not comparable in marketability to surrounding areas. Each assumption is based on race."

Homes in Marin City clearly sell for less than homes in Mill Valley and Sausalito. That's a fact based on factual evidence. I'm going to make some charts and graphs to show the differences. Actually I did this below and included comps in Marin, Mill Valley and Sausalito. I've been to Mill Valley, Sausalito and am a licensed and certified appraiser in California for almost 39 years.

Now come the certifications.

"In these certifications, Miller agrees to provide an appraisal conducted in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP), which states that an appraiser "must not use or rely on unsupported conclusions relating to characteristics such as race, color, ... or that homogeneity of such characteristics is necessary to maximize value." (Id. ¶ 36.) Likewise, Miller signed that she would "select[] and use[] comparable sales that are locationally, physically, and functionally most similar to the subject property," in Certification number 7. (Id. ¶ 63.)

Clearly the Appraiser did that.

"She also agreed that "the borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of the parties." (Complaint ¶ 63, emphasis added.) Consistent with these acknowledgements, the borrower – the Austins – relied on Miller's appraisal in connection with the Austins' refinance application. (Complaint ¶¶ 77, 105.) As a result, the Austins lost out on the favorable terms that had initially been available."

This is how they will try to argue "intended user." The borrower was not the intended user. The purpose of the appraisal was to secure the mortgage for the lender. The purpose was not to help the borrower get a mortgage of their choosing. The appraiser was indirectly hired by the lender via the AMC. They were not hired by the borrower.

Based on these arguments any appraiser who chooses a comparable sale based on location is guilty of racism and discrimination because someone of any color may live in that location. Clearly it's a ridiculous argument. Every appraisal ever made would be racism and discrimination. One also has to ask the question should the appraiser use lower or higher comps from surrounding unrelated areas? Which are discriminatory, only the low ones? As it was the comps in Mill Valley and Sausalito were farther away. How far away should the Appraiser go? Why stop at Mill Valley. Why not Beverly Hills, California? This would be a slippery slope.

Plaintiffs now claim psychological damage and not just monetary damages related to interest rate. This is how they will get around the damages issue because they had no actual damages. They felt like suing to promote their clearly racist agenda. They were not trying to right a wrong or be compensated for damages. Frivolous, meritless lawsuit.

FHANC Fair Housing ... of NoCal now claims they have also been damaged because they spent time investigating this case. They also claim that everyone in Marin City was damaged by the appraisal especially home owners, buyers and sellers. Maybe I was also damaged and I don't even own a home though I do live in California.

"Likewise, using seemingly neutral language that may camouflage racial bias, such as Miller's comment that Marin City has a "distinct marketability," is considered unacceptable within the industry because it may demonstrate intent to discriminate. See Fannie Mae Single Family Guidelines, Sections B4-1.1-04, Unacceptable Appraisal Practices4 (unacceptable to use terms like "desirable" or "undesirable"); Flores, 617 F2d. at 1390 (comments about "desirability" may conceal racial bias). "

Now they are trying to say that the term "distinct marketability" is racist because it means "desirable, undesirable" terms which were not used in the appraisal. They're also indicating that stating the city is basically discriminatory. That makes all appraisals discriminatory because we must state the city per law.

Fannie Mae is not the government. It's a GSE Government Sponsored Entity. The Selling Guide is a "guideline" and not federal law. The purpose of the guidelines is to reduce loan risk for the lenders, insurers, investors of the loans, notes and bundled loans.

"Fannie Mae manages the quality of its mortgage purchases by requiring mortgage sellers to comply with its Selling Guide. The Selling Guide sets forth Fannie Mae's underwriting standards and eligibility guidelines, as well as its policies and procedures related to sales of single-family mortgages to it. Fannie Mae's underwriting standards are developed, in part,

based on risk based criteria, which enables it to evaluate a borrower's willingness and capacity to repay a mortgage and the value of the property to ensure that it provides adequate collateral for the mortgage. Risk-based criteria relating to a borrower's willingness and capacity include debt-to-income (DTI) ratio, loan-to-value (LTV) ratio, and credit score, while collateral value is assessed through property valuation. None of these criteria are considered in a vacuum but are considered together to build a snapshot of the potential risk level of the mortgage."

It's clear that the Plaintiffs have weaponized race in order to promote their agenda and get what they want. It sounds like they want money even though there are no damages whatsoever. There are so many cases of real racism and discrimination out there that we need to fight. Making up fake discrimination issues detracts from real discrimination issues. We should instead look at the cause of the difference in income between whites and POC. That's the real reason why most white owned homes are worth more than black owned homes. People buy the home they can afford. Appraisers are not appraising black owned homes for less. All the data was compiled by robots and not appraisers. We also should be looking at police brutality and excessive use of force against POC. These things are real so is every day racism.

DOCKET

01/20/2022 23 STIPULATION WITH PROPOSED ORDER [Proposed] Stipulated Protective Order For Standard Litigation filed by Janette C. Miller, Miller and Perotti Real Estate Appraisals, Inc.. (Catalanotti, Peter) (Filed on 1/20/2022) (Entered: 01/20/2022)

01/21/2022 24 ORDER APPROVING STIPULATED PROTECTIVE ORDER FOR STANDARD LITIGATION. Signed by Judge Maxine M. Chesney on January 21, 2022. (mmclc2, COURT STAFF) (Filed on 1/21/2022) (Entered: 01/21/2022)

01/21/2022 25 Joint Application and Stipulation for Extension of Time to File Opposition and Reply Briefs Re Miller Defendants' Motion to Dismiss ; [PROPOSED] Order filed by Paul Austin, Fair Housing Advocates of Northern California, Tenisha Tate-Austin. (Attachments: # 1 Declaration of Liza Cristol-Deman in support of Joint Application and Stipulation)(Cristol-Deman, Liza) (Filed on 1/21/2022) Modified on 1/21/2022 (mcl, COURT STAFF). (Entered: 01/21/2022)

01/21/2022 26 ORDER APPROVING, AS MODIFIED, JOINT APPLICATION AND STIPULATION TO RESET BRIEFING SCHEDULE RE MILLER DEFENDANTS' MOTION TO DISMISS; CONTINUING CASE MANAGEMENT CONFERENCE. The deadline for plaintiffs to file opposition is extended to February 7, 2022. The deadline for defendants to file a reply is extended to February 21, 2022. The hearing currently scheduled for March 4, 2022, is continued to March 25, 2022, at 9:00 a.m. The Case Management Conference

currently scheduled for March 18, 2022, is continued to May 6, 2022, at 10:30 a.m. Signed by Judge Maxine M. Chesney on January 21, 2022. (mmclc2, COURT STAFF) (Filed on 1/21/2022) (Entered: 01/21/2022)

