

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

[Real Property Litigation](#)

[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.