

Real Property, Financial Services, & Title Insurance Update: Week Ending June 4, 2021

June 04, 2021

Real Property Update

- **Equitable Subrogation:** Record contained evidence demonstrating that Tank Tech had repaired tanks alleged damaged by improper testing and that it had paid or reimbursed Circle K for expenses incurred with respect to those specific tanks – [Tank Tech, Inc. v. Valley Tank Testing, LLC](#), No. 2D19-422 (Fla. 2d DCA June 2, 2021) (reversing final summary judgment entered in favor of Valley Tank on Tank Tech’s claim of equitable subrogation)

Financial Services Update

- **TCPA / Subject Matter Jurisdiction:** The Supreme Court’s *Barr* ruling, holding that the government-debt exception to the TCPA is unconstitutional, does not invalidate the robocall restriction set forth in the TCPA, and, as a result, the district court continues to have subject matter jurisdiction where the only federal claim asserted is pursuant to the TCPA’s robocall restriction – [Doyle v. Fla. Health Sol., Corp.](#), No. 1:19-cv-24013 (S.D. Fla. June 1, 2021)
- **FDCPA / Debt Collector:** An assignee of the original creditor does not meet the definition of “debt collector” within the meaning of the FDCPA – [Harris v. New Rez LLC](#), No. 2:21-cv-00636 (E.D. Cal. June 3, 2021)
- **FDCPA / Summary Judgment Evidence:** Trial court did not have to consider, when ruling on cross-motions for summary judgment, an unauthenticated letter presented by a homeowner that purported to show that the loan secured by his mortgage was forgiven – [Mott v. PNC Fin. Servs. Grp., Inc.](#), No. 20-15744 (9th Cir. May 28, 2021)

Title Insurance Update

No cases of interest to report.

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