



Curriculum Vitae and Expert Witness Qualifications James B. Hibert

Business Address: 6965 El Camino Real, Suite 105-599 Carlsbad, CA 92009

Contact Information: Mobile Ph: (760) 518-2310 Email: jay@marketsthomes.com

Educational Background:
High School: Point Loma High School, San Diego, CA –Grad. 1981
College: Pomona College, Claremont, CA – Grad. 1985, B.A.
Areas of concentration—Accounting, Economics, and Philosophy

Licenses: Licensed California Real Estate Broker (BRE #01901827)
Licensed California Finance Lender and Broker (DBO #6031920)
Licensed Residential General Contractor, Oregon (CCB #217415)

Relevant Courses: Realtor Code of Ethics, 2018
Elder Financial Abuse ABA course, 2018
Continuing Education to maintain licenses above, 2014
Allied Real Estate School, 2010-2011
Annual Banker Compliance Courses from 1985 through 2009
UCLA Business School Courses 1986-1987

**Trade Associations
Past and/or present:** RMA
Biocom
USD Family Business Forum
American Electronics Association (AEA)
Chairmen’s Roundtable
Association for Corporate Growth (ACG)
UCSD Economics Roundtable
San Diego Downtown Partnership
Carlsbad Chamber of Commerce
North County Association of Realtors
California Association of Realtors
National Association of Realtors

Background Summary

Mr. Hibert has been in the commercial banking, finance, investment and brokerage business for over 30 years. His background includes corporate officer roles at large financial institutions such as Bank of America, Union Bank of California and Mellon Bank, as well as Correspondent bank positions. He has experience in commercial lending, hard money lending, and consulting positions in the finance, lending and brokerage industries. Prior to forming Market Street Consulting Group, Inc., he was part of the founding team of a San Diego Business Bank. He was responsible for credit underwriting, training and

administration of commercial real estate and commercial loans. Mr. Hibert's responsibilities included credit underwriting, recruiting and training loan officers and related staff. He now operates his own direct lending and brokerage company that specializes in providing loans in the bank, hard money, private money and institutional areas. He is licensed with both the Bureau of Real Estate and the Department of Business Oversight.

Relevant Experience: **Bank of America Corporate Banking**—Los Angeles, CA, 3 years. Responsibilities included managing a portfolio of business clients with annual revenues that exceeded \$50,000,000.

Union Bank of California Corporate Banking—San Diego and Los Angeles, CA, 7 years. Responsibilities included portfolio management of clients with annual revenues from \$20,000,000 to \$750,000,000. Additional responsibilities included real estate loan underwriting, monitoring, and bank real estate loan syndications.

Chief Financial Officer, Engineered Equipment Company—Corona, CA, 3 years. Responsible for all decisions related to company's finance and administration. Negotiated contracts and related contract disputes including those where litigation was necessary.

Mellon First Business Bank—San Diego, CA, 3 years. Responsible for managing a client portfolio of private companies. Duties included real estate loan underwriting and administration.

Regents Bank—San Diego, CA, 8 years. Member of Founding Team and Shareholder. Manager of Bank's Real Estate Department including Construction lending, SBA 504 and 7a loans, participation loans and loan brokering. Responsibilities included portfolio management, real estate and commercial loan underwriting, construction loan administration including disbursements for construction and tenant improvement loans.

Market Street Consulting Group.—May, 2009 to present. Founding partner of a licensed and bonded direct lender with the California Department of Business Oversight. Primary focus to provide commercial real estate loans for all asset classes. Provide expert witness and consulting services in bank, institutional finance, hard money lending, SBA, and real estate brokerage cases.

Market Street Homes—February 2015 to present. Primary focus is residential redevelopment in San Diego, CA and Portland, OR.

Market Street Realty Group—February 2015 to present. A full service brokerage representing buyers, sellers and real estate investors.

Testimony/Designations

Mr. Hibert has been providing expert witness and consulting services since 2010. He has been designated over 65 times as an expert in 7 different states concerning matters relating to commercial lending, real estate, construction finance, SBA lending, brokerage, hard money lending and investment issues. His experience includes both Federal and State court cases where he has provided deposition testimony, trial testimony and arbitration testimony.

