

# 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.

## 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.