

**RECENT CASES AND CURRENT
TRENDS IN TITLE CLAIMS**

PRESENTERS:

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**REAL ESTATE SECTION MEETING
MONTGOMERY COUNTY BAR ASSOCIATION
May 17, 2011**

I. FAULTY AFFIDAVITS OF CONSIDERATION IN MARYLAND DEEDS OF TRUST AND APPLICABILITY OF THE MARYLAND TITLE CURATIVE ACT.

- A. *Ameriquest Mortgage Company v. Paramount Mortgage Services, Inc.*, 415 Md. 656, 4 A.3d 934 (2010).
- B. *In re David B. McAllister, et al.*, Case No. 09-13076-NVA, in the United States Bankruptcy Court for the District of Maryland, Baltimore, Maryland – Certification Order entered January 21, 2011. Argument scheduled for June 7, 2011.

II. EFFECTIVE DATE OF DEED EXECUTED BUT NOT RECORDED UNTIL AFTER A JUDGMENT LIEN ATTACHES TO A PROPERTY.

- A. *Chicago Title Insurance Company v. Mary B*, 190 Md. App. 305, 988 A.2d 1044 (2010) (settled after cert granted).

III. LIS PENDENS ISSUES.

- A. *Greenpoint Mortgage Funding, Inc. v. Schlossberg*, 390 Md. 211, 888 A.2d 297 (2005).

IV. BONA FIDE PURCHASER/LENDER CASES AND MORTGAGE FORECLOSURE RESCUE SCAMS.

- A. *Washington Mutual Bank v. Homan, et al.*, 186 Md. App. 372, 974 A.2d 376 (2009).
- B. *Julian v. Buonassissi et al.*, 414 Md. 641, 997 A.2d 104 (2010).
- C. *Scotch Bonnett Realty Corporation v. Matthews, et al.*, 417 Md. 570, 11 A.3d 801 (2011).

V. HELOC CLOSEOUT AND RELEASE ISSUES.

- A. *Egeli v. Wachovia Bank, N.A.*, 184 Md. App. 253, 965 A.2d 87 (2009).

VI. LIABILITY OF TITLE POLICY ISSUING AGENTS AND TITLE

UNDERWRITERS IN FRAUD CASES.

- A. *Proctor, et al. v. Metropolitan Money Store Corp., et al.*, 579 F. Supp. 2d 724 (D. Md. 2008).
- B. *Wells Fargo Bank, N.A. v. Old Republic National Title Insurance Company*, No. 10-1087, U.S. Court of Appeals for the Fourth Circuit, unreported opinion issued March 1, 2011.

VII. EQUITABLE SUBROGATION RIGHTS UPON A FAILURE OF TITLE.

- A. *Logan v. CitiMortgage, et al. (In re Schubert)*, 437 B.R. 787 (U.S. Bk. Ct. D. Md. 2010).
- B. *Hill v. Cross County Settlements*, 402 Md. 281, 936 A.2d 343 (2007).
- C. *One West Bank, FSB v. Marshall, et al.*, D.C. Court of Appeals, 10-CV-190, decided March 31, 2011.

VIII. GROUND RENT REGISTRATION STATUTE

- A. *Muskin, Trustee v. State Department of Assessments and Taxation*, Maryland Court of Appeals, *Case No. 140, September Term 2010*. Argument scheduled for June 6, 2011.

IX. MODERATELY PRICED DWELLING UNITS