Other Experience: Treasurer—Pacific Southwest Conference, Walnut Creek, CA, 2001 through 2003.
Chairman of the Board-- Pacific Southwest Conference, Walnut Creek, CA, 2004 through 2006

**Seminar presentations
And courses taught:**

- Financial Management for Treasurer of non-profit organizations
- Expert panel member for “CPA Continuing Education Courses” sponsored by RSM McGladrey
- Fundamentals of financial accounting
- Expert panel member for “What Every Small Business Owner Should Know to Improve Their Banking Relationship”
- Expert panel member for “What Bankers Look for in a Construction Company Client”
- Guest presenter for commercial brokerage companies in the area of finance and investment opportunities in commercial real estate

**Relevant Expert
Designations:**

Full Case list available upon request

Community Involvement: Member of the HUB Business Networking Group 2011-Present
Hammer and Discus Throw—Volunteer coach 2009-Present
Leader at KOM (kids on the move)—2011 to 2014
Rancho Buena Vista High School—Volunteer coach 1995 to 2002
Valhalla High School—Volunteer coach 2009
Treasurer for Oaks Hills Church, 1995 to 2004
Interim Treasurer for Rancho Vista Covenant Church 2003 and 2004
Interim Treasurer for Canyon Springs Church 2002 and 2003
Rancho Buena Vista Little League—Treasurer 2000 to 2003

Client List:

- **Fatima Satya**, Law office of Y. Jessie Shaw, Pasadena, CA
- **Alpert Family Trust**, Kirby Noonan Lance & Hoge, LLP., San Diego, CA
- **Won Ki Kim**, Law office of Charles C. Song, Los Angeles, CA
- **Tomato Bank**, Neufeld Marks, Los Angeles, CA
- **Farmer Boys Produce Market, Inc.**, Law office, John Thomas Dzialo, Orange County, CA
- **Eric and Craig Sterling**, Dan Johnson Law Group, San Francisco, CA
- **Old Republic Title Co.**, Early Sullivan Wright Gizer & McRae LLP, Los Angeles, CA
- **Southeast Properties, LLC.**, Early Sullivan Wright Gizer & McRae, LLP, Los Angeles, CA
- **Fred Sacher.**, Bohm Wildish, LLP, Costa Mesa, CA
- **All California Mortgage**, Kaufman Dolowich Voluck & Gonzo, LLP., San Francisco, CA
- **George Fiegl**, Goode Hemme Peterson, San Diego, Baker & McKenzie, San Francisco, CA
- **David Stebbins**, Simone & Associates, San Diego, CA
- **Selby Corporation**, Law office of Kenneth E. Chyten, Oxnard, CA
- **Stewart Title Company**, Early Sullivan Wright Gizer & McRae, LLP, Los Angeles, CA
- **Ticor Title Company**, Early Sullivan Wright Gizer & McRae, LLP, Los Angeles, CA
- **Victor and Sandra Solano**, Patrick E. Herman, Esq. San Diego, CA

