

Real Property, Financial Services, & Title Insurance Update: Week Ending December 18, 2020

December 18, 2020

Real Property Update

- **Foreclosure / Subrogation:** Trial court erred in entering final judgment of foreclosure in favor of subsequent mortgagee where subsequent mortgagee attempted to preserve and assign an otherwise extinguished mortgage obligation in order to justify foreclosure - [Koyfman v. 1572 Pledger LLC](#), No. 3D19-1521 (Fla. 3d DCA Dec. 16, 2020) (reversed and remanded)
- **Statutory Easements / Fees:** Trial court improperly granted attorneys' fees and costs under section 704.04, Florida Statutes, when facts ultimately did not support appellants' claimed statutory easement of necessity, but appellants did not unreasonably refuse to comply with section 704.01(2) - [Wilcox v. Cupstid](#), No. 5D20-359 (Fla. 5th DCA Dec. 18, 2020) (reversed and remanded)

Financial Services Update

- **FDCPA and FCCPA / Debt Ownership:** Plaintiff lacked standing and plaintiff's debt is not subject to the consumer protections afforded by the FDCPA or the FCCPA because the property and debt at issue did not belong to plaintiff himself, but to a separate business entity - [Reed v. Bradley A. Friedman, P.A.](#), No. 1:20-cv-22973 (S.D. Fla. Dec. 14, 2020) (dismissing complaint)
- **TCPA / Prerecorded Voicemails:** Plaintiff did not establish standing because, although plaintiff lost personal time listening to voicemail, she did not show that the single prerecorded voicemail rendered her phone unavailable to receive legitimate calls for any period of time - [Grigorian v. FCA US LLC](#), No. 19-15026 (11th Cir. Dec. 9, 2020)

Title Insurance Update

No cases of interest to report.

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