

## 11TH CIRCUIT CASES

- **TILA: despite section 1641(a)'s limitation of assignee liability to errors on the face of disclosure statements, an assignee of a consumer credit transaction secured by real estate can be liable for its servicer's nondisclosures that violate section 1641(f)(2) - [St. Breux v. U.S. Bank National Ass'n](#), No. 12-61613-CIV-DIMITROULEAS/SNOW (S.D. Fla. Jan. 29, 2013) (denying defendant's motion for summary judgment)**
- **TILA: new disclosures are not required when the new obligation is due to borrower's failure to fulfill a prior commitment to maintain insurance on the property and the lender provides insurance coverage at the borrower's expense - [Gordon v. Chase Home Finance LLC](#), No. 8:11-cv-20001-T-33EAJ (M.D. Fla. Jan. 23, 2013) (granting in part and denying in part defendant's motion for summary judgment)**
- **Bank Statute of Frauds: borrower's claims of promissory estoppel and negligent misrepresentation were barred by the bank statute of frauds where there was no signed written agreement expressing consideration and setting forth the relevant terms and conditions of purported HAMP modification – [Bloch v. Wells Fargo Home Mortgage](#), No. 9:11-cv-80434-KLR (S.D. Fla. Jan 28, 2013) (granting defendants' motion for summary judgment) [Congratulations to Carlton Fields attorneys Michael Winston, Alana Zorrilla-Gaston, and Kristin Gore, who represented Wells Fargo in this action!]**
- **Promissory Estoppel: borrower could not sustain a claim for promissory estoppel where there were no terms to purported HAMP agreement with lender; borrower could not have reasonably relied on a representation that borrower was in the HAMP program and lender could not have reasonably expected the purported representation to induce reliance – [Bloch v. Wells Fargo Home Mortgage](#), No. 9:11-cv-80434-KLR (S.D. Fla. Jan 28, 2013) (granting defendants' motion for summary judgment) [Congratulations to Carlton Fields attorneys Michael Winston, Alana Zorrilla-Gaston, and Kristin Gore, who represented Wells Fargo in this action!]**