

Real Property & Title Insurance Update: Week Ending May 12, 2017

May 15, 2017

REAL PROPERTY UPDATE:

- **Foreclosure/Conditions Precedent:** plaintiff not required to give notice under section 559.715 as condition precedent to foreclosure, and plaintiff's default notice to borrowers pursuant to paragraph 22 of mortgage was sufficient – [U.S. Bank, N.A., as Trustee for RFMSI 2006-S10 v. Adams](#), No. 2D15-4202 (Fla. 2d DCA May 12, 2017) (reversing summary judgment and remanding)
- **Enforcement of Restrictions:** defendants' commercial activity on property violated restrictive covenant, and substantially competent evidence supported trial court's injunction against defendants to enjoin nuisance – [Clark v. Bluewater Key RV Ownership Park Prop. Owners Ass'n, Inc.](#), No. 3D16-1645 (Fla. 3d DCA May 10, 2017) (affirming final judgment granting declaratory and injunctive relief)
- **Negligence/Statute of Limitations:** statute of limitations for subrogation action stemming from roof leak allegedly caused by negligent repairs on insured premises began to run on date water damage allegedly occurred, not date of repairs – [Companion Prop. & Casualty Group v. Built Tops Building Servs., Inc.](#), No. 3D16-2044 (Fla. 3d DCA May 10, 2017) (reversing dismissal and remanding for further proceedings)
- **Construction of Easement:** trial court incorrectly concluded that ingress/egress, utility, and drainage easement over certain property could only be used by named grantee in the deed and no other person, including grantee's invitees – [Kovach v. Holiday Springs RV, LLC](#), No. 5D15-2335 (Fla. 5th DCA May 12, 2017) (reversed and remanded)

TITLE INSURANCE UPDATE:

- No updates this week.

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