



# Dane R. Blunt

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## Overview

Dane Blunt is a multidimensional lawyer with significant experience in the commercial real estate, title insurance, and construction industries. Clients benefit from the holistic perspective he has gained by working on real estate projects from the inception of deals through the resolution of disputes.

Dane's clients include owners, investors, lenders, developers, general contractors, and commercial landlords and tenants. He litigates disputes that arise in connection with the full range of commercial projects, including hotels, condominiums, retail shopping centers, and office complexes. He has also represented institutional lenders, including CMBS lenders, in negotiating, documenting, and closing complex commercial loans of all types, including construction, acquisition and development, and permanent and mezzanine loans for all types of properties, including hotels, retail shopping centers, office complexes, and apartment complexes. In addition, he routinely represents lenders, servicers, and mortgage investors in foreclosure actions and other loan, guaranty, and security agreement enforcement proceedings.

A trial lawyer, Dane has significant experience litigating issues in state and federal courts involving title to real property, easements, restrictive covenants, real estate contracts, title insurance coverage, closing protection letters, mortgage foreclosures, lender liability, creditors' rights, bankruptcy, real estate workouts, commercial leases, noncompetition agreements, and a range of business disputes including class actions.

Dane is focused on providing responsive, efficient counsel that recognizes and prioritizes his clients' business concerns.

## Experience

- *Silverthorn/Hernando Homeowners' Ass'n, Inc. v. Hernando County*, No. 2020-CA-000545 (Fla. 5th Cir. Ct. June 13, 2023). Order granting final summary judgment, declaring that developer client had valid easement right to connect water and sewer utilities intended to serve proposed new residential development to existing county-owned utilities facilities located within common areas owned by homeowners association, without the need for association's consent.
- *Vitalia at Tradition Residents' Ass'n, Inc. v. Vitalia at Tradition, LLC*, No. 562021CA000491AXXXHC (Fla. 19th Cir. Ct. Feb. 9, 2023). Order granting partial summary judgment in favor of developer client against homeowners association. The court held that Florida Statutes section 720.303(6), amended effective July 1, 2021, applied retroactively as a clarification of existing law and therefore governed association's claim that developer underfunded reserves from 2015 to 2019 while in control of the association before turnover. Under section 720.303(6), as amended, the court found developer had no obligation to fund reserves and, once developer established reserves, developer had discretion to determine amount of reserves.
- *1905 Assocs., LLC v. Country Club Maint. Ass'n*, No. 2021-CA-012280 (Fla. 15th Cir. Ct. Jan. 27, 2023). Order granting final summary judgment, entering final declaratory judgment, and quieting title in favor of clients. The court held that prior owner took title to commercial property without notice of any alleged right of homeowners association to assess or lien such property and, as such, prior owner was a bona fide purchaser for value without notice and conveyed that same title to its successor in title.
- *Karasek v. Stewart Title Guaranty Co.*, No. 2020-CA-7042 (Fla. Cir. Ct. Sept. 10, 2021). Order granting title insurer's motion to dismiss with prejudice, dismissing insureds' breach of contract claim on basis that title insurance policy did not insure fee simple title to portion of adjacent property on which insureds' bulkhead allegedly encroached.
- *Jockey Club Condo. Apartments, Inc. v. Apeiron Miami, LLC*, Nos. 3D17-1393, 3D17-1494 (Fla. 3d DCA June 3, 2020). Written opinion affirming developer client's victory at trial over adjacent property owner associations who had sued to stop the client's development and holding that (i) original developer's agreement was not a covenant running with the land or binding on a successor-in-title by virtue of its "successors and assigns" language and (ii) trial court did not abuse its discretion in granting rehearing in order to rule that developer was entitled to develop and maintain its property, without consent of adjacent owners, and to remove significant portions of that property from a stop-gap easement granted by agreement to those adjacent owners.