- **Kenmore Villas, LLC**, Western Law Connection, Los Angeles, CA
- **Danny Ho**, Law Offices of Edward C. Tu, Pasadena, CA
- **United Central Bank**, Chuhak & Tecson, Chicago, IL
- **Kamran Banayan**, Scott Kennedy, Attorney at Law, San Diego, CA
- **Fort McDowell Yavapai Nation**, Poindexter & Doutre, Inc., Los Angeles, CA
- **Farmers and Merchants Bank**, Law offices of Michael Leight, Long Beach, CA
- **William J. Smith, Jr.**, Law office of Thomas K. Eckhardt, Indio, CA
- **CIT Small Business Lending Corporation**, Troy Gould Attorneys, Los Angeles, CA
- **Sheryl Briggs and Atomic Design, LLC**, Coronado Katz, LLC Kansas City, MO
- **Real Estate Acquisition Leaders, Inc.** Vakili & Leus, LLP, Los Angeles, CA
- **Cynthia Espino**, Law office of Kenneth E. Chyten, Oxnard, CA
- **Barry McCown, Chula Vista Physicians** Mazzarella & Mazzarella, Esq., San Diego, CA
- **Community Valley Bank**, Lewis Brisbois, Palm Desert, CA
- **Richard Meruelo**, Neufeld Marks, Los Angeles, CA
- **Purefitness**, Bradley L. Jacobs Attorney at Law APC, San Diego, CA
- **Deanna Boll**, Denbeaux & Denbeaux, Westwood, NJ
- **Robert D. Voit, et. al.**, Grant, Genovese, & Baratta, LLP, Irvine, CA
- **California Furnishing, Inc.**, The Onu Law Firm, Redwood City, CA
- **Lauren Smith-Hams Dressler**, Baker & McKenzie, LLP, San Francisco, CA
- **Healthcare Finance Partners Corporation**, Kaplan Law Firm, San Diego, CA
- **Heeyoung Kim**, LTL Attorneys LLP, Los Angeles, CA
- **EMM Realty of Utah**, Humphrey's Law, Salt Lake City, UT
- **Nationwide Title Insurance**, Jampol Zimet, LLP, Los Angeles, CA
- **Momentum Business Capital**, Global Legal Law Firm, Carlsbad, CA
- **Universal Bank**, Dykema Gosset, LLP, Los Angeles, CA
- **Hug Douglas Bek**, Avila Law Firm, APC, Torrance, CA
- **John Whang, et. al.**, Willenken Wilson Loh & Delgado, LLP, Los Angeles, CA
- **North Island Financial Credit Union**, Cooley LLP, San Diego, CA
- **Arrowhead Credit Union**, Anderson, McPharlin & Conners LLP, Los Angeles, CA
- **Veridian Credit Union**, Pettit Kohn Ingrassia Lutz & Dolin, San Diego, CA
- **Patrick Kealy**, Hua Gallai, LLP, Beverly Hills, CA
- **Fidelity National Title Group**, Early Sullivan Wright Gizer & McRae, LLP, Los Angeles, CA
- **LJ 6309, LLC.**, Anderson, McPharlin & Conners LLP, Los Angeles, CA
- **Dreien Opportunity Partners LLC**, Jackson Walker LLP, Dallas TX
- **Riverwalk Petroleum, Inc.** William D. Chapman Law Offices
- **Thomas W. McNamara**, McNamara Smith LLP, San Diego, CA
- **Bohm Wildish, LLP**, Bohm Wildish & Matson, LLP Costa Mesa, CA
- **Surgeet Sohal**, Law Offices of Heather Gibson, P.C. Santa Clara, CA
- **Kevin and Laurie Walton**, Abir Cohen Treyzon Salo, LLP, Los Angeles, CA
- **ANJ Holding LLC**, Law Offices of Stephen R. McLeod, Sherman Oaks, CA
- **Ramon Rahimi**, McFarlin, LLP, Irvine, CA
- **Sylvania, L.P.**, La Jolla La Group, La Jolla, CA
- **Kashian Enterprises, LP**, Procopio, San Diego, CA

Sample Case List: James B. Hibert

COMMERCIAL REAL ESTATE

1. Marriage of Mark Jen v. Fatima Satya. Los Angeles Superior Court, Case No. YD047109, Law Office of Y. Jessie Shaw, Gregory Almas, Esq.
2. Alpert Family Trust v. Heritage Oaks Bank. Superior Court of California, County of San Luis Obispo, Case No. CV 098220 Kirby Noonan Lance & Hoge LLP, Ethan T. Boyer, Esq.
3. NC Queen, Inc and Won Ki Kim v. National Bank of California. Superior Court of the State of California for the County of Los Angeles Case No. BC 499651, Law Office of Charles C. Song
4. Tomato Bank v. Kathryn Reece, Superior Court of the State of California, County of Los Angeles, Central Division Case No. BC452315, Neufeld Marks, Yuriko M. Shikai
5. Farmer Boys Produce Markets Inc., James and Arlene Agalos, Claimant v. Wells Fargo Bank National Association, Respondent. Case No. 01-14-0001-4915, American Arbitration Association., John Thomas Dzialo, Attorney at Law
6. Bank of the West v. Eric and Craig Sterling. Superior Court of the State of California, County of Sonoma Case No. SCV-256999, Dan Johnson Law Group, Mario Moore
7. Southeast Properties, LLC v. Moise Tishbi. Superior Court of the State of California for the County of Los Angeles – West District Case No. SC122154, Early Sullivan Wright Gizer & McRae LLP, Scott Gizer
8. Conservatorship of Fred, Superior Court of the State of California for the County of Orange OCSC Case No. 30-2017-00903522, Bohm Wildish, LLP Jim Bohm
9. Bohm Wildish, LLP v. Teresa Roebuck, et. al., Superior Court of the State of California in the County of Orange Case No. 30-2016-00862253-CU-CL-CJC, Bohm Wildish & Matson, Charles H. Smith
10. Och-Ziff Capital Investments, LLC v. Dreien Opportunity Partners, LLC, In the District Court Dallas County, Texas 192nd Judicial District, Cause No. DC-17-03193, Jackson Walker LLP, Mark Josephs