01/21/2022 Set/Reset Deadlines as to 19 MOTION to Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted (FRCP 12(B)(6)), 26 Order,,, Terminate Motions,,, Set/Reset Deadlines:, Set/Reset Hearing re 26 Order,,, Terminate Motions,, Opposition due by 2/7/2022. Reply due by 2/21/2022. Motion Hearing reset to 3/25/2022 at 09:00 AM in San Francisco, Courtroom 07, 19th Floor before Judge Maxine M. Chesney. Joint Case Management Statement due by 4/29/2022. Initial Case Management Conference reset to 5/6/2022 at 10:30 AM in San Francisco, Courtroom 07, 19th Floor. (tl, COURT STAFF) (Filed on 1/21/2022) (Entered: 01/21/2022)

02/07/2022 27 OPPOSITION/RESPONSE (re 19 MOTION to Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted (FRCP 12(B)(6))) filed by Paul Austin, Fair Housing Advocates of Northern California, Tenisha Tate-Austin. (Cristol-Deman, Liza) (Filed on 2/7/2022) (Entered: 02/07/2022)

02/14/2022 28 Statement re 19 MOTION to Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted (FRCP 12(B)(6)) of Interest by United States of America. (Marshak, Abigail) (Filed on 2/14/2022) (Entered: 02/14/2022)

Docket update. Opposition to Motion to Dismiss due by 2/7/2022. Reply due by 2/21/2022. Motion Hearing reset to 3/25/2022 at 09:00 AM. A motion and order was approved for protective order over discovery and other litigation documents, data and information. Sounds like we may not be able to see the actual property appraisals though I'm not sure. The appraisals are the property of the lender. The intended user is the Lender. We shall see or not. I totally understand having a protective order.

01/07/2022 15 ANSWER to Complaint with Jury Demand by AMC Links LLC. (Attachments: # 1 Certificate/Proof of Service Defendant, AMC Links LLC.s Answer to Plaintiffs Complaint; Request for Jury Trial)(Graft, Alexander) (Filed on 1/7/2022) (Entered: 01/07/2022)

01/07/2022 Address for attorney Brian Slome updated on the docket. (mcl, COURT STAFF) (Filed on 1/7/2022) (Entered: 01/07/2022)

01/07/2022 16 Certificate of Interested Entities by AMC Links LLC (Attachments: # 1 Certificate/Proof of Service Defendant, AMC Links LLC.s Certificate of Interested Parties) (Graft, Alexander) (Filed on 1/7/2022) (Entered: 01/07/2022)

01/07/2022 17 CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by AMC Links LLC.. (Attachments: # 1 Certificate/Proof of Service Declination To Magistrate Judge Jurisdiction)(Graft, Alexander) (Filed on 1/7/2022) (Entered: 01/07/2022)

01/10/2022 18 CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned.

ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE-NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED.

This is a text only docket entry; there is no document associated with this notice. (klh, COURT STAFF) (Filed on 1/10/2022) (Entered: 01/10/2022)

01/10/2022 19 MOTION to Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted (FRCP 12(B)(6)) filed by Janette C. Miller, Miller and Perotti Real Estate Appraisals, Inc.. Motion Hearing set for 3/4/2022 09:30 AM in San Francisco, Courtroom F, 15th Floor before Magistrate Judge Joseph C. Spero. Responses due by 1/24/2022. Replies due by 1/31/2022. (Attachments: # 1 Defendants Janette C. Miller And Miller And Perotti Real Estate Appraisal, Inc. Certification Of Interested Entities Or Persons)(Catalanotti, Peter) (Filed on 1/10/2022) (Entered: 01/10/2022)

01/11/2022 20 ORDER REASSIGNING CASE. Case reassigned using a proportionate, random, and blind system pursuant to General Order No. 44 to Judge Maxine M. Chesney for all further proceedings. Magistrate Judge Joseph C. Spero no longer assigned to case, Notice: The assigned judge participates in the Cameras in the Courtroom Pilot Project. See General Order No. 65 and <http://cand.uscourts.gov/cameras..> Signed by Clerk on 1/11/22. (Attachments: # 1 Notice of Eligibility for Video Recording)(as, COURT STAFF) (Filed on 1/11/2022) (Entered: 01/11/2022)

01/11/2022 Electronic filing error. Profile for attorneys Peter Christopher Catalanotti and Madonna Ann Herman needs to be updated in the database. Re: 19 MOTION to Dismiss F or Failure To State A Claim Upon Which Relief Can Be Granted (FRCP 12(B)(6)) filed by Janette C. Miller, Miller and Perotti Real Estate Appraisals, Inc. (mcl, COURT STAFF) (Filed on 1/11/2022) (Entered: 01/11/2022)

01/14/2022 21 CASE MANAGEMENT SCHEDULING ORDER: Initial Case Management Conference set for 3/18/2022 at 10:30 AM in San Francisco, Courtroom 07, 19th Floor. Joint Case Management Statement due by 3/11/2022.. Signed by Judge Maxine M. Chesney on 1/14/2022. (tl, COURT STAFF) (Filed on 1/14/2022) (Entered: 01/14/2022)

01/14/2022 22 Renotice motion hearing re 19 MOTION to Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted (FRCP 12(B)(6)) Amended Notice Of Motion And Motion To Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted (FRCP

12(B)(6)) filed by Janette C. Miller, Miller and Perotti Real Estate Appraisals, Inc.. (Related document(s) 19) (Catalanotti, Peter) (Filed on 1/14/2022) (Entered: 01/14/2022)

01/18/2022 Set/Reset Deadlines as to 19 MOTION to Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted (FRCP 12(B)(6)). Motion Hearing set for 3/4/2022 at 09:00 AM in San Francisco, Courtroom 07, 19th Floor before Judge Maxine M. Chesney. (tl, COURT STAFF) (Filed on 1/18/2022) (Entered: 01/18/2022)

01/20/2022 23 STIPULATION WITH PROPOSED ORDER [Proposed] Stipulated Protective Order For Standard Litigation filed by Janette C. Miller, Miller and Perotti Real Estate Appraisals, Inc.. (Catalanotti, Peter) (Filed on 1/20/2022) (Entered: 01/20/2022)

01/21/2022 24 ORDER APPROVING STIPULATED PROTECTIVE ORDER FOR STANDARD LITIGATION. Signed by Judge Maxine M. Chesney on January 21, 2022. (mmclc2, COURT STAFF) (Filed on 1/21/2022) (Entered: 01/21/2022)

