



## Melissa J. Lettiere

PARTNER

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### Practice Areas

Commercial Litigation

Real Estate Litigation & Title  
Insurance Law

### Education

- The John Marshall Law School, J.D., 2007
- University of Iowa, B.A., 2002

### Admissions

Illinois, 2007

U.S. District Court, Northern  
District of Illinois, 2007

U.S. Court of Appeals,  
Seventh Circuit, 2016

Kentucky, 2020

Wisconsin, 2021

Melissa J. Lettiere is a partner in the firm's Commercial Litigation Practice Group, and she serves as a Co-leader of Plunkett Cooney's Real Estate Litigation and Title Insurance Law Practice Group.

Ms. Lettiere has extensive experience representing lenders and commercial and residential real property owners in litigation involving lien priority disputes, quiet title and reformation actions, title and mortgage fraud, title and mortgage lien validation, commercial foreclosure, and real estate transaction fraud. She also works with her corporate and business clients to quickly and efficiently resolve commercial disputes related to breaches of contract, fraud, negligence, defalcations, agent liability and other business-related torts.

In her work with national title insurance companies, Ms. Lettiere routinely handles breach of contract and declaratory judgment actions related to title insurance coverage determinations, loss valuation, subrogation and recovery actions. In addition, she helps clients navigate and resolve real estate tax issues, including to challenge the validity of property tax sales.

In addition to her litigation practice, Ms. Lettiere negotiates and drafts clear and concise commercial contracts, including employment contracts, service agreements, and residential, commercial and equipment leases.

Whether her clients are defending claims or asserting their rights, they know that Ms. Lettiere can quickly step in to provide leadership and direction, to help them analyze and to assess the situation, to determine strategies and courses of action, and to take charge of any

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matters pending in court or yet to be filed.

## Representative client work

- Prevailed at both the trial and appellate court levels in a case where the court held the lender that paid off borrowers' prior mortgage lien was equitably subrogated to a first lien position notwithstanding the borrowers' claim that the note and mortgage were forged. *Bank of Am., N.A. v. Schroeder*, 2021 IL App (3d) 200339
- Persuasively argued before the Seventh Circuit Court of Appeals that liability insurer was estopped from invoking policy defenses to the indemnity claims of its insured based on its breach of duty to defend. *Title Indus. Assurance Co., R.R.G. v. First Am. Title Ins. Co.*, 853 F.3d 876 (7th Cir. 2017)
- Successfully resolved, through settlement, a dispute over the validity of a tax deed conveying the client's property to a tax purchaser; negotiated a re-conveyance of title to the owners; recovered damages from surveyor and seller based on claims for breach of warranty deed and negligent misrepresentation in connection with the preparation of a survey, which failed to disclose that the client's house was situated on two lots - one of which was sold and transferred by tax deed in connection with a tax sale proceeding
- Defeated creditors Uniform Fraudulent Transfer Act claim seeking to avoid real estate transfer and divest homeowner of her property by establishing that homeowner was a bona fide purchaser who paid reasonable value for the property
- Negotiated favorable settlement for title insurance company involving reasonable settlement payment and exchange of full release of claims resolving third party's vicarious liability and agency related claims seeking in excess of \$1 million in damages
- Resolved meritless claim against seller's real estate attorney for fraudulent misrepresentation in a real estate transaction brought by the purchaser seeking to recover amounts due on purchase money mortgage; settlement terms required no payment from the client and a full release of claims
- Represents real property owners/mortgagees in real estate-related disputes, including contested commercial and residential foreclosures, defending the validity of title and mortgage liens, reforming contracts, mortgages, and deeds, and prosecuting/defending claims involving fraud in real estate transactions
- Successfully assisted an owner regain, through a quiet title action, full possession of a property that had been fraudulently deeded years earlier

## Professional Affiliations

- American Bar Association (2016 Leadership Academy class, member; Title Insurance Litigation Committee and Appellate Advocacy Committee of the Torts Trial Insurance Practice Section, member)

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### **Speaking Engagements**

- "Protecting Your Privilege: A Guide for In-House Counsel," Alliant National Title Insurance Company Legal Team Meeting, 2019
- "The Role of Title Counsel: Challenges We Face in a Tripartite Relationship," ABA Annual Meeting TIPS Section, Title Insurance Litigation Committee, 2016
- "Addressing Conflict Situations in Title Insurance Litigation," ABA Annual Meeting, TIPS Section, Title Insurance Litigation Committee, 2015

### **Community Affiliations**

- Trinity Evangelical Covenant Church, Oak Lawn, IL, Chairman of the Executive Board (2016 - 2020)
- All Day Montessori School, Chicago, IL, Board of Directors, Member (2016-2019)