

Real Property, Financial Services, & Title Insurance Update: Week Ending January 3, 2020

January 03, 2020

Real Property Update

- **Quiet Title:** Trial court abused discretion by entering final judgment quieting title when jury did not determine (1) whether plaintiffs were entitled to legal or equitable title or (2) which deed was the operative deed in light of the jury's factual determination that a recorded quitclaim deed was forged - [Murphy v. Osorio](#), No. 3D19-339 (Fla. 3d DCA Jan. 2, 2020) (reversed and remanded)
- **Foreclosure / Lost Note:** HSBC Bank satisfied requirements for reestablishing lost note under Florida Statutes section 673.3091 where affidavits showed Bank of America was the servicer/custodian of the note while HSBC was the note holder - [HSBC Bank USA, Nat'l Ass'n v. Fla. Kalanit 770 LLC](#), No. 3D18-0452 (Fla. 3d DCA Jan. 2, 2020) (reversed and remanded to enter final judgment in HSBC's favor)

Financial Services Update

- **TILA / FIRREA's Administrative Exhaustion Requirement:** District court properly dismissed homeowner's TILA rescission claim against originating bank for which FDIC had been appointed receiver where homeowner failed to exhaust administrative remedies through FDIC as required by FIRREA - [Shaw v. Bank of Am. Corp.](#), No. 17-56706 (9th Cir. Dec. 27, 2019) (affirming dismissal for lack of subject-matter jurisdiction)
- **FCRA / Standing:** Consumer lacked standing to bring FCRA claim for employers' allegedly noncompliant disclosure and authorization form where she alleged a bare procedural violation of the FCRA, which did not amount to concrete harm for purposes of Article III standing - [Mendoza v. Aldi Inc.](#), No. 2:19-cv-06870 (C.D. Cal. Dec. 27, 2019) (granting motion to remand for lack of subject-matter jurisdiction)

- **FCRA / Standing:** Consumer's allegation that third party obtained her credit report without required authorization is sufficient to confer Article III standing under the FCRA - [Bultemeyer v. Centurylink Inc.](#), No. 17-15858 (9th Cir. Dec. 23, 2019) (reversing district court's judgment dismissing claim)
- **FCRA / Section 1681e(b):** Consumer reporting agency entitled to summary judgment where the information about which plaintiff complained on his credit report was in fact accurate - [Shimon v. Equifax Info. Servs. LLC](#), No. 1:18-cv-02959 (E.D.N.Y. Jan. 2, 2020) (granting defendant's motion for summary judgment and denying plaintiff's motion for partial summary judgment and motion for leave to amend complaint)

Title Insurance Update

- **None of interest.**

Related Practices

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