

Real Property, Financial Services, & Title Insurance Update: Week Ending December 20, 2019

December 20, 2019

Real Property Update

- None of interest.

Financial Services Update

- **FDCPA / Statute of Limitations Disclosure:** A debt collection letter's statute of limitations disclosure would not mislead the least sophisticated debtor into thinking that a debt collector could use legal means to collect time-barred debt - [Stimpson v. Midland Credit Mgmt., Inc.](#), No. 18-35833 (9th Cir. Dec. 18, 2019) (affirming summary judgment in favor of creditor)
- **FDCPA / Statute of Limitations Disclosure:** A debt collection letter's failure to warn a consumer that partial payment on time-barred debt could potentially revive the statute of limitations does not mislead or deceive the least sophisticated debtor - [Stimpson v. Midland Credit Mgmt., Inc.](#), No. 18-35833 (9th Cir. Dec. 18, 2019) (affirming summary judgment in favor of creditor)
- **FDCPA / Section 1692g(b):** Plaintiff presented no evidence that she notified debt collector that the debt was disputed within 30-day period - [Ortiz v. Enhanced Recovery Co.](#), No. 2:17-cv-0607 (E.D. Cal. Dec. 17, 2019) (recommending summary judgment for defendant)
- **FCRA / Section 1681s-2(b):** Noting that notice of a dispute received directly from a consumer does not trigger furnishers' duties under section 1681s-2(b) - [Ortiz v. Enhanced Recovery Co.](#), No. 2:17-cv-0607 (E.D. Cal. Dec. 17, 2019) (recommending summary judgment for defendant)

- **FDCPA / Section 1692g(a):** Despite debt collection letter's omission of the phrase "or any portion thereof" when informing the plaintiff that she had the right to dispute the alleged debt, the least sophisticated consumer would understand that if she believed she did not owe the full amount claimed, she was disputing the debt - [Chaperon v. Sontag & Hyman, P.C.](#), No. 0:19-cv-08663 (S.D.N.Y. Dec. 16, 2019) (dismissing complaint with prejudice)

Title Insurance Update

- None of interest.

Related Practices

[Consumer Finance](#)

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