

Real Property, Financial Services, & Title Insurance Update: Week Ending January 17, 2020

January 30, 2020

Real Property Update

- **Condition Precedent / Summary Judgment:** Master association was not an owner of the condominium association and lacked standing to defend litigation based upon condominium association's alleged failure to satisfy condition precedent of securing three-fourths vote of the owners prior to initiating litigation – [De Soleil S. Beach Residential Condo. Ass'n, Inc. v. De Soleil S. Beach Ass'n, Inc.](#), No. 3D18-1423 (Fla. 3d DCA Jan. 15, 2020) (reversed, in part, and affirmed, in part)
- **Dismissal as Sanction:** Trial court was not required to find “willful disregard of a court order” when dismissing lawsuit without prejudice for plaintiff’s untimely and incomplete production of documents in discovery – [Deutsche Bank Nat’l Tr. Co. v. Bennett](#), No. 2D18-2020 (Fla. 2d DCA Jan. 15, 2020) (affirmed; conflict certified)

Financial Services Update

- **FDCPA / Liability:** FDCPA recognizes cause of action for prosecuting lawsuit based on inaccurate information – [Zuniga v. Jacobs](#), No. 1:18-cv-22303 (S.D. Fla. Jan. 13, 2020)
- **TCPA / Prerecorded Call:** For liability under the TCPA, defendant must be the one that initiates the prerecorded call – [Stone v. AT&T Servs., Inc.](#), No. 3:18-cv-02028 (S.D. Cal. Jan. 13, 2020)
- **FDCPA / Debt Collector:** Attorneys who regularly attempt to collect consumer debts through litigation are “debt collectors” under the FDCPA – [Rutty v. Krimko](#), No. 18-3522 (2d Cir. Jan. 14, 2020)

Title Insurance Update

- None of interest.

Related Practices

Consumer Finance

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