01/21/2022 25 Joint Application and Stipulation for Extension of Time to File Opposition and Reply Briefs Re Miller Defendants' Motion to Dismiss ; [PROPOSED] Order filed by Paul Austin, Fair Housing Advocates of Northern California, Tenisha Tate-Austin. (Attachments: # 1 Declaration of Liza Cristol-Deman in support of Joint Application and Stipulation)(Cristol-Deman, Liza) (Filed on 1/21/2022) Modified on 1/21/2022 (mcl, COURT STAFF). (Entered: 01/21/2022)

01/21/2022 26 ORDER APPROVING, AS MODIFIED, JOINT APPLICATION AND STIPULATION TO RESET BRIEFING SCHEDULE RE MILLER DEFENDANTS' MOTION TO DISMISS; CONTINUING CASE MANAGEMENT CONFERENCE. The deadline for plaintiffs to file opposition is extended to February 7, 2022. The deadline for defendants to file a reply is extended to February 21, 2022. The hearing currently scheduled for March 4, 2022, is continued to March 25, 2022, at 9:00 a.m. The Case Management Conference currently scheduled for March 18, 2022, is continued to May 6, 2022, at 10:30 a.m. Signed by Judge Maxine M. Chesney on January 21, 2022. (mmclc2, COURT STAFF) (Filed on 1/21/2022) (Entered: 01/21/2022)

01/21/2022 Set/Reset Deadlines as to 19 MOTION to Dismiss For Failure To State A Claim Upon Which Relief Can Be Granted (FRCP 12(B)(6)), 26 Order,,, Terminate Motions,,, Set/Reset Deadlines:, Set/Reset Hearing re 26 Order,,, Terminate Motions,, Opposition due by 2/7/2022. Reply due by 2/21/2022. Motion Hearing reset to 3/25/2022 at 09:00 AM in San Francisco, Courtroom 07, 19th Floor before Judge Maxine M. Chesney. Joint Case Management Statement due by 4/29/2022. Initial Case Management Conference reset to 5/6/2022 at 10:30 AM in San Francisco, Courtroom 07, 19th Floor. (tl, COURT STAFF) (Filed on 1/21/2022) (Entered: 01/21/2022)

01/11/2022 The appraiser replied to the meritless discrimination case by Paul Austin, Tenisha Tate in Marin, California case #3:21-cv-09319-JCS. They filed a Motion to Dismiss for failure to state a claim. The main argument is the Appraiser worked for the AMC/Lender and not the Austins. Another argument is that the Austins got the loan they requested when the same AMC sent out a second appraiser who appraised their home for more. They were not deprived of housing. They also stated the loan was not a government loan. Many other good arguments in their reply here. I believe this case will be dismissed.

<http://marycummins.com/austin%20v%20miller.pdf>

I didn't realize that the second appraiser came from the same AMC and Lender. Crazy to sue someone that gave you the loan you wanted. Paul Austin and Tenisha Tate received a loan. I don't see any losses or damages. I am concerned about the second appraiser. I believe they over valued the property.

I just looked at the Defendant appraiser's Yelp reviews. People should be ashamed of themselves for leaving such horrible reviews. One, you must be a client in order to write a review. Two, they just repeated the false allegations of the plaintiffs with no evidence whatsoever. I doubt those people would want others to do the same to them. These reviews and the false accusations made to the media are defamatory.

01/05/2021 Per a FOIA request results there was no complaint for racial discrimination filed with HUD. This same non-profit filed a complaint for Cora Robinson in Oakland to HUD. I believe that meritless racial discrimination complaint was dismissed. HUD hasn't put it in writing and are forcing me to appeal the FOIA results but that investigation appears to be over. That is probably why the non-profit elected to sue instead of filing a complaint. They get better press and more donations. They knew that their complaint would be dismissed because it's false and frivolous. If they'd won the Cora Robinson case, you know they would have sent out another press release like when they filed the complaint.

12/13/2021 This just showed up on title. Tenisha Tate Austin and Paul Austin just refinanced their home 11/30/2021 for \$750,000 conventional loan. That means they lied about not being able to refinance at a lower rate because of the appraisal. The rates are lower today than the previous refinance. They just refinanced their home for the 7th time since they bought it in 2016. They may end up in financial difficulty because they've taken all the equity out of their home and now have a huge mortgage. They probably also have student loans.

12/08/2021 Defendants were served. I'm sure they will reply with a basic denial.

12/11/2021 I did more research on the home because of its odd elevated design. It's a pole house. This is generally done in flood prone areas. All 59 or a total of maybe 95 of the original homes in this area are pole houses. The homes were built as part of the redevelopment by the federal government as low income homes for relocation. People were relocated out of the WWII temporary housing bungalows which became a "slum" area next to

the shipyard which was needed for development per newspaper articles. They were lower quality "economy" homes. The builder was Barrett Homes, Barrett Construction. Architect was Vernon DeMars of DeMars and Reay and Karl Treffinger who worked with the federal government. Because it's the government that means they took the lowest bidder. These homes are surrounded by public housing projects. All of this was built over a marsh with poorly filled land.

The pole home design was controversial at the time. The builder stated it is commonly used on sloped terrain. It was accepted because the homes were deemed "adequate" and would be offered at a "fair price." The homes were built with telephone poles. The 40' poles go from the ground to the roof. With the poles going to the roof X bracing under the house wasn't used. The purpose was to save money and so people could park under the home. They are not just used for the foundation like a pier home. The poles are on the outside of the home. Nobody seemed to care that even treated new telephone poles only last 25 to 37 years and that's if they are only used as utility poles and not carrying any weight. There also has to be proper drainage which these lots do not have. If they utilized used telephone poles, this could be a bigger problem. These are exposed on the exterior and underside of the home. Most degrade because of ground line decay. If you look at closeup photos of their unpermitted construction, you can see decay and splitting in the poles. The poles are 58 years old. They are allegedly treated with creosote which is a carcinogen which seeps into the ground and air. It's also flammable which is not a good idea in a wildfire zone like this. There are fire roads within a block of subject. I'm amazed they could get a regular loan with pole construction. Today people only use poles to build barns. This could be the reason why there were so few sales in this area. Maybe they can't sell or get loans easily. I searched years back and couldn't find but two sales.

