

Real Property, Financial Services, & Title Insurance Update: Week Ending May 15, 2020

May 15, 2020

Real Property Update

- **Attorneys' Fees / Construction Lien:** Applying the plain and unambiguous language of Florida Statutes section 713.29, the court found that junior interest holders are not entitled to attorneys' fees as a prevailing party in a lien enforcement action - [Decks N Such Marine, Inc., v. Daake](#), No. 1D18-1396 (Fla. 1st DCA May 15, 2020) (reversed)

Financial Services Update

- **FDPCA:** Debt collector's letter attempting to collect a medical debt covered under Florida's Workers' Compensation Law violates the FDCPA as a matter of law, and the violation is not the result of a bona fide error if the debt collector does not have procedures in place designed to determine whether an account is subject to workers' compensation before initiating collection activity - [Kottler v. Gulf Coast Collection Bureau, Inc.](#), No. 0:19-cv-61190 (S.D. Fla. May 13, 2020) (granting plaintiff's summary judgment motion)
- **TCPA:** Plaintiff does not state a TCPA claim against an e-commerce company that provides a platform that online retailers use to send text messages to consumers if the plaintiff does not allege that the e-commerce company was directly involved in the procurement of consumers' phone numbers, stored those numbers, transferred the numbers to texting apps, or approved the messages to be sent to those numbers - [Sheski v. Shopify \(USA\) Inc.](#), No. 4:19-cv-06858 (N.D. Cal. May 13, 2020) (granting motion to dismiss)

Title Insurance Update

No cases of interest to report.

Related Practices

[Consumer Finance](#)

[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.