

Community

BANK Counselors

SPENCER FANE
BRITT & BROWNE LLP
Attorneys & Counselors at Law

[Federal Court Puts to Rest Challenges to the Method of Determining the Amount of Foreclosure Deficiency](#)

In prior [Alerts](#) we described appellate court decisions addressing challenges to the Missouri common law rule of basing the amount of loan deficiency after real estate foreclosure on the foreclosure price paid, regardless of the fair market value of the affected real property. Challengers have pressed for adoption of a rule that would establish the amount of deficiency as the difference between the unpaid loan obligation and the fair market value of the real property subject to the foreclosure sale. By statute that is the rule in several states, including Kansas.

[FFIEC Issues Final Guidance on Social Media](#)

The Federal Financial Institutions Examination Council (“FFIEC”) issued final guidance on December 11, 2013, about the applicability of existing consumer protection laws, regulations, and policies to financial institutions’ activities on social media. The guidance does not introduce new requirements, but it is intended to assist financial institutions in understanding the risks related to social media.

[The Bankruptcy Code v. the Fair Debt Collection Practices Act: Who Wins?](#)

The case of *Simon v. FIA Card, Services, N.A.*, recently decided by the Third Circuit, demonstrates the potential for conflicts between the Bankruptcy Code and the Fair Debt Collection Practices Act (“FDCPA”) and emphasizes that banks should approach bankruptcy debtors with caution..

[Happy Holidays from the CFPB: 1,088 Pages of New Disclosure Rules that will Present Some Interesting Practical Problems for Implementing Banks](#)

Just in time for the holidays, the CFPB gifted the banking industry **another** 1,088 pages of final mortgage disclosure rules.

December 2013

[Federal Court Puts to Rest Challenges to the Method of Determining the Amount of Foreclosure Deficiency](#)

[FFIEC Issues Final Guidance on Social Media](#)

[The Bankruptcy Code v. the Fair Debt Collection Practices Act: Who Wins?](#)

[Happy Holidays from the CFPB: 1,088 Pages of New Disclosure Rules that will Present Some Interesting Practical Problems for Implementing Banks](#)

[Environmental Indemnity or Waste of Words](#)

A Month in Review summarizes our most recent blog postings. We encourage you to subscribe to our [Community Bank Counselors Blog](#) for the most up to the minute observations, tips and banking news.

Environmental Indemnity or Waste of Words

On November 12, 2013, the First Circuit Court of Appeals handed down its [decision](#) in *VFC Partners 26, LLC v. Cadlerocks Centennial Drive, LLC*, slip op. (1st Cir., 2013). This decision serves as a reminder that courts will look carefully at the words used in a loan agreement's environmental indemnity provisions to decide whether or how they apply. If the actual wording chosen (likely many years earlier) does not fit the environmental costs sought to be indemnified, the party pursuing indemnity may be greatly disappointed.



[Andrea Chase](#) (816) 292-8279
achase@spencerfane.com



[Stephanie Kalahurka](#) (816) 292-8141
skalahurka@spencerfane.com



[Heather Morris](#) (816) 292-8387
hmorris@spencerfane.com



[John Walsh](#) (314) 333-3937
jwalsh@spencerfane.com



[Kathleen Whitby](#) (314) 333-3929
kwhitby@spencerfane.com