The real purpose of the pole homes was to optimize profits for the builder. There was even an investigation about the pole home design because everyone thought it was cheap and ugly including the people moving out of the slum area. The result of the investigation was that the homes were "adequate." Based on my experience with older federal housing "adequate" means "bare minimum" and "cheapest." Per newspaper articles the builder said they would have needed to "excavate the land and build retaining walls and drainage structures" if they didn't use the pole design. The builder stated he saved \$2,000 per home in building expenses using poles, Oct 8, 1962, Daily Independent Journal. The homes sold for about \$20,000 in 1963. They were valued at \$9,038 including commission but were sold at \$15,900-\$18,500 originally. Building on poles, piers or stilts is cheaper construction than cut and fill (cut the lot, grade so there's a flat area to build) on sloped lots which can cost multiple times as much. (Subject is 31% grade upslope lot which is one of the more expensive upon which to build. Anything over 20% is considered "steep." Upslope lots are more expensive to build on than downslope lots). All this data came from newspapers dot com from meetings of the Redevelopment Dept, Federal Housing Authority FHA. Below is a photo of one of the

actual pole houses built in 1963 same as subject. I've never seen it with the poles on the outside like this except for barns. This is clearly cheap construction. From 1963 newspaper same as above. This is the first couple moving in to their new home. Notice the open eave.



real estate appraisal, discrimination, black, bias, mary cummins, california, 20 pacheco, paul austin, tenisha tate austin, lawsuit, complaint, facts, real estate appraiser, marin city, sausalito, pole house

Below are pics of the subject so you can see the telephone pole construction better. It looks like a trailer home on stilts. The original people moving out of the slums said it looked like they were just moving into a different slum, newspapers dot com.



real estate appraisal, discrimination, black, bias, mary cummins, california, 20 pacheco, paul austin, tenisha tate austin, lawsuit, complaint, facts, real estate appraiser, marin city, sausalito, pole house, pole home



real estate appraisal, discrimination, black, bias, mary cummins, california, 20 pacheco, paul austin, tenisha tate austin, lawsuit, complaint, facts, real estate appraiser, marin city, sausalito, pole house, pole home

This area is the "Marin City Redevelopment" area which is controlled by the "Marin County Redevelopment Agency." The original owner was Leroy Spigner and Mary Peterson per public records. In 1964 he asked to build under the home. He was not allowed. Based on the above paragraph the subject was not meant to have a structure underneath because of lack of grading, retaining walls and adequate drainage. Below is a news item about the denial. Nothing was built after 1963 with permits. Buckelew St is a block away from Pacheco. The entire area was built with redevelopment funds under the FHA in the 1960's. There is a lot of public housing adjacent to subject including the Golden Gate Village built by the Housing Authority. All the homes in the area were pole homes built at the same time. Most in the area are renters and not owners. For this reason and others you must use only comps in this immediate area. This is a very unique area. I wouldn't even use the Sausalito homes in the flats.



real estate appraisal, discrimination, black, bias, mary cummins, california, 20 pacheco, paul austin, tenisha tate austin, lawsuit, complaint, facts, real estate appraiser, marin city, sausalito, pole house, pole home

I checked with the tax assessor. There are taxes owed on the property in the thousands from the previous owner. I also noticed that most property in the area is rented and not owner occupied. This is a negative.

February 23, 2019 owners applied for permit for ADU, retaining wall and deck. That's it for permits. This is just the application. I don't see added sf so perhaps the ADU permit was denied or they didn't send the approved permits to the tax assessor. I can't say for sure so I'll call Building and Safety and the tax assessor.

20 Pacheco St Sausalito (20.3-1/1, 21,13,11) ADU, Addn; Deck; Ret Wall \$180,000

The property is in the Marin County Fire Department Wildlife Urban Interface Zone. They're in a wildfire zone a block from the Pacheco fire road. Generally this means any new addition must have sprinklers. They also must do brush clearance and can only use certain building materials especially on the roof. They may also need approval from the MCFD or other agency to build an ADU or addition. There are not many homes north of subject because it's a wildfire zone. Slope of property is 31.4746. A slope over 20% is considered "steep." APN parcel number is 052-130-32. Fire insurance may be needed. I think this was federal land which was offered to build cheap homes for the redevelopment project. The land was cheap because of the slope and location above shipyard and only some blocks to the main fwy.

12/09/2021 A real estate lawyer weighs in on the issue, see link. Based on his response the case has no merit. The Appraiser did exactly what she was supposed to do. She followed the law and used the correct and best comps. She did not consider race in the appraisal. The owners Tenisha Tate and Paul Austin wanted the Appraiser to use comps outside of the subject's area. They wanted her to use comps from more expensive white areas like the one Appraiser incorrectly used. I now wonder if the Appraiser who came in high did so because he was afraid of a racial discrimination lawsuit. Many Appraisers are worried about these false, frivolous and racist complaints. To state that a white Appraiser is racist for following the law and not considering race is actually racist.

Updated link <https://fgcclaw.com/new-federal-lawsuit-alleging-appraiser-bias-questions-the-valuation-process/>

<https://fgcclaw.com/2021/12/new-federal-lawsuit-alleging-appraiser-bias-questions-the-valuation-process>

"The dispute centers around the selected closed comparable sales ("comps"), as the defendant appraiser utilized more comps in unincorporated "Marin City," where the property was located and that has a larger black population. The complaint asserts that the appraiser should have considered more sales from the nearby cities of Sausalito and Mill Valley, which

have higher median property values and whiter populations. In effect, the lawsuit questions the overall use of the sales comparison approach in predominantly black neighborhoods, claiming the practice devalues those properties on the basis of race."

"Appraisers facing allegations of racial bias are put into an uncomfortable position. "Location, location, location" is and will continue to be a central component in the valuation process. In relying on the location of the subject property and determining the appropriateness of the recent closed sales analyzed, the appraiser is best situated to find the most similar properties to the subject being appraised, with the most similar characteristics, and most similarly exposed to market forces which drive property values. If the impact to value of the subject's location, due to the racial characteristics of the neighborhood or municipality, is depressed due to bias in the market itself, an appraiser is still bound to utilize the most relevant available data. Where an appraiser might ignore nearby sales due to concerns that racial makeup of the market area may be artificially depressing home values, the appraiser would then risk being accused of considering race, color, or other characteristics which is expressly prohibited by the Ethics Rule of the Uniform Standards of Professional Appraisal Practice ("USPAP"), the nationwide standard to which all appraisers are held. When defending against allegations of considering race, color, or other protected classification influencing his or her opinion of value, an appraiser is essentially required to try and prove a negative, that their work was free of bias. Mounting such a defense can be difficult as those considerations are unlikely to be documented but rather would go to the state of mind of the appraiser while performing the assignment.

