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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

IN RE MARRIAGE OF:)	CASE NO: _____
_____,)	
Petitioner,)	STIPULATION AND ORDER FOR
-and-)	APPOINTMENT OF DIVORCE
_____,)	REAL ESTATE EXPERT
Respondent.)	
_____)	

PETITIONER with his/her attorney of record, _____, and
RESPONDENT with his/her attorney of record, _____, hereby
stipulate and agree as follows:

Shannon Rose, a California Licensed Real Estate Salesperson, (referred to as
“Expert” or “Ms. Rose” is appointed as the Court’s Expert under California Evidence
Code section 730, unless Expert notifies the Court as soon as possible that Expert
chooses not to accept the appointment.

Ms. Rose’s contact information is:
Address: 16780-A Lark Avenue, Los Gatos, CA 95032
Telephone: 408-348-4209
Email: divorcerealtor@rosegroupre.com

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1 **TASKS AND SCOPE OF EXPERT:** The Expert is deemed qualified to perform
2 the following tasks and must do so, provided that the parties comply with the
3 provisions set forth below.

4 Perform Analysis of real property value, encumbrances, buy-out qualifications,
5 explanation of consequences and recommendations to the Court of viable options,
6 list and sell the property as may be ordered by the Court:

7 List the real property located at: _____ in the City
8 of _____, in the County of _____.

9 The property is to be listed by within _____ calendar days of the execution of
10 this order.

11 All parties are to cooperate with the sale of the real property, and are advised
12 that Ms. Rose is a neutral third-party Expert, appointed by the Superior Court of
13 California, and has a primary duty to the Court. As such the parties' requests or
14 demands of Ms. Rose may be in contravention of Court Orders and the parties
15 understand that Ms. Rose cannot act in contravention to Court Orders. Should this
16 be the case, the parties will immediately be advised by Ms. Rose to seek legal advice
17 as to interpretations and clarification of Court Orders. Ms. Rose cannot and will not
18 give legal advice.

19 In addition, as a Court appointed Expert, Ms. Rose cannot take sides in any
20 dispute between the parties. Ms. Rose' duty is to report to the Court facts and
21 information based on her expert opinion.

22 Other Orders: _____
23 _____
24 _____
25 _____

26 **LISTING AGREEMENT**

27 Under most circumstances, the Expert will require the parties to execute a real
28 estate Listing Agreement, which has been amended to reflect Expert's duties and

1 scope in this particular real estate transaction. The Listing Agreement is entered into
2 by the title owners(s) of the property to be sold. In the circumstance where one of the
3 parties to the pending court case is not on title to the property, they will not sign the
4 Listing Agreement; however, the Expert must act and remain neutral, and will
5 communicate with the non-titled party since the Court has adjudicated or will
6 adjudicate the rights and responsibilities of the parties.

7 8 **DOCUMENTS AND INFORMATION**

9 A. The Court assigned tasks cannot be performed by Expert without
10 cooperation by the parties. The parties must fully cooperate with Expert's process,
11 procedure and requests in furtherance of selling the real property. The parties must
12 provide all documents requested by the Expert or her staff upon request. Any
13 objections should be directed to the Court.

14 B. Each party must provide timely responses to questions and requests of
15 the Expert and her staff.

16 C. If requested by the Expert, the parties must provide the Expert with
17 written authorizations, including third party authorizations to lenders, directing third
18 parties to provide documents, records and/or information. Any objections should be
19 directed to the Court.

20 21 **COMMUNICATION**

22 The Expert shall have the right to initiate contact with any party or their counsel,
23 ex parte. In the event that counsel for any party, or any party, communicates with the
24 Expert in writing, said counsel, or party, must send a copy of such communications to
25 the opposing counsel, or if the party is self-represented, to such party directly.

26 The attorneys must notify Expert of all court dates. The Expert may participate
27 telephonically regarding scheduling of meetings and/or hearings and the status of
28 Expert's work.

1 **DISPUTES**

2 Expert may initiate contact with the Court to obtain the Court's assistance in
3 resolving disputes relating to the completion of the Expert's assignment, such as, but
4 not limited to, the production of documents, the scope of the assignment, scheduling
5 of court appearances, the payment of Expert's fees, or any issue related to a breach
6 of this Order or other Court Orders.

7 A. Prior to initiating such contact with the Court, Expert will give written
8 notice to each side of the nature of the dispute, opportunity to resolve and Expert's
9 intention to notify the Court at least two business days prior to contacting the Court.

10 B. At the direction of the Court's clerk, contact by the Expert with the court
11 may be by letter, by telephone conference call, by declaration filed by the Expert.

12 C. Any written communication must be copied to attorneys for the parties or
13 the party if the party is in self-represented.

14
15 **SANCHEZ WAIVER**

16 Petitioner and Respondent agree the written reports of Shannon Rose shall be
17 admitted to evidence at hearing or trial without the necessity of showing foundation
18 and over hearsay objections, subject to cross-examination by either party's counsel.
19 Each party and their counsel expressly waive the objections / restrictions of People
20 vs. Sanchez concerning the expert's use and reliance on hearsay evidence. The
21 expert may use and rely upon hearsay documents or other evidence that the expert
22 deems sufficiently reliable.

23 **PROCEDURES FOR REPORTING**

24 A. At any time the Expert shall be entitled to provide a status report to the
25 Court. The status report must be communicated according to the provision above.

26 B. The report of the Expert will be admitted into evidence at the discretion
27 of the Court.

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C. If at any point the parties do not comply with this Order Expert shall have the right to cease work, until such compliance.

WE AGREE:

Date

(Name of Petitioner) - **PETITIONER**

Date

(Name of Petitioner's Attorney)
Attorney for Petitioner

Date

(Name of Respondent) - **RESPONDENT**

Date

(Name of Respondent's Attorney)
Attorney for Respondent

IT IS SO ORDERED:

Date

JUDGE OF THE SUPERIOR COURT