HARD MONEY LENDING

1. Vogt, et al v. All California Mortgage, Inc., et al. Contra Costa Superior Court Case No. C10-01313, Kaufman Dolowich Voluck & Gonzo LLP, Joseph J. De Hope, Jr.
2. Covington, et al v. All California Mortgage, Inc. et al. Contra Costa Superior Court Case No. MSC10-00539, Kaufman Dolowich Voluck & Gonzo LLP, Joseph J. De Hope, Jr.
3. George Fiegl v. Van Buren Estates, et al. Superior Court of California Indio Division Case No. INC 1204442, Goode Hemme Barger, Jerry D. Hemme and Baker & McKenzie LLP, Colin H. Muray.

4. David Stebbins v. Pacific Horizon Financial, Inc., Case No. 01-15-0003-2054, American Arbitration Association, Simone & Associates, Franco Simone
5. Selby Corporation v. Edward Selby, et. al. Superior Court for the State of California, County of Ventura Case No. 56-2014-00461712-CU-BT-VTA, Law Office of Kenneth E. Chyten, Kenneth Chyten
6. R2R Capital v. Partners Capital 101, LLC., County of San Diego Superior Court Case No. 37-2015-00002346-CU-OR-CTL, Early Sullivan Wright Gizer & McRae LLP, Peter Scott
7. David W. Lupica v. Tovmas Grigoryan, et al. Superior Court of the State of California, County of Los Angeles, Central Division Case No. BC547049, Early Sullivan Wright Gizer & McRae LLP, Christopher Ritter
8. Javlin One LLC v. 13594 Mar Scenic Drive, LLC, et. al. Superior Court of the State of California County of San Diego, Central District Case No. 31-2015-00005601-CU-OR-CTL, Anderson, McPharlin & Conners, Damon Willens

CONSTRUCTION FINANCE

1. Victor Solano and Sandra Moreno Solano v. MidCountry Bank, et al. Superior Court of California, County of San Diego Case No. 07-2010-00091648-CU-BC-CTL, Patrick E. Herman, Esq.
2. California Business Bank v. Kenmore Villas, LLC. BC 412112 Superior Court of Los Angeles County, Court of Appeal Case No. B233593, Western Law Connection, Christopher Weston
3. Danny Ho v. Eva Neumann, ET AL. Superior Court for the State of California, for the County of Los Angeles. Case No. BC 449777, Law Offices of Edward C. Tu, Edward Tu, Esq.
4. Lake Point Tower Renaissance Plaza LLC v. United Central Bank. United States District Court for the Northern District of Illinois Case No. 12-cv-07575, Chuhak & Tecson, Carrie A. Conlon
5. Kamran Banayan v. Onewest Bank, F.S.B., et al. Superior Court of California, County of San Diego Case No. 37-2010-00105791, Scott A. Kennedy
6. Fort McDowell Yavapai Nation, et al., v. Victor N. Lee, et al., Superior Court of the State of California for the County of Los Angeles Case No. BC459399, Poindexter & Doutre, Inc. Jeffrey A. Kent

