

Florida Real Property and Business Litigation Report
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Refaie v. Bayview Loan Servicing, LLC, Case No. 2D19-4780 (Fla. 2d DCA 2021).

The time to seek disbursement of surplus foreclosure sale proceeds under Florida Statute section 45.032 is sixty days from the certificate of disbursements, and the time period does not change even if the initial certificate of title is incorrect and is later amended.

Soknoh Partners, LLC v. Audio Visions South, Inc., Case No. 2D20-324 (Fla. 2d DCA 2021).

Summary judgment is not proper when question remains whether a buyer of real estate had implied actual notice under Florida Statute section 695.01 of a parking easement over the real property being purchased.

Castellanos v. Reverse Mortgage Funding LLC, Case No. 3D20-472

The Third District recedes from *Suchman Corp. Park, Inc. v. Greenstein*, 600 So. 2d 532 Fla. 3d DCA 1992), and holds the reciprocal prevailing party fee provision of Florida Statute section 57.105(7) applies to non-recourse loans.

Stern v. Department of Business & Professional Regulation, Case No. 4D19-3836 (Fla. 4th DCA 2021).

A conviction for violation of Section 1 of the Sherman Antitrust Act, 15 U.S.C. § 1, by conspiring to restrain trade through suppressing competitive bidding on foreclosed properties does not automatically create a violation of Florida Statute section 475.25(1)(f) and thus revocation of a real estate sales license.