

Bond Case Briefs

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PACE - CALIFORNIA

Andrade v. Western Riverside Council of Governments

**Court of Appeal, Fourth District, Division 1, California - February 20, 2024 - 318
Cal.Rptr.3d 396 - 2024 Daily Journal D.A.R. 1433**

Homeowner brought action against association that was member of a regional government organization, alleging that a contractor fraudulently enrolled homeowner in a property assessed clean energy (PACE) program and seeking rescission of PACE loan agreements with association.

After association released its assessment and lien on homeowner's property and reimbursed her for certain property tax payments, homeowner moved for attorney fees. The Superior Court denied motion. Homeowner appealed.

The Court of Appeal held that:

- Action was an "action on a contract" under statute governing attorney fees for actions on a contract;
- Attorney fee statute operated to extend the mutual right to obtain attorney fees to the entire contract; and
- Remand was warranted for an assessment of whether homeowner was a prevailing party under attorney fee statute.

Homeowner's action against association that was member of a regional government organization, alleging that a contractor fraudulently enrolled homeowner in a property assessed clean energy (PACE) program and seeking rescission of PACE loan agreements with association, was an "action on a contract" under statute governing attorney fees for actions on a contract, where homeowner's claims principally concerned whether loan agreements were valid and enforceable.