

Real Property, Financial Services, & Title Insurance Update: Week Ending October 23, 2020

November 23, 2020

Real Property Update

No cases of interest this week.

Financial Services Update

- **FCRA:** borrower failed to state claim for violation of FCRA based upon alleged fraud/forgery of underlying loan document, which was a legal defense to foreclosure action and not a factual inaccuracy in credit reporting – [Uppal v. Wells Fargo Bank, N.A.](#), No. 8:19-cv-1334-T-02JSS (M.D. Fla. Oct. 20, 2020) (granting motion to dismiss with prejudice)
- **FDCPA / Standing:** borrower failed to state claim for violation of FDCPA based upon allegedly misleading letter regarding time-barred debt because she did not allege that she made any payments or suffered any injury – [Ruffin v. Dynamic Recovery Solutions, LLC](#), No. 5:20-cv-272-Oc-30PRL (M.D. Fla. Oct. 19, 2020) (granting motion to dismiss)
- **FCRA:** loan servicer did not willfully violate the FCRA in obtaining credit reports about consumers whose mortgage loans had been discharged in bankruptcy because the liens survived the bankruptcies and borrowers continued to have credit relationships that justified the periodic review of credit reports – [Marino v. Ocwen Loan Servicing LLC](#), No. 19-15530 (9th Cir. Oct. 20, 2020) (affirming summary judgment in favor of loan servicer)
- **FDCPA / Standing:** borrower lacked standing to bring FDCPA where he admitted he did not see the allegedly violative letter until preparing for his deposition because letter could not have affected him in a personal and individual way – [Truckenbrodt v. The CBE Group](#), No. 2:19-cv-2870 (ERK (SMG) (E.D.N.Y. Oct. 21, 2020) (granting summary judgment for defendant)

Title Insurance Update

- **Title Agent Liability / Negligent Misrepresentation:** title agent held liable for negligent misrepresentation for procuring a title search that inaccurately informed purchaser that seller held title to a parcel when it in fact did not – [Pearman v. Hale Abstract Co., Inc.](#), No. 20A-PL-733 (Ill. Ct. App. Oct. 22, 2020) (memorandum decision affirming trial court judgment)

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