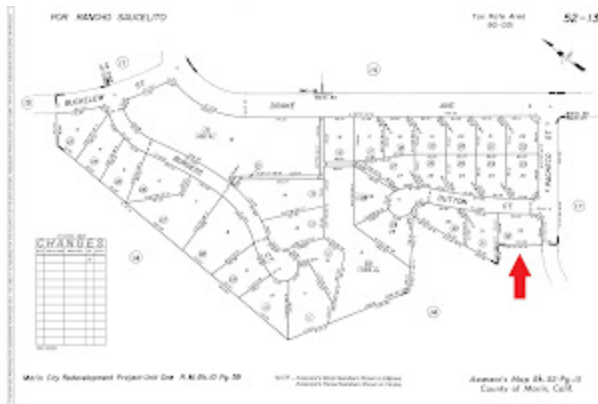
12/08/2021 Tenisha Tate Austin and Paul Austin are now making the media rounds. They are citing Andre Perry's false and misleading research about the value of black owned homes. Andre Perry's paper was not peer reviewed researched. They don't bother to mention that their addition was not with permits and didn't add any legally livable area. They also forget to mention that their complaint was either dismissed by HUD or any resolution was rejected by the appraiser and AMC. We don't know yet but filing a Federal district court lawsuit is the option after dismissal of a complaint which they filed.

I got a reply from my FOIA request for the results of their complaint investigation. They said they'd reply January 2022. I hope that means the investigation is over.

Below is video of an interview of the couple. No one at CBS bothered to do any other investigation. Why not interview an appraiser who could give some insight into what really happened. It also appears they got rid of a bedroom and bathroom to expand other rooms. That knocks the value down right there. Because it's not on the tax roll it probably has no permits which they needed. The wife said they "opened up a couple of rooms." Hope they didn't remove a bearing wall. I see no permits for any of that work. You need permits to change windows, add header beam... I do see they added a gas fireplace in the wall. That doesn't really add value but at least it's legal. I also don't see permits for that.

<https://www.youtube.com/watch?v=rHMqc4ntnZA>

Notice in the video Paul Austin is wearing a pin that says "I love Marin City." His wife previously said "Marin City" is white people code for "where black people live." It's just the legal name of the city and subdivision of the home. Below is the plat map. You can see the name of the tract is "Marin City Redevelopment Unit 1." Red arrow is subject. There are more smaller pole homes to the right of subject. They wanted the homes to be worth the same amount so there are smaller pole homes on smaller less sloped lots and larger pole homes on more sloped larger lots.



real estate appraisal, discrimination, black, bias, mary cummins, california, 20 pacheco, paul austin, tenisha tate austin, lawsuit, complaint, facts, real estate appraiser, marin city, sausalito, pole house, pole home

Pics of the home.



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It turns out Marin City has major soils and geological issues. This area was a salt marsh which was filled in with substandard fill. The flats are made of bay mud of three to 80 ft in depth with substandard fill. The flats will have significant shaking in any earthquake. I assume they mean it's a liquefaction zone. The subject area is considered the west side of the bowl. It's domain 4 with elevation of 25' to 200'.

https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/publications/communityandareaplans/marin_city_community_plan_1992.pdf

12/04/2021: It appears the borrowers filed a discrimination complaint. I just heard they have filed a federal lawsuit. That generally means the complaint was not resolved or was dismissed. I will get a copy and post it. I just filed a FOIA request to get a copy of the complaint, full investigation and result of the investigation.

In the meantime I will add back the photos of the alleged unpermitted work done on the home. So far I don't see any permits for this work. They graded the property and dug out underneath the home to add a below grade addition. I will update more later today. I checked Building and Safety online but I will call them on Monday.

Below is a link to the public lawsuit. There are no exhibits. I will look it up on Pacer. There are no exhibits or attachments on Pacer. Maybe they filed this lawsuit, complaint for media attention. The Fair Housing Advocates of Northern California is one of the lawyers. They contacted media immediately after filing it so it looks like it was filed for media attention and to drum up donations. Where are the appraisals? I've posted the docket report of the case at the very bottom of this article. Fair Housing Advocates of Northern California is behind another [complaint involving a duplex in Oakland](#). It's the same issue. That owner wanted the Appraiser to use comps in a more expensive white area. They even stated that in the complaint cited in the linked article. That's not how appraising works. We use the closest and most similar comps to the subject without considering race, color, religion... We don't even know the % race, color, religion ... makeup of the neighborhoods we appraise.

I searched the appraiser. She's been an appraiser since at least 1992 with no complaints and no reprimands. We were first licensed in 1994 when it was first mandatory. She has one of the early license numbers. I've been licensed since 1993 but have been an appraiser since 1984.

https://www.fairhousingnorcal.org/uploads/1/7/0/5/17051262/austin_complaint.pdf

I just read the complaint. The borrower and their lawyer are complaining that the appraiser used comps in the same area as the subject! WTF?! That's what we're supposed to do! That's basically the law. Everyone knows the main indicator of value is location, location, location. Still, the appraiser included two comps in Mill Valley and adjusted them. This case has no merit. I hope Defendants get court costs, fees and damages. They have damaged the reputation of the appraiser and AMC for life. Below is actually from the borrower's lawsuit. Attorney should lose his license. This case is frivolous and meritless. It clearly shows that Paul Austin, Tenisha Tate Austin are racists who discriminated against an innocent person because she is white.

"Appraising a house located in Marin City, such as the Pacheco Street House, using comparisons of other property sales located exclusively or primarily in Marin City results in a skewed and race-based valuation of the property. Marin City has a long history of undervaluation based on stereotypes, redlining, discriminatory appraisal standards, and actual or perceived racial demographics. Choosing to use comps located in Marin City means that the valuation is dictated by these past sale prices, which were the direct product of racial discrimination. The use of such comps perpetuates the effects of discriminatory appraisal practices."

The complaint references cost per square foot repeatedly. One, appraisers don't use cost per sf. It's not the main indicator of value. Two, subject is over improved to size for the area. If someone were to use cost per sf., the value would be over inflated.

Below are photos of the work under the home. This is not gross living area. I don't see permits for this work. In the complaint they only said they used licensed contractors. Sounds like no permits. In the complaint they said they added a den and half bath down there. It's not on the tax roll. Now I must talk to the permit office. They'll have to get permits or remove their unpermitted additions. If they get permits, their property tax will go up. It should go up anyway if they finished the ADU.



real estate appraisal, discrimination, black, bias, mary cummins, california, 20 pacheco, paul austin, tenisha tate austin, lawsuit, complaint, facts, real estate appraiser, marin city, sausalito, pole house, pole home



real estate appraisal, discrimination, black, bias, mary cummins, california, 20 pacheco, paul austin, tenisha tate austin, lawsuit, complaint, facts, real estate appraiser, marin city, sausalito, pole house, pole home

Notice the splits in the telephone pole.



