

Real Property, Financial Services, & Title Insurance Update: Week Ending December 27, 2019

December 27, 2019

Real Property Update

- **Foreclosure / Paragraph 22 Default Notice:** Dismissal without prejudice was not an adjudication on the merits and did not require lender to send a new paragraph 22 default notice prior to filing second foreclosure action based upon the same default - [Nationstar Mortg., LLC v. Glisson](#), No. 2D18-686 (Fla. 2d DCA Dec. 27, 2019) (reversing dismissal and remanding for further proceedings)

Financial Services Update

- **None of interest.**

Title Insurance Update

- **Full Credit Bid Rule:** Full credit bid rule applied to lender's action against title company resulting in no damages and precluding claims for breach of contract and negligence - [First Bank of Lincoln v. Land Title of Nez Perce Cty., Inc.](#), No. 4600 (Idaho Nov. 18, 2019) (affirming grant of summary judgment in favor of title company)
- **Unlawful Inducement:** Rule that sets forth non-exhaustive list of permissible activities, provided they are "reasonable and customary, and not lavish or excessive" is clear, not unconstitutionally vague, and does not violate First Amendment right of free expression - [In re N.Y. State Land Title Ass'n, Inc. v. N.Y. State Dep't of Fin. Servs.](#), No. 10644 (N.Y. App. Div. Dec. 26, 2019) (reversing order annulling state's safe harbor regulations implementing its prohibition on the use of valuable inducements by title insurers to garner additional title business)

Related Practices

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