

Representative Matters Involving Lenders

Carlton Fields has represented banks, insurance companies, commercial lenders, secured lenders, and indentured trustees in connection with all types of properties including condominium projects, hotels, timeshares, subdivisions, multi-family, commercial, office, and retail properties.

Representative Matters

- Represented national, regional, and community banks in the workouts and foreclosures of real estate projects of all kinds.
- Represented indenture trustees and servicers of securitized loans in workouts and foreclosures.
- Represented lenders in foreclosures and workouts of partially completed condominium projects.
- Represented the Federal Deposit Insurance Corporation (FDIC), Federal Savings and Loan Insurance Corporation (FSLIC) and Resolution Trust Corporation (RTC) in connection with workouts and the enforcement of real estate loans of all kinds.

Reported Decisions

- Forman v. World Savings, F.S.B., Case No. 06-14137 (Fla. 17th Jud. Cir.). Successfully defended putative class action alleging that the charging of document preparation fees by a mortgage lender violates Florida restrictions on the practice of law.
- Goldberg v. Merrill Lynch Credit Corp., Case No. 06-09462 (Fla. 15th Jud. Cir.). Successfully defended putative class action alleging that the charging of document preparation fees by a mortgage lender violates Florida restrictions on the practice of law.
- Gomez v. Wells Fargo Bank, N.A., Case No. 05-22936-Civ-Moreno (S.D. Fla. 2005). Obtained dismissal of putative RESPA class action.
- Frisch v. Wells Fargo Bank, N.A., Case No. 04-21287-Civ-Gold (S.D. Fla. 2004). Obtained dismissal of putative RESPA class action.
- Esque Real Estate Holdings v. C.H. Consulting, 940 So.2d 1185 (Fla. 4th DCA 2006). Affirming final judgment of foreclosure and sale of property.
- Walter T. Embry, Inc. v. LaSalle National Bank, 866 So. 2d 661 (Fla. 4th DCA 2004). Affirming order denying leave to assert counterclaim against a non-party.
- Hanel v. Crossland Mortg. Corp., 703 So.2d 1120 (Fla. 2d DCA 1997). Foreclosure based upon misrepresentation default.
- Bayshore Garden Apartments, Ltd. v. Real Estate Apartments, Ltd., 541 So.2d 158 (Fla. 2d DCA 1989). Foreclosure of wraparound mortgage.
- Federal Deposit Ins. Corp. v. Barrasso, 791 F.2d 1529 (11th Cir. 1986). General partner bound by terms of agreement even if he did not know specifics of transaction.

Other Active Matters

- Banner v. Wells Fargo Bank, N.A., Case No. 07-08015 (Fla. 15th Jud. Cir.). Defense of putative class action alleging that mortgage lender violated Florida's consumer collection practices act.
- Lora v. America's Servicing Company et al., Case No. 07-19454 (Fla. 11th Jud. Cir.). Defense of fraud claims by borrower.
- Deutsche Bank National Trust Company, As Trustee, vs. Tipton, et al. vs. America's Servicing Company, et al., Case No. 06-013099 (Fla. 15th Jud. Cir.). Defense of predatory lending claims.
- Edna M. Silva vs. K. Hovanian First Homes, LLC, Wells Fargo Bank, N.A. et al, Case No. 07-00517, (M.D. Fla.). Defense of predatory lending claims.
- Transland Financial Services, Inc. v. Wells Fargo Ventures, et al., Case No. 07-00263 (M.D. Fla.). Defense of claims relating to formation of mortgage lending joint venture.

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