

Real Property, Financial Services, & Title Insurance Update: Week Ending July 23, 2021

July 23, 2021

Real Property Update

- **Landlord-Tenant:** Findings of fact indicated that alleged tenant provided a landlord-tenant relationship existed and, therefore, final judgment was reversed and case remanded for court to determine whether tenant proved landlord violated section 83.67 and, if so, to determine tenant's alleged damages – [Powers v. Whitcraft](#), No. 4D21-194 (Fla. 4th DCA July 21, 2021) (reversed and remanded with instructions)

Financial Services Update

- **FDCPA / Applicability:** Defendant, a student loan agency with a fiduciary duty to the U.S. Department of Education, was not subject to the FDCPA – [Dressler v. Fla. Dep't of Transp.](#), No. 2:18-cv-00311 (M.D. Fla. July 22, 2021) (granting motion for judgment on the pleadings)
- **FDCPA / Validity of Debt:** Defendant's contention that plaintiff owed the underlying mortgage debt was not false, and thus defendant did not violate the FDCPA – [Macris v. Specialized Loan Servicing, LLC](#), No. 1:17-cv-00361 (W.D.N.Y. July 20, 2021) (granting summary judgment in defendant's favor)
- **FDCPA / Debt-Collection Letter:** Defendant's debt collection letter could reasonably be interpreted as a "false representation" of the amount of plaintiff's debt, and defendant could not show that its violation resulted from a bona fide error – [Rosen v. LJ Ross Assocs., Inc.](#), No. 1:19-cv-05516 (E.D.N.Y. July 22, 2021) (granting summary judgment in plaintiff's favor)

Title Insurance Update

- **Snap Removal / Fraudulent Joinder:** Insured's claims against title insurer could not be removed from state court to federal court on diversity jurisdiction grounds where title insurer attempted to remove the case before the forum defendant had been served – [Deutsche Bank Nat'l Tr. Co. v. Fidelity Nat'l Title Grp., Inc.](#), No. 2:21-cv-00131 (D. Nev. July 20, 2021) (granting motion to remand)
- **Snap Removal / Fraudulent Joinder:** Insured's claims against title insurer could not be removed from state court to federal court on diversity jurisdiction grounds where title insurer attempted to remove the case before the forum defendant had been served – [JPMorgan Chase Bank N.A. v. Fidelity Nat'l Title Grp., Inc.](#), No. 2:20-cv-02188 (D. Nev. July 20, 2021) (granting motion to remand)
- **Snap Removal / Fraudulent Joinder:** Insured's claims against title insurer could not be removed from state court to federal court on diversity jurisdiction grounds where title insurer attempted to remove the case before the forum defendant had been served – [Wells Fargo Bank, N.A. v. Fidelity Nat'l Title Grp., Inc.](#), No. 2:20-cv-02156 (D. Nev. July 20, 2021) (granting motion to remand)
- **Snap Removal / Fraudulent Joinder:** Insured's claims against title insurer could not be removed from state court to federal court on diversity jurisdiction grounds where title insurer attempted to remove the case before the forum defendant had been served – [DLJ Mortg. Capital, Inc. v. Fidelity Nat'l Title Grp., Inc.](#), No. 2:20-cv-02251 (D. Nev. July 20, 2021) (granting motion to remand)

Related Practices

[Real Property Litigation](#)

[Consumer Finance](#)

[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.