

Title Insurance Matters

- Represented a national title insurance underwriter and its agent in a case establishing, for the first time in a Michigan appellate decision, that neither title insurers nor their agents are subject to tort liability.
- Represented a national title insurance underwriter, its agent and employees in obtaining summary judgment in a case filed by the insured alleging fraudulent misrepresentation, tortious interference with a contractual relationship, breach of fiduciary duty and conspiracy. Affirmed on appeal by the Michigan Court of Appeals and leave to appeal denied by the Michigan Supreme Court.
- Represented a national lender in a claim brought by the bankruptcy trustee seeking to avoid two mortgages on the debtor's property as preferential transfers on the grounds that the mortgages were not properly perfected because they contained defects in their notarization. In granting the lender's motion to dismiss, the Court held that when the validity of the signatures is not an issue, a defect in the notarization does not rebut the presumption of validity of an instrument that is received and recorded by a register of deeds.
- Represented a national title insurance underwriter in an arbitration proceeding involving a denial of title insurance coverage. Defeated coverage based on the "created subsequent to the Date of Policy" exception and the insured having sold the property condition/stipulation.
- Represented a national title insurance underwriter in defending a claim involving an undisclosed easement, based upon the "assumed or agreed" exception.
- Represented a property owner in successfully defending a claim by the neighboring property owner seeking to block access to the insured's property based upon claims that the use of an easement across the neighbor's property for ingress and egress would constitute an overburdening of the easement.
- Represented a national title insurance underwriter in defending a claim for breach of contract. Obtained a settlement that limited the loss to five percent of the amount claimed based upon the failure to notify the insurer exception and the insured having settled the claim without the insurer's consent.
- Represented a property owner in successfully defending a claim by the neighboring property owner seeking to take 20 percent of the property under the acquiescence doctrine.
- Represented a national title insurance company in defending a claim by the insured involving the failure to identify a deed restriction.
- Represented property owners in a case involving the statutory interpretation of the Plat Act regarding the vacating of a paper street. Obtained a settlement to avoid having to tear down two industrial buildings that were built over the property line.
- Represented a national lender in successfully defending a claim brought to set aside a mortgage transaction based upon the borrower's alleged lack of capacity to enter into the transaction.