SBA LENDING

1. Morrissey Construction Company v. Farmers and Merchants Bank. Riverside Superior Court, Case No. RIC517405, Law Offices of Michael Leight, Michelle Leight, Esq.
2. First Foundation Bank v. William J. Smith, Jr. an individual, Wheelie's Convenience Market, Inc., a California Corporation Superior Court of California County of Riverside, Blythe Case No. BLC 1400064, Thomas K Eckhardt

3. *Fiber-Tech Manufacturing, Inc. v. Fiber-Tech Engineering et al. Superior Court of the State of California County of San Diego Case No. 37-2013-00059766-CU-BT-CTL*, Troy Gould, Kenneth J. MacArthur
4. *Sheryl Briggs, et al., v. Alterra Bank, et al. Circuit Court of Jackson County, Missouri at Kansas City, Case No. 1516-CV06122 Div 1*, Coronado Katz LLC, Maggie Tucker
5. *Real Estate Acquisition Leaders, Inc., v. Union Bank of California, Case No. BC489711, Superior Court of the State of California for the County of Los Angeles*, Vakili & Leus, LLP, Sa'id Vakili
6. *Cynthina Espino v. John Mahon, ET AL. Superior Court for the State of California, for the County of Ventura. Case No. 56-2013-00430924-CU-BT-VTA*, Law Office of Kenneth E. Chyten, Keneth Chyten
7. *Barry McCown and Chula Vista Physicians Group, v. California Bank & Trust. Superior Court of the State of California, for the County of San Diego, Central Division. Case No. 37-2013-00065072-CU-BC-CTL*, Mazzarella & Mazzarella, LLP, Daral Mazzarella, Esq.
8. *Community Valley Bank v. LMLQ Properties. Superior Court of California, County of Imperial, El Centro Case No. ECU08379*, Lewis Brisbois Bisgaard & Smith LLP, Vincent Whittaker
9. *Richard Meruelo et al. v. East West Bank. Superior Court of California for the County of Los Angeles – Central District Case No. BC593089*, Neufeld Marks, Timothy Neufeld
10. *Purefitness v. Westgate Hotel Company. Superior Court of the State of California County of San Diego, Central Division. Case No. 37-2013-51996-CU-BC-CTL*, Bradley L. Jacobs, Attorney at Law
11. *Magyar Bank v. 383 South Avenue Limited Liability Company, et al., Superior Court of New Jersey Law Division Middlesex County Case No. MID-L-00115-16*, Denbeaux & Denbeaux, Abigail Kahl
12. *Surgeet Sohal v. Bhupinder Dhillon, et. al., Superior Court of the State of California for the County of Santa Clara Case No. 115CV284698*, Law Offices of Heather E. Gibson, P. C.

BROKERAGE

1. *Robert D. Voit, et al. v. Brian K. Malliet, et al. Superior Court of the State of California for the County of Orange, O.C.S.C 30-2013-00652567*, Grant, Genovese & Baratta, LLP, Marcus G. Larson, Esq.
2. *CALIFORNIA FURNISHING INC., dba SOFA OUTLET v DUBU INC. Case #: KGK15-010 Redwood City, CA*, The Onu Law Firm, Mitch Onu
3. *Lauren Smith-Hams Dressler v. Crown Acquisitions, Inc. et al. In the United States District Court for the Northern District of California San Francisco Division Case No. 15-5330-VC*, Baker & McKenzie LLP, Colin Murray
4. *Healthcare Finance Partners Corp., v. Pacifica of the Valley Corporation. Superior Court of the State of California County of Los Angeles, North Central District Case No. EC064919*, Kaplan Law Firm, Stephen F. Yurcich

