

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0759

September Term, 2014

ALLAN PICKETT

v.

CITY OF FREDERICK, *et al.*

*Zarnoch,
Graeff,
Leahy,

JJ.

Opinion by Zarnoch, J.

Filed: October 6, 2015

* Zarnoch, Robert A., J., participated in the hearing and conference of this case while an active member of this Court; he participated in the adoption of this opinion as a retired, specially assigned member of this Court.

**This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

This is the latest appeal in more than 10 years of litigation over a run-down property in Frederick, Maryland. Appellant Allan M. Pickett is the owner of property located at 20 West Fourth Street (“the Property”) in the City of Frederick. The Property was sold at the Frederick County tax sale due to delinquent property taxes. The Board of County Commissioners for Frederick County purchased the Property and received a tax certificate. The Commissioners then assigned the tax certificate to Appellee, the City of Frederick (“the City”).¹ In the Circuit Court for Frederick County, the City filed a complaint to foreclose Pickett’s right to redeem his property. Pickett disputed the amount he was required to pay to redeem the property, and asked the court to determine the redemption amount. Following a hearing, the court fixed the redemption amount at \$30,131.24, and specified a date by which Pickett had to pay that sum to the Frederick County tax collector to redeem the Property. Pickett filed a premature appeal from that order, which we dismissed in an unreported opinion filed March 18, 2014.

Pickett ultimately did not pay the redemption amount, and the circuit court foreclosed Pickett’s right of redemption in an order entered on March 24, 2014. Pickett filed a timely appeal from that order, and presents the following questions for our review:

- I. “Did the circuit court err by summarily declaring that Appellant, a defendant in a foreclosure of redemption proceeding, must pay all outstanding taxes owed on the property to redeem it, even though a prior tax sale purchaser had been responsible for a significant portion of the taxes?”

¹ Frederick County is also an appellee in this litigation.

- II. “Did the circuit court err by refusing to credit Appellant with funds he had deposited with the court toward the required redemption amount?”
- III. “Did the circuit court err by refusing to provide Appellant with his right to redeem his property up until the final foreclosure order, as guaranteed to him under Maryland Code, Tax Property Article?”
- IV. “Was the failure of the trial judge who considered and issued the final order foreclosing equity of redemption to recuse himself based on his earlier mediation between the parties a denial of due process?”

For the reasons set forth below, we affirm the judgment of the circuit court.

BACKGROUND

We described the circumstances of the tax sales and foreclosure as well as the history of the parties’ litigation in our unreported opinion, *Pickett v. City of Frederick*, 216 Md. App. 753, No. 224, Sept. Term 2014 (filed March 18, 2014):

Pickett purchased the Property in 1982. On May 10, 2004, the Property was sold at the Frederick County tax sale to Kathryn Afzali, pursuant to Md. Code (1985, 2012 Repl. Vol), sections 14-808, *et seq.* of the Tax-Property Article (“TP”).² On May 2 19, 2005, in the Circuit Court for Frederick County, Afzali filed a timely complaint to foreclose Pickett’s right to redeem the Property, pursuant to TP section 14-833.³ On

² TP sections 14-808 *et seq.*, which govern county tax sales, establishes the procedure for the sale of property for which taxes are in arrears. A purchaser of property at a tax sale receives a certificate of sale, often called a tax certificate, that lists the date of the sale, the amount for which the property was sold, and the total amount of taxes due on the property at the time of sale. TP § 14-820. The purchaser must pay all taxes due on the property, together with interest and penalties, no later than the day after the sale. TP § 14-818.

³ TP section 14-833(a) provides, in relevant part: “[A]t any time after 6 months from the date of sale a holder of any certificate of sale may file a complaint to foreclose all rights of redemption of the property to which the certificate relates.” As the Court of Appeals explained in *Quillens v. Moore*, 399 Md. 97, 101 n.3 (2007): (continued...)

January 16, 2007, the court entered a judgment foreclosing Pickett’s right to redeem the Property. Pickett appealed. This Court affirmed the circuit court’s judgment in an unreported opinion filed on August 26, 2009.⁴

Afzali failed to comply with the judgment, however, in that she did not pay the amount she bid for the Property at the tax sale and the taxes that had accrued afterward. On May 25, 2010, the Commissioners moved the court to strike the judgment, pursuant to TP section 14-847.⁵ On August 24, 2010, the court granted that motion, entering an order striking the January 16, 2007 judgment foreclosing Pickett’s right of redemption. The court

The highest bidder at the tax sale, or the governing body of the taxing authority if there are no private bidders, does not acquire title to the property “purchased,” but instead, is issued a “certificate of sale,” or tax certificate. The tax certificate entitles the holder to file a complaint to foreclose the property owner’s right of redemption; the right of redemption is the right of the property owner to remit the required payments under [TP section 14-828] and terminate any interest the tax certificate holder has in the property. [TP section 14-828(a)] provides the “redemption amount” that the property owner must pay to extinguish the certificate holder’s interest in the tax sale property. *See* [TP § 14–828(a)] (“If the property is redeemed, the person redeeming shall pay the collector: (1) the total price paid at the tax sale for the property together with interest; (2) any taxes, interest, and penalties paid by any holder of the certificate of sale; (3) any taxes, interest, and penalties