

# 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

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