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Splits in the telephone pole



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I just pulled some recent computer appraisals and the comps they used to arrive at their valuation. They are using Mill Valley comps which are not comps. Mill Valley is two miles north in a much more expensive residential area with a highly rated school system. These are two vastly different areas. The AVMs should not have used Mill Valley comps. They used Mill Valley comps because the subject is over improved for the area in terms of size. The only larger comps are in Mill Valley. I believe the second appraisal came in too high. I think the first one was actually generous.

Below are current robot appraisals, AVMs for the subject. The higher ones such as Zillow used Mill Valley comps. That's clearly a bad mathematical formula if you widen the search for size regardless of neighborhood. That's probably why Zillow admitted their AVM is not accurate and they lost money flipping homes.

RealAVM \$857,200 Confidence Score 57% RealAVM™ Range \$702,904 - \$1,011,496 11/29/2021. After this value it lists some comps which they didn't use in the score. The comps are \$1.7, \$2.2, \$2.4M 307, 319, 364 Carrera, Mill Valley, CA 94941. These comps are a mile away.

Zillow/Trulia 12/04/2021 \$1,553,000 \$1.2-\$1.8M using Mill Valley comps. This is way too high.

RedFin 12/04/2021 \$1.9M using Mill Valley comps. Also too high.

Realtor 12/04/2021 \$856,600 didn't use Mill Valley comps

If you look below, February 2021 nine months ago the AVM range was \$620-\$900 with \$700K median. That's a huge jump compared to the regular AVMs and then high AVMs which used Mill Valley comps. The area has appreciated quickly because it is a less

expensive area on the far edge of a more expensive area. People are being priced, pushed out of the more expensive areas into the less expensive areas. This causes quick appreciation higher appraisal gaps. Still, it would never cause Marin City homes to be worth the same as Mill Valley homes. If Tenisha Tate Austin and Paul Austin want to own a home worth as much as a home in Mill Valley, they should have bought a home in Mill Valley. Instead of only paying \$500K for their home they would have had to pay \$1,000,000. They bought their home for basically no money down. They would have had to put \$500,000 down to buy a Mill Valley home based on how much the bank loaned them.

Below is a Zillow Zestimate history from today 12/04/2021. Look at this huge range. Zillow doesn't know what the hell it's doing.



Below is a Corelogic value map from today. Huge difference between Zillow and Corelogic. Zillow is twice as much as Corelogic. Also note how close the subject is to retail, commercial, main roads, public housing projects... Those aren't positives but negatives. Keep in mind none of the homes in the pic below have sold except the subject in over ten years. Those are estimates which aren't even accurate.



Austin has been speaking about his alleged appraisal issues at the Reparations Task Force. "Austin shared that harrowing experience with the California Task Force to Study and Develop Reparation Proposals during its fourth meeting on Oct. 13. California's Assembly Bill (AB) 3121, signed into law in 2020, created the nine-member task force to investigate the history and costs of slavery in California and around the United States. The group is charged with studying and developing reparation proposals for African Americans and recommending appropriate ways to educate Californians about the task force's findings."

Austin's "story" has been promoted by "California Black Media, serving California's Black press, boasts a record of ensuring that the Black viewpoint remains central to all the debates that shape life in California. Antonio Ray Harvey and other members of the CBM staff can be reached at info@cablackmedia.org." I see an agenda.

I should add that a regular person could be confused over value in this area. This is a complex appraisal assignment due to size and location. There is a lot of variation in the homes and values in this immediate area. Most homes in the immediate area are smaller. Subject property is larger. If you want to find a lot of larger homes, you would find them in Mill Valley. One might think it would be okay to use those larger homes as sales comps but it's not. It's a totally different area. Mill Valley homes are worth twice as much as homes in Marin City. It would be like using comps in Beverly Hills to appraise a home in South Los Angeles. It cannot and should not be done. Half of the robot appraisals didn't even use Mill Valley comps but the higher valuation used Mill Valley comps.

They took out \$756K loan 05/2020 after the second appraisal. That means they didn't lose any money at all. They're lying when they say they couldn't get a cheaper loan based on the white person's appraiser. They got a higher appraised value after her appraisal and used it to refinance.

ORIGINAL: This is a case of alleged discrimination in a real estate appraisal. Racism exists but not every appraisal which is not as high as someone would like is caused by racism. I'm not appraising this home.

The owners stated that this is some "racist appraiser code" i.e. "Marin City is a distinct area." Marin City is a distinct area. That's a normal comment. We list cities, neighborhoods. The name of the subdivision is "Marin City." Some of the articles even state it's in Marin City. This is legally listed as a "Marin City redevelopment" area. Paul Austin one of the owners is from and lives in Marin City per his Facebook. He works in Marin City. These people lied about something as trivial as the name of the city saying it was "racist code."

Here are some facts. Home in question is 20 Pacheco St, Sausalito, CA, Marin County, 5 bed, 3 bath, 2,173 sf, no garage, raised home, 70 sf deck, corner lot 9,600 sf near street. No additions. It may legally only be a 4 bed, 2 bath. Dec 2016 they bought it for \$550K from a private party. They got an FHA loan for \$540,000 so they only put \$10,000 down. That means they could have paid less than market value for the home. They have refinanced this mortgage a few times in the last few years taking out more and more money, 7/2017 \$540K refinance, 6/2018 \$680K, 4/2019 \$730K, 8/2019 \$40K more, 5/2020 \$756K. I see one sale 06/2017 for \$756,000 15 Dutton Ct. 6 bed, 3 bath 2,271 sf on sim sized lot. 22 Pacheco sold for \$900K in 2018 but it's vacant land 28,407 sf. 615 Drake, 2017 \$735,000. Those are the only real recent comps.

It has a computer appraised value today Feb 12, 2021 of \$620-\$900 with \$700K median. Seems reasonable.

They stated they added to the home. It's not reflected in the tax size so it probably wasn't with permits. We can't add unpermitted size to a home but we can mention it. The reason is because if someone reports them, Building and Safety can force them to tear down the unpermitted additions. Please, don't report them. Their property taxes stayed the same so they didn't legally add any area or size to the home.

I just looked at some of their photos. 2019 they appear to have added without permits new retaining walls and a new foundation under the raised home. I think the "entire floor" they say they added was under the home. This is not considered legal gross living area and can't be added to the GLA. If it were added with permits which it was not, you could add the value elsewhere in the report. Based on these photos it looks like they may have done this work on their own. The dangerous work skills shown in the photos show amateurs. I am worried about this. They needed to do soils, geo work, permitted grading... They did none of that and graded this large hillside area.

The home appraised for \$989K February 12, 2020 per lawsuit. That's at the upper end of the later computer range. So far that seems okay. Again, I haven't seen the home in person or the appraisals.

