

Real Property, Financial Services, & Title Insurance Update: Week Ending January 28, 2022

January 29, 2022

Real Property Update

- **Promissory Note / Statute of Limitations:** Trial court's conclusion that the maturity date of the debt (pursuant to a promissory note, not a mortgage lien) could only be extended via a written and recorded agreement conflicted with section 95.051(1)(f), Florida Statutes, which provides that the limitation period is tolled for five years from "[t]he payment of any part of the principal or interest of any obligation or liability founded on a written instrument" - [Shanks, v. Bergerman](#), No. 2D20-3431 (Fla. 2d DCA Jan. 28, 2022) (reversed and remanded)
- **Partition:** Trial court was not authorized to award money damages in an action in which only partition was sought and the partition sale resulted in zero proceeds - [Morrison v. Smolarick](#), No. 2D20-2693 (Fla. 2d DCA Jan. 28, 2022) (reversed and remanded)

Financial Services Update

No cases of interest to report.

Title Insurance Update

No cases of interest to report.

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