# ATTORNEY BIOGRAPHICAL profile of spencer P. scheer

 

Mr. Scheer is a principal of SLG. He graduated from the University of Massachusetts (B.A., cum laude, 1980), and earned his Juris Doctor Degree from Empire College of Law (1983). After clerking for Alan Jaroslovsky ( Bankruptcy Judge, N Dist of CA), Mr. Scheer worked as Bankruptcy Administrator and In-House counsel for World Savings and Loan Association, a Fortune 500 Company. Mr. Scheer then went on to work for the AV rated Firm of Polk, Scheer & Prober from 1984-2002, becoming a shareholder and Managing Principal in 1993.

Mr. Scheer has received an AV (highest rating) from Martindale-Hubbell and received a designation as a Northern California “Super Lawyer” by the Thompson Reuters group. He is an effective and successful litigator and has handled over 200 jury and non-jury trials in State and Federal courts, focusing on creditor and real estate litigation matters. Mr. Scheer has a reputation as an attorney who provides superior client service and who gets things done. Mr. Scheer has a diverse legal background that allows him to represent and advise SLG lender, mortgage broker, business and investor clients on a wide variety of legal matters, including: consumer and commercial creditor bankruptcy litigation, real estate litigation, note and trust deed review and litigation, TILA rescission claims, commercial and consumer lease review, general contract review and litigation, landlord tenant litigation, title insurance litigation, real estate transaction and lender and broker liability matters.

In 2005, Mr. Scheer spearheaded the cooperative efforts of a regional bank, title companies and TIC counsel, resulting in the release of the first known institutional retail Tenant in Common loan program in the State of California

**Published cases** of note that Mr. Scheer has been involved in include:

[McCall River Ranch Co. v. Schimmel (In re Schimmel), 2012 Bankr. LEXIS 3418 (Bankr. N.D. Cal. July 26, 2012)](http://www.lexis.com/research/xlink?app=00075&view=full&searchtype=get&search=2012+Bankr.+LEXIS+3418). SLG prevailed for its Client in a trial held in the San Francisco Bankruptcy Court on a complaint to deny the Debtor his general discharge under [Section 727(a)(2)(B)](https://www.lexis.com/research/buttonTFLink?_m=71341d37a2aa14445ffddfdd9becc1cd&_xfercite=%3ccite%20cc%3d%22USA%22%3e%3c%21%5bCDATA%5b2012%20Bankr.%20LEXIS%203418%5d%5d%3e%3c%2fcite%3e&_butType=4&_butStat=0&_butNum=6&_butInline=1&_butinfo=11%20U.S.C.%20727&_fmtstr=FULL&docnum=3&_startdoc=1&wchp=dGLzVzt-zSkAW&_md5=15911ecfbb06a84949f6c5a8d739ed1d). Denial of a bankrupt’s general discharge is not common. SLG established that the Debtor concealed the rights of his wholly owned business to continue to collect a commission stream and that he portrayed the business to be insolvent, and then took the commission stream for himself. The Court found this to be an intentional concealment of property of the bankruptcy estate, with the intent to hinder, delay, or defraud and denied the Debtor’s rights to a discharge.

[In re Sroa, 2011 Bankr. LEXIS 4552 (Bankr. N.D. Cal. Nov. 16, 2011)](http://www.lexis.com/research/xlink?app=00075&view=full&searchtype=get&search=2011+Bankr.+LEXIS+4552). SLG prevailed for its Client in a Chapter 11 Confirmation Trial in bankruptcy proceedings. The case is noteworthy because it is one of the first cases in the 9th Circuit in many years to define the parameters and use of an 1111b election to combat an attempted strip off of a lien in a Chapter 11 case.

**In re Reggie Ong, BAP No. NC-10-1192-HBaJu** (9th Cir. BAP, Filed June 29, 2011). Successful appeal of bankruptcy court order denying entry of creditor reaffirmation agreement. Case of first impression in the 9th Circuit.

[**In re 600 Ala. LLC, 2010 U.S. Dist. LEXIS 108722 (N.D. Cal. Sept. 28, 2010)**](http://www.lexis.com/research/xlink?app=00075&view=full&searchtype=get&search=2010+U.S.+Dist.+LEXIS+108722)**.** Successful appeal of decision by the bankruptcy court, governing standards to be applied when considering removal of bankruptcy trustee.

[**Brewer v. Indymac Bank, 2009 U.S. Dist. LEXIS 81657 (E.D. Cal. Sept. 8, 2009)**](http://www.lexis.com/research/xlink?app=00075&view=full&searchtype=get&search=2009+U.S.+Dist.+LEXIS+81657)**.** Motion to Dismiss borrower claims against Lender.
[**Qari v. Patelco Credit Union (In re Qari), 357 B.R. 793 (Bankr. N.D. Cal. 2006)**](http://www.lexis.com/research/xlink?app=00075&view=full&searchtype=get&search=357+B.R.+793)**.** Prevailed in Trial to determine discharge of debt in bankruptcy proceeding, based on consumer and commercial fraud claims of Lender.

[**In re Elm Inn, Inc., 942 F.2d 630 (9th Cir. 1991)**](http://www.lexis.com/research/xlink?app=00075&view=full&searchtype=get&search=942+F.2d+630)**.** Successful appeal of case involving assumption or rejection of lease under bankruptcy law and impact on Lender fee interest in real property**.**

**Mr. Scheer’s published topical articles include**:

“***To Remove or not to Remove? That is the Question.  Then what Happens***? (United Trustees Association Quarterly (Spring 2011).

“***Retail TIC Financing-A New Frontier***” UTA Quarterly (Summer 2006)

“***The Bankruptcy Discharge and Post-Discharge Communications and Agreements***” (United Trustee’s Association Newsletter), December 2004.

**“*When is a Foreclosure Final***?” Mortgage Finance, (CMBA), January/ February 1998.

“***What Ever Happened to Bankruptcy Reform***?” Mortgage Finance, (CMBA), October 1995

“***Cramdown of the Deflationary Monster***,” Mortgage Finance, (CMBA), August 1993

“***Repeat Bankruptcy Filings-The Scourge of 1991*,”** CMBA News, Vol. 18, No. 4 April 1991

“***Non judicial Foreclosure-The End of the Road to Obtaining Your Security***?” CMBA News, Vol.17, No. 12, December 1991.

Mr. Scheer has been a speaker on issues affecting lender/ servicer rights at numerous seminars, and conventions including: California Mortgage Bankers Association, United Trustee’s Association, California Credit Union Collectors Council, Marin County Bar Association-Real Property Section, and the Northern California Consumer Bankruptcy Conference.

Mr. Scheer is also a lecturer and speaker for the California State Bar Association and was a panelist at California State Bar Association Annual Real Property Law Section Retreat, Napa, CA, (***Subprime Mortgage Fallout-Lender Perspective*** (2010); a webinar presenter for the State of California Bar Association, Real Property Section, on ***Real Property*** ***Foreclosure: Recent Legislation and & Case Developments*** (2011); and was a panelist for the State Bar of California at its Annual convention in Long Beach, CA (2011), ***Real Estate Foreclosure, How to Get it Right.***

Mr. Scheer is licensed attorney in the State of California and is a member of the State of California Real Property Law Section, Marin County Bar Association Real Property Law Section, United Trustee's Association (fka California Trustees Association), and the California Credit Union Collectors Counsel.