

Real Property, Financial Services, & Title Insurance Update: Week Ending April 16, 2022

April 16, 2022

Real Property Update

- **Statute of Limitations / Deed / Reverter:** City's argument that grantor's lawsuit, alleging that grantor's deed to city terminated and reverted to grantor, was barred by section 95.36(1) because deed was executed more than 30 years before filing of grantor's complaint failed because conveyance was not a dedication of land but rather a fee simple conveyance with an automatic reverter clause; thus, section 689.18, Florida Statutes, which deemed reverter provisions null, void and unenforceable, applied and expressly excepted from its scope conveyances to municipality, which the deed was – [100 Brickell, Ltd. v. City of Miami](#), No. 3D20-1046 (Fla. 3d DCA Apr. 13, 2022)

Financial Services Update

No cases to report.

Title Insurance Update

- **Snap Removal:** Insured's claims against title insurer could not be removed 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-02265 (D. Nev. Apr. 5, 2022) (granting motion to remand)

- **Class Certification:** Buyer, who brought class action based on closing agent's allegedly improper charging of closing services fee to buyer contrary to buyer and seller's agreement specified in FARBAR residential contract for sale and purchase, did not establish requirements of predominance and superiority under Rule 23 on its claim for breach of fiduciary duty and unjust enrichment against closing agent – [Haines v. Fidelity Nat'l Title of Fla., Inc.](#), No. 8:19-cv-02995 (M.D. Fla. Feb. 17, 2022) (recommending denial of plaintiff's motion for class certification)

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.