

Real Property, Financial Services, & Title Insurance Update: Week Ending June 18, 2021

June 18, 2021

Real Property Update

- **Foreclosure / Forgery:** Owner that acquired real property encumbered by a facially valid mortgage estopped from disputing its validity based on forgery allegations made by prior owner/borrower – [Wells Fargo Bank N.A. v. Dias](#), No. 2D19-3256 (Fla 2d DCA June 16, 2021) (withdrawing prior opinion and reversing and remanding)

Financial Services Update

- **FCCPA / Harassing Communications:** Allegation that defendants made six debt-related communications is sufficient to survive motion to dismiss even though plaintiff did not provide facts demonstrating that the frequency of communications was harassing or that the communications contained harassing or abusive language – [Lawrence v. FPA Villa Del Lago, LLC](#), No. 8:20-cv-01517 (M.D. Fla. June 10, 2021)
- **FDCPA / Standing:** Plaintiff failed to demonstrate it suffered actual harm traceable to defendant's conduct, and thus the court could not find that a violation of state law could serve as a basis for plaintiff's FDCPA claim – [Ledwitz v. Naderpour & Assocs., PA](#), No. 0:21-cv-60195 (S.D. Fla. June 17, 2021)
- **FDCPA / Collection Letter:** Neither complaint's allegations nor letter itself permitted a reasonable inference that defendant's conduct amounted to a false, deceptive, or misleading representation or means in connections with the collection of a debt – [Mikhael v. Credit Corp. Sols. Inc.](#), No. 1:20-cv-02908 (E.D.N.Y. June 15, 2021) (granting dismissal motion)

Title Insurance Update

- No cases to report.

Related Practices

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