They weren't happy with that "older white woman" appraiser (I was not the appraiser) or appraisal so they demanded another appraisal. The second appraisal March 8, 2020 was allegedly \$1,482,500. That seems quite a bit high. In fact it's higher than all the other computer appraisals. Sounds like they may have given credit to unpermitted additions though I can't tell for sure because I haven't seen the appraisal.

I just pulled some comps based on size. The first appraisal appears correct. Homes in the area are much, much smaller. This home is over improved for the area. If you want homes similar size, you have to pull from Mill Valley which is much, much nicer area with estates on big lots in the Mill Valley school system. I think the second appraiser pulled comps from Mill Valley. If you're going to pull comps from Mill Valley, why not pull from Beverly Hills?

From a government related website. Clearly the first Appraiser knew this. "Comparable sales from within the same neighborhood (including subdivision or project) as the subject property should be used when possible, and must be used in certain instances. Sale activity from within the neighborhood is the best indicator of value for properties in that neighborhood as sales prices of comparable properties from the same location should reflect the same positive and negative location characteristics."

This is from HUD. We must use the most similar comps in the same location. Someone looking to buy a home in Mill Valley would never look at Marin City. Someone looking to buy in Marin City would never look at Mill Valley because it costs twice as much because it's a superior location. Homes in Mill Valley do not compete with homes in Marin City.

<https://www.hud.gov/sites/documents/201104APRNEWSLETTER.PDF>

"As most appraisals of single family residential properties rely exclusively on the Sales Comparison Approach to value, the selection and verification of comparable sale properties is fundamental to a credible and accurate appraisal, At minimum, comparable sale selection should be based on properties having the same or similar locational and physical characteristics as the subject property. Among other criteria, physical characteristics include style, age, size, utility, condition, amenity level and other dominant features. Comparable sale selection should never be solely based on sales price. Comparable sales must be both comparable as well as competitive to the subject property. Comparable properties that are similar in other respects but do not appeal to the same market segment as the subject property should not be considered comparable properties. Under ideal circumstances, a comparable sale property would compete directly with the subject property in terms of both locational and physical attributes."

When I appraise in Beverly Hills proper I only search for sales in Beverly Hills proper. I don't search Beverly Hills adjacent, West Hollywood or Los Angeles. The second you cross the dividing line the property values halve. I'm talking homes directly next to each other on the same street. Beverly Hills has superior schools, police, fire department... The same goes

with incorporated Mill Valley versus unincorporated Marin City. If I couldn't find enough comps in one city or the other, I would go back in time, widen size variance ... before I would ever widen the search distance from subject into the different city.

Here is Mill Valley. It's an incorporated city.

https://en.wikipedia.org/wiki/Mill_Valley,_California

Here is Marin City. It's an unincorporated city.

https://en.wikipedia.org/wiki/Marin_City,_California

Here is an article that talks about how different Marin City is compared to Mill Valley.

https://www.foundsf.org/index.php?title=Marinship_to_Marin_City:_How_a_Shipyard_Built_a_City

The first appraiser may have been limited by the highest recent sale in the area. We can't appraise over the highest recent closed unadjusted sale. Maybe the second appraisal is the one with issues. Maybe because of the quickly increasing market there weren't enough similar sold comparables when the first appraisal was completed. The value has also been increasing very quickly since late 2020 because of the frenzied market. Still, second appraisal was allegedly only one month after the first.

I took a closer look at the home on the map. There are churches, schools, stores near this home. That's a negative. Tax roll now says there are two units there. There's more going on here.

The homeowners stated they added fireplaces (which you can't add nowadays in California unless they are gas, pellet and not wood log burning), another deck, new floors and new appliances. Redoing floors and adding new appliances is more similar to maintenance today. Decks don't necessarily add value. There was already at least one deck. They paid \$400,000 for the additions. What you pay for additions does not directly translate into added value.

Hopefully the homeowner will post the appraisals but they never do so we'll never know what really happened. They also didn't state the dates so I can't do historical appraisals to check the value. I post this so people realize there could be more to this story. Plus, when you get a lower appraisal and ask for a second appraiser, they send someone out with that information.

Original article.

[https://abc7.com/10331076/?ex_cid=TA_KABC_FB&utm_campaign=trueAnthem%3A%20New%20Content%20\(Feed\)&utm_medium=trueAnthem&utm_source=facebook&fbclid=IwAR1kgjdEng5fboCiyfMpGqA7pHNkv8-NcAguR6w-vqckGPkuKMC8kunb_TY](https://abc7.com/10331076/?ex_cid=TA_KABC_FB&utm_campaign=trueAnthem%3A%20New%20Content%20(Feed)&utm_medium=trueAnthem&utm_source=facebook&fbclid=IwAR1kgjdEng5fboCiyfMpGqA7pHNkv8-NcAguR6w-vqckGPkuKMC8kunb_TY)

Docket report

U.S. District Court

California Northern District (San Francisco)

CIVIL DOCKET FOR CASE #: 3:21-cv-09319-JCS

Austin et al v. Miller et al

Assigned to: Magistrate Judge Joseph C. Spero

Cause: 42:405 Fair Housing Act

Date Filed: 12/02/2021

Jury Demand: Plaintiff

Nature of Suit: 443 Civil Rights: Accommodations

Jurisdiction: Federal Question

Plaintiff

Tenisha Tate-Austin represented by Liza Cristol-Deman

Brancart & Brancart

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Plaintiff

Paul Austin represented by Liza Cristol-Deman

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Julia Howard-Gibbon

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

Fair Housing Advocates of Northern California represented by Liza Cristol-Deman

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Julia Howard-Gibbon

(See above for address)

ATTORNEY TO BE NOTICED

V.

Defendant

Janette C. Miller

Defendant

Miller and Perotti Real Estate Appraisals, Inc.

Defendant

AMC Links LLC

Date Filed # Docket Text

12/02/2021 1 COMPLAINT for Injunctive, Declaratory, and Monetary Relief; Demand for Jury Trial against AMC Links LLC, Janette C. Miller, Miller and Perotti Real Estate Appraisals, Inc. (Filing fee \$ 402, receipt number ACANDC-16681839). Filed by Paul Austin, Fair Housing Advocates of Northern California, Tenisha Tate-Austin. (Attachments: # 1 Civil Cover Sheet) (Cristol-Deman, Liza) (Filed on 12/2/2021) Modified on 12/3/2021 (slh, COURT STAFF). (Entered: 12/02/2021)

12/02/2021 2 Certificate of Interested Entities by Paul Austin, Fair Housing Advocates of Northern California, Tenisha Tate-Austin (Cristol-Deman, Liza) (Filed on 12/2/2021) (Entered: 12/02/2021)

12/02/2021 3 Proposed Summons. (Cristol-Deman, Liza) (Filed on 12/2/2021) (Entered: 12/02/2021)

12/02/2021 4 Proposed Summons. (Cristol-Deman, Liza) (Filed on 12/2/2021) (Entered: 12/02/2021)

12/02/2021 5 Proposed Summons. (Cristol-Deman, Liza) (Filed on 12/2/2021) (Entered: 12/02/2021)

12/02/2021 6 Case assigned to Magistrate Judge Joseph C. Spero.

