

Real Property, Financial Services, & Title Insurance Update: Week Ending October 23, 2020

November 23, 2020

Real Property Update

No cases of interest this week.

Financial Services Update

- FCRA: borrower failed to state claim for violation of FCRA based upon alleged fraud/forgery of underlying loan document, which was a legal defense to foreclosure action and not a factual inaccuracy in credit reporting Uppal v. Wells Fargo Bank, N.A., No. 8:19-cv-1334-T-02JSS (M.D. Fla. Oct. 20, 2020) (granting motion to dismiss with prejudice)
- FDCPA / Standing: borrower failed to state claim for violation of FDCPA based upon allegedly
 misleading letter regarding time-barred debt because she did not allege that she made any
 payments or suffered any injury Ruffin v. Dynamic Recovery Solutions, LLC, No. 5:20-cv-272-Oc30PRL (M.D. Fla. Oct. 19, 2020) (granting motion to dismiss)
- FCRA: loan servicer did not willfully violate the FCRA in obtaining credit reports about consumers whose mortgage loans had been discharged in bankruptcy because the liens survived the bankruptcies and borrowers continued to have credit relationships that justified the periodic review of credit reports Marino v. Ocwen Loan Servicing LLC, No. 19-15530 (9th Cir. Oct. 20, 2020) (affirming summary judgment in favor of loan servicer)
- FDCPA / Standing: borrower lacked standing to bring FDCPA where he admitted he did not see
 the allegedly violative letter until preparing for his deposition because letter could not have
 affected him in a personal and individual way Truckenbrodt v. The CBE Group, No. 2:19-cv-2870
 (ERK (SMG) (E.D.N.Y. Oct. 21, 2020) (granting summary judgment for defendant)

Title Insurance Update

Title Agent Liability / Negligent Misrepresentation: title agent held liable for negligent
misrepresentation for procuring a title search that inaccurately informed purchaser that seller
held title to a parcel when it in fact did not – Pearman v. Hale Abstract Co., Inc., No. 20A-PL-733 (III.
Ct. App. Oct. 22, 2020) (memorandum decision affirming trial court judgment)

Related Practices

Real Property Litigation
Consumer Finance
Title Insurance

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.