



Fort Pierce Redevelopment Agency v. Cruickshank (2008CA000488)

HISTORY

- On October 7, 2006, Cruickshank signed a contract to sell FPRA a property located at 324 North 12th Street for the appraisal price of \$10,000.
- The contract provided that Cruickshank would convey marketable title at the time of closing in January 2007.
- A title commitment revealed a \$286,400 mortgage encumbering multiple properties, including the one at issue, and a separate mortgage agreement in the amount of \$22,000 on the property.
- Cruickshank failed to respond to attempts by the title company to set closing on the property.
- On January 16, 2008, the FPRA filed a lawsuit for specific performance of the contract to satisfy all existing liens on the property and deliver the FPRA a deed of marketable title.
- No further action has been taken in the case since December of 2008.
- This office received a Notice of Lack of Prosecution on October 4, 2016, and an order to show cause as to why the lawsuit should not be dismissed.
- This office filed a response and the Court granted a 90-day extension to obtain direction from the FPRA as to whether to file a voluntary dismissal or notice the case for trial.

RECOMMENDATION

- Voluntarily dismiss the case.

ALTERNATIVE

- Notice case for trial and proceed with lawsuit for specific performance with the understanding that the property may be encumbered by at least two (2) mortgages.