

Real Property, Financial Services, & Title Insurance Update: Week Ending May 21, 2021

May 21, 2021

Real Property Update

- **Easement / Restrictions:** Reversing portion of final judgment declaring that new LLC could not impose restrictions, whether reasonable or not, on easement rights granted to individual in plat – [Summerland Key Cove Park, LLC v. Murphy](#), No. 3D19-801 (Fla. 3d DCA May 19, 2021) (reversed and remanded with instructions)

Financial Services Update

- **TCPA / Direct Liability:** Plaintiff failed to sufficiently allege that defendant actually made the calls – [Stark v. Stall](#), No. 3:19-cv-00366 (S.D. Cal. May 18, 2021) (granting dismissal motion)
- **FDCPA / Section 1692e(10):** If the least sophisticated consumer read the debt collection letter in its entirety, letter was clear that both a dispute of the debt and a request for the original creditor's name and address must be done in writing – [Kahn v. D&A Servs., LLC](#), No. 7:20-cv-04792 (S.D.N.Y. May 14, 2021) (granting dismissal motion)

Title Insurance Update

- **Duty of Care:** Title insurance company did not owe a duty of care to defendant where defendant never entered into a contract with the insurer – [SMS Fin. XXIX, LLC v. Meakins](#), No. A-0930-19 (N.J. Super. Ct. App. Div. May 20, 2021) (affirmed).

Related Practices

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