

Florida Real Property and Business Litigation Report
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Manuel Farach

Royal Palm Properties, LLC v. Pink Palm Properties, LLC, Case No. 21-10872 (11th Cir. 2022).

A finding that neither party was a prevailing party for purposes of Federal Rule of Civil Procedure 54 is permissible in some cases.

Nationstar Mortgage LLC v. DeSouza, Case No. 1D21-2288 (Fla. 1st DCA 2022).

A party who does not comply with the requirement to timely intervene in an action after publication of a lis pendens is not a proper party to a foreclosure, even if the party has an unrecorded deed that predated the foreclosure.

Bass Venture Corporation v. Devom, LLC, Case No. 2D20-2725 (Fla. 2d DCA 2022).

An award of lost profits requires evidence that expenses were applied to gross revenues.

Joy v. Oaks Club Corporation, Case No. 2D21-1159 (Fla. 2d DCA 2022).

A recorded declaration is a community association's "Constitution," and its terms and requirements cannot be revised by changing the community's by-laws.

Hudson Capital Properties IV, LLC v. Iecho, Case No. 2D21-4021 (Fla. 2d DCA 2022).

An out of state entity's act of procuring insurance for a Florida property in which it has an interest does not subject the entity to long-arm jurisdiction under Florida Statute section 48.193(1)(a)(4) as that provision applies to insurers who are defendants.

Corredor v. Nichols, Case No. 3D21-1296 (Fla. 3d DCA 2022).

An award of fees and costs incurred by a receiver's experts must be made in the name of the receiver and may not be made in the name of the non-party expert.

Maroone Chevrolet, LLC v. Alvarado, Case No. 4D21-485 (Fla. 4th DCA 2022).

Florida's Unfair and Deceptive Practices Act only awards actual - not consequential - damages and accordingly diminution in value is awardable but deposits, loan, and warranty payments are not awardable.

Beacon Park Phase II Homeowners Association, Inc. v. Eagle Vista Equities, LLC, Case No. 5D22-1077 (Fla. 5th DCA 2022).

Billing records of opposing counsel are relevant to the issue of reasonableness of time expended in a claim for attorney's fees, and their discovery falls within the discretion of the trial court when the fees are contested and there is no blanket-attorney client protection for billing records.