

Real Property & Title Insurance Update: Week Ending September 16, 2016

September 19, 2016

REAL PROPERTY UPDATE

- **Vacation of Subdivision Plats:** boards of county commissioners have limited authority under Fla. Stat. sec. 177.101(3) to grant or deny platted property owner's request for vacation of plat; if statutory requirements met, petition must be granted and denial is subject to judicial review where board must demonstrate petitioner did not meet statutory requirements - [Blair Nurseries, Inc. v. Baker County, Florida](#), Case No. 1D16-0423 (Fla. 1st DCA September 13, 2016) (Quashing trial court's denial of first-tier certiorari review)

TITLE INSURANCE UPDATE

- **Class Action:** futility can excuse delayed invocation of right to compel arbitration in class action asserting claims against settlement agents overcharging for document recording, where Supreme Court decision midway through case changed laws prohibiting a party from compelling bipolar (individual) arbitration - [Chassen v. Fidelity Nat'l Fin., Inc.](#), Case No. 15-3789 (3d Cir. Sep. 8, 2016) (order remanding case to compel bipolar arbitration)
- **Negligence:** title insurer owes no duty of care to short sale seller whose closing agent failed to disburse short sale funds to satisfy existing mortgage lien, where insurer issued commitment and policy to short sale purchaser and had no relationship to seller and no control over closing agent - [Merger to Bac Home Loans Servicing LP v. Zaskey](#), Case No. 9:15-81325 (S.D. Fla. Sep. 13, 2016) (order granting summary judgment)

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