5. *Arcus Consulting v. Kevin Jeffers, IMMCO Investments, et.al., Superior Court of the State of California for the County of Los Angeles Case No. SC 126223*, Tesser Grossman LLP, Bethany R. Burrill
6. *Heeyoung Kim v. Smyrna Church, Superior Court of the State of California for the County of Los Angeles Case No. BC 625138*, LTL Attorneys LLP, David W. Ammons
7. *Gini Properties VII, LLC v. Konstant Closing Escrow, et al., Superior Court of California County of Los Angeles, West District, Case No. SC123001*, Early Sullivan Wright Gizer & McRae LLP, Diane Myint Luczon
8. *AGCS Marine Insurance Company, et. al., v. EMM Realty of Utah, LLC., In the Eighth Judicial District Court Uintah County, State of Utah, Case No. 150800020*, Richard L. Humpherys
9. *Riverwalk Petroleum, Inc. v. Beach Cities Real Estate, Inc., Superior Court of California, County of Orange Central Justice Center, Case No. 30-2017-00958785-CU-BC-CJC*, Cadden & Fuller LLP, William D. Chapman
10. *Dreien Opportunity Partners, LLC v. Avison Young—New York, LLC, United States District Court Southern District of New York, Civil Action No. 18-cv-10087*, Jackson Walker LLP, Mark Josephs
11. *Ferrara, et al. v. Rahimi, et al. Superior Court of the State of California, County of Orange Central Justice Center, Case No. 30-2017-00944669-CU-OR-CJC*, McFarlin LLP, Jarrod Y. Nakano

BANKING/FINANCE CUSTOMS AND PRACTICES

1. *Bank of America, NA v. Nationwide Title Clearing, Inc. Superior Court for the State of California, for the County of Los Angeles. Case No. BC 496763*, Jampol Zimet LLP, Steven Markowitz
2. *A Pacific Holding LLC v. Bank of New York Mellon, et. al. Superior Court of the State of California for the County of San Diego Case No. 37-2014-00043175-CU-OR-CTL*, Early Sullivan Wright Gizer & McRae LLP, Christopher Ritter
3. *Wells Fargo v. Adel Afkarian. Superior Court of the State of California for the County of San Diego Case No. 37-2013-00075037-CU-OR-CTL*, Early Sullivan Wright Gizer & McRae LLP, Christopher Ritter
4. *Halliday v. Duetsche Bank. Superior Court of the State of California for the County of Contra Costa Case No. MSC14-01992* Early Sullivan Wright Gizer & McRae LLP, Eric Early
5. *Momentum Business Capital, Inc., v. Blackrock Lending Group, et. al., Superior Court of the State of California for the County of Orange Case No. 30-2016-00829489*, James Cannon Huber, Esq.
6. *Universal Bank vs. Central Escrow, Inc., et. al., Superior Court of the State of California Los Angeles County Case No. BC629391*, Dykema, Jyoti P. Avila

7. *Douglas Drewry and Michael Bek Drewry v. Hugh Douglas Bek, and Garrett Bek, Superior Court of the State of California County of Los Angeles, Case No. BC614508,* Avila Law Firm, Michael Avila
8. *Cathay Bank v. John Whang, et al., Superior Court of the State of California County of Los Angeles, Central District, Case No. BC582291,* Willenken Wilson Loh & Delgado LLP, Paul J. Loh

BANK OPERATIONS CUSTOMS AND PRACTICES

1. *San Diego Credit Union v. Carlton Roark and North Island Financial Credit Union, Case No. 37-2011-00100322-CU-DF-CTL for the County of San Diego, Superior Court of the State of California,* Cooley LLP, Michael Attanasio
2. *George C. Chatman v. Arrowhead Credit Union, Superior Court of California, County of San Bernardino No. CIVDS – 1413324,* Anderson, Mc Pharlin & Conners LLP, Leila Rossetti
3. *Kevin Walton v. Jose Villa, Bank of America, Chase Bank, et. al., Superior Court of the State of California for the County of Orange Case No. 30-2017-00938681-CU-PO-CJC,* Abir Cohen Treyzon Salo, LLP, A. Monica Szkopek, Esq.

CREDIT SCORE/CREDIT DECISIONS

1. *Lisa Thurston and Mark Tuazon v. Veridian Credit Union, Case No. 37-2016-00030980-CU-FR-NC Superior Court of the State of California for the County of San Diego, North County Division,* Pettit Kohn, Erik T. Johnson, Esq.
2. *Patrick Kealy v. Ford Motor Credit Company, LLC. Superior Court of the State of California, County of Los Angeles Case No. BC497696,* Hua, Gallai, LLP Giacomo Gallai, Esq.