12/03/2021 7 Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 2/25/2022. Initial Case Management Conference set for 3/4/2022 02:00 PM in San Francisco, Courtroom F, 15th Floor. (slh, COURT STAFF) (Filed on 12/3/2021) (Entered: 12/03/2021)

12/03/2021 8 Summons Issued as to Janette C. Miller. (slh, COURT STAFF) (Filed on 12/3/2021) (Entered: 12/03/2021)

12/03/2021 9 Summons Issued as to Miller and Perotti Real Estate Appraisals, Inc.. (slh, COURT STAFF) (Filed on 12/3/2021) (Entered: 12/03/2021)

12/03/2021 10 Summons Issued as to AMC Links LLC. (slh, COURT STAFF) (Filed on 12/3/2021) (Entered: 12/03/2021)

12/08/2021 11 SUMMONS Returned Executed by Fair Housing Advocates of Northern California, Paul Austin, Tenisha Tate-Austin. Janette C. Miller served on 12/6/2021, answer due 12/27/2021; Miller and Perotti Real Estate Appraisals, Inc. served on 12/6/2021, answer due 12/27/2021. (Cristol-Deman, Liza) (Filed on 12/8/2021) (Entered: 12/08/2021)

12/08/2021 12 SUMMONS Returned Executed by Fair Housing Advocates of Northern California, Paul Austin, Tenisha Tate-Austin. AMC Links LLC served on 12/6/2021, answer due 12/27/2021. (Cristol-Deman, Liza) (Filed on 12/8/2021) (Entered: 12/08/2021)

Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit E-Filing A New Civil Case at <http://cand.uscourts.gov/ecf/caseopening>.

Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 12/16/2021. (mbc, COURT STAFF) (Filed on 12/2/2021) (Entered: 12/02/2021)

12/03/2021 7 Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 2/25/2022. Initial Case Management Conference set for 3/4/2022 02:00 PM in San Francisco, Courtroom F, 15th Floor. (slh, COURT STAFF) (Filed on 12/3/2021) (Entered: 12/03/2021)

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12/03/2021 10 Summons Issued as to AMC Links LLC. (slh, COURT STAFF) (Filed on 12/3/2021) (Entered: 12/03/2021)

Below is my FOIA request made 12/04/2021.

"U.S. Department of Housing and Urban Development

Freedom of Information Act Office

451 7th Street, SW, Room 10139

Washington, DC 20410-3000

Facsimile: (202) 619-8365

FOIAExecSec@hud.gov, Adrienne.Harding@hud.gov, foia@hud.gov

FOIA request 12/04/2021 for complaint filed by Paul Austin, Tenisha Tate-Austin in re 20 Pacheco, Marin City, California

I am requesting this information today and when the investigation is completed or ended or indefinitely.

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request copies of all complaints, documents, exhibits, attachments, emails, letters and faxes to/from/within HUD, US Government, FHCCI, Paul Austin, Tenisha Tate-Austin which mention anything related to the following. I am specifically requesting a copy of the Fair Housing complaint and all attachments alleging racial discrimination in the appraisal of 20 Pacheco, Marin, CA. More information about the case is here,

https://www.fairhousingnorcal.org/uploads/1/7/0/5/17051262/austin_complaint.pdf

I would like to receive the information directly via access to the data online and/or in electronic format via email. I do not want the documents in paper format. I agree to pay reasonable fees for the processing of this request.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material.

I of course reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

I look forward to your reply within 20 business days, as the statute requires. Thank you for your assistance."

A pic of one of the pole homes under construction. "Although the developer promised fancier homes to Marin City inhabitants, residents dubbed the final offering "pole houses" because they were built with telephone poles. The county newspaper took this photograph of a local resident, Mrs. Moses Brand, outside a home under construction in 1962. (Photo courtesy of San Francisco Public Library.)



Although the developer initially promised fancier homes to Marin City inhabitants, residents dubbed the final offering "pole houses" because they were built with telephone poles. The county newspaper took this photograph of a local resident, Mrs. Moses Brand, outside a home under construction in 1962. (Photo courtesy of the San Francisco Public Library.)

A pic of one of the pole homes under construction. "Although the developer promised fancier homes to Marin City inhabitants, residents dubbed the final offering "pole houses" because they were built with telephone poles. The county newspaper took this photograph of a local resident, Mrs. Moses Brand, outside a home under construction in 1962. (Photo courtesy of San Francisco Public Library.)

Daily Independent Journal (San Rafael, California) - 22 Sep 1962,

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"REDEVELOPMENT" ON STICKS —
Arthur Williams of Marin City surveys first of new one-family dwellings in Marin City redevelopment project on which siding has been placed. Like many others in Marin City, Williams said he didn't like the new houses—particularly the telephone poles on which they stand. (Independent-Journal photo)

"Other residents say the new homes being constructed by Barrett Homes Inc on Drake Ave between Pacheco and Eureka streets "are like barns," "have cheap material," "have too tiny rooms," and "do not have closed garages." Seems the people were promised concrete foundations. When people living in the slums say these are poorly made homes that says something. They built the less sloped homes first and the more sloped later.

Mary Cummins of Animal Advocates is a wildlife rehabilitator licensed by the California Department of Fish and Game and the USDA. Mary Cummins is also a licensed real estate appraiser in Los Angeles, California.

Google+ Mary Cummins, Mary K. Cummins, Mary Katherine Cummins, Mary Cummins-Cobb, Mary, Cummins, Cobb, wildlife, wild, animal, rescue, wildlife rehabilitation, wildlife rehabilitator, fish, game, los angeles, california, united states, squirrel, raccoon, fox, skunk, opossum, coyote, bobcat, manual, instructor, speaker, humane, nuisance, control, pest, trap, exclude, deter, green, non-profit, nonprofit, non, profit, ill, injured, orphaned, exhibit, exhibitor, usda, united states department of agriculture, hsus, humane society, peta, ndart, humane academy, humane officer, animal legal defense fund, animal cruelty, investigation, peace officer, animal, cruelty, abuse, neglect #marycummins #animaladvocates #losangeles #california #wildlife #wildliferehabilitation #wildliferehabilitator #realestate #realestateappraiser #realestateappraisal #lawsuit