- *Downing v. Fidelity Nat'l Title Ins. Co.*, No. 3:16-cv-00119, 2017 WL 6371196 (N.D. Ga. Sept. 14, 2017), *aff'd*, No. 17-14299 (11th Cir. Apr. 12, 2018). [Read Opinion](#). Putative class action against six title insurers alleging unlawful conspiracy to defraud purchasers of title insurance in Georgia by scheming to eliminate discounts from published premiums dismissed with prejudice because, *inter alia*, alleged misrepresentations of law are not actionable and, even if actionable, were not proximate cause of alleged injury to plaintiff.
- *Jockey Club Condo. Apartments, Inc. v. Apeiron Miami, LLC*, No. 16-5957 CA 40 (Fla. Cir. Ct. July 5, 2017). Final order granting developer's motion for rehearing, removing tennis courts from easement area, and suspending remaining common area easement during developer's maintenance, operation, and development of its property. [Read Order](#).
- *Jockey Club Condo. Apartments, Inc. v. Apeiron Miami, LLC*, No. 16-5957 CA 40 (Fla. Cir. Ct. May 26, 2017). Final order entered after a five-day bench trial ruling that recorded instruments relied on by plaintiffs to block our developer client from developing and even assuming maintenance of its own property are either barred by MRTA or do not preclude future development and do not preclude the developer from assuming maintenance. [Read Order](#).
- *Jockey Club Condo. Apartments, Inc. v. Apeiron Miami, LLC*, No. 16-5957 CA 40 (Fla. Cir. Ct. Feb. 4, 2017). Order granting summary judgment based on MRTA and extinguishing a restrictive covenant entered into prior to root of title and belatedly recorded after root of title. [Read Opinion](#). Order granting summary judgment on restrictive covenant recorded without specific legal description of property. [Read Opinion](#). Order granting summary judgment on claim to easements by prescription. [Read Opinion](#).
- *Caledonian Bank & Tr. Ltd. v. Fifth Third Bank*, No. 8:13-cv-01470, 2015 WL 5542544 (M.D. Fla. Sept. 18, 2015). Order granting defendant's motion for summary judgment in \$30 million action for aiding and abetting fraud and action for civil conspiracy to commit fraud. [Read the Order](#).
- *PNC Bank, N.A. v. Tarpon Lakeside Dev., Inc.*, No. 10-3661 CI, Div. 19 (Fla. Cir. Ct. July 7, 2014). Final summary deficiency judgment and final summary judgment on guaranties entered against borrower and guarantors.
- *Diaz v. Stewart Title Guar. Co.*, No. 12-04902 (Fla. Cir. Ct. Jan. 4, 2013). Dismissal with prejudice of negligence claim brought by lender against title insurer on grounds that claim was barred by Florida's economic loss rule.
- *In re Tarpon Lakeside Dev., Inc.*, No. 8:11-bk-17475 (Bankr. M.D. Fla. Dec. 21, 2012). Order denying confirmation of debtor's Chapter 11 bankruptcy plan and dismissing case after contested confirmation hearing.
- *Beato v. Morrison Fin. Servs. of Fla., LLC*, No. 8:12-cv-01233 (M.D. Fla. Aug. 15, 2012). Order granting motion to dismiss complaint for wrongful foreclosure, fraud, declaratory relief, quiet title, and RESPA violations, dismissing RESPA violations with prejudice and declining supplemental jurisdiction. [Read Order](#).

- *Brake v. Wells Fargo Fin. Sys. Fla., Inc.*, No. 8:10-cv-00338, 2011 WL 6412430 (M.D. Fla. Dec. 21, 2011). Dismissal of fraud, negligence, promissory estoppel, and claims asserted under the National Housing Act against lender on various grounds, including the economic loss rule, the banking statute of frauds, and a finding that no private right of action exists for alleged noncompliance with loss-mitigation procedures under the National Housing Act.
- *Corwin v. Lawyers Title Ins. Co.*, 276 F. Supp. 2d 484 (E.D. Mich. 2011). Denial of class certification in putative statewide consumer class action against title insurance underwriter alleging overcharging for title insurance premiums.
- *Hoving v. Lawyers Title Ins. Corp.*, 256 F.R.D. 555 (E.D. Mich. 2009). Denial of class certification in putative multistate class action alleging overcharging for title insurance premiums.
- *Lehman Bros. Holdings, Inc. v. Hirota*, No. 8:06-cv-02030, 2007 WL 1471690 (M.D. Fla. May 21, 2007). Dismissal of fraud, conspiracy, and negligence claims against title insurer and closing agent on economic loss rule grounds.
- *ZC Ins. Co. v. Brooks*, 962 So. 2d 419 (Fla. 4th DCA 2007). Reversal of attorneys' fees and costs awarded to plaintiff in insurance coverage dispute litigation.
- *Norman S. Cohen M.D., P.A. v. Vining*, 917 So. 2d 1013 (Fla. 1st DCA 2006). Reversal of summary final judgment against professional association in business dispute litigation.

## Areas of Focus

### Practices

- Real Property Litigation
- Development
- Cybersecurity and Privacy
- Eminent Domain
- Litigation and Trials
- Title Insurance
- Banking, Commercial, and Consumer Finance
- Construction
- Insurance
- Class Actions

### Industries

- Banking, Commercial, and Consumer Finance
- Construction
- Insurance

## Insights

09.08.2020

Agency Order Issued by CDC: Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19

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10.19.2016

Real Property & Title Insurance Update: Week Ending October 14, 2016

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10.03.2016

Real Property & Title Insurance Update: Weeks Ending September 23 & 30, 2016

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07.25.2016

Real Property & Title Insurance Update: Week Ending July 22, 2016

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03.01.2012

Annual Review of Developments in Business and Corporate Litigation

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03.01.2010

ABA Section of Litigation

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01.01.2010

Annual Review of Developments in Business and Corporate Litigation, 2010 ed.

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01.01.2009

Annual Review of Developments in Business and Corporate Litigation

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## News

02.29.2024

Thomson Reuters Names 12 Carlton Fields Attorneys to 2024 Stand-Out Lawyers

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08.31.2020

Tampa Bay Area Attorneys Warn That Landlords Could Begin Evictions in the Coming Weeks

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06.11.2020

Apeiron at the Jockey Club Developer Wins Key Ruling from Appeals Court

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06.05.2020

Third District Court of Appeal Upholds Carlton Fields Client Apeiron's Real Property and Development Rights

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08.15.2018

Green Light for Miami Developer

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07.09.2018

Super Lawyers Honors 81 Carlton Fields Attorneys on 2018 Florida "Super Lawyers" and "Rising Stars"

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07.11.2017

Judge Rules in Favor of Firm Client Apeiron Miami, LLC of Development at Jockey Club

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06.23.2017

Florida Super Lawyers Ranks 92 Carlton Fields Attorneys as 2017 "Super Lawyers" and "Rising Stars"

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## Recognition

- "Stand-Out Lawyers," Thomson Reuters (2024)
- *The Best Lawyers in America*, Real Estate Litigation (2023–2024)
- Florida Rising Stars, *Super Lawyers Magazine* (2009–2019)

## Professional & Community Involvement



- American Bar Association
  - Real Property, Trust, and Estate Law Section
  - Tort Trial and Insurance Practice Section
    - Title Insurance Litigation Committee
  - Business Law Section
- The Florida Bar
  - Real Property, Probate, and Trust Law Section
- Hillsborough County Bar Association
- Habitat for Humanity of Hillsborough County Inc.
  - Board of Directors (2019–present)
- Tampa Connection, Class of 2017–2018

## Speaking Engagements

- "Annual Title Insurance Case Law Update: 2023–2024," Florida Land Title Association Claims Roundtable (April 5, 2024)
- "Determining Title Insurance Loss: Diminution in Value," Carlton Fields (January 25, 2024)
- "Annual Title Insurance Case Law Update: 2022–2023," Florida Land Title Association Claims Roundtable (June 16, 2023)
- "Annual Title Insurance Case Law Update: 2020–2021," Florida Land Title Association Claims Roundtable (June 24, 2022)
- "Florida Mineral Rights Issues," Fidelity National Title Group (October 29, 2019)
- "Quieting Title to Real Property in Florida," Legal Services of North Florida Inc. (September 26, 2019)

## Credentials

### Education

- Florida State University College of Law (J.D., high honors, 2004)
- University of Florida (B.A., with honors, 2001)

### Bar Admissions

- Florida

### Court Admissions

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- U.S. Bankruptcy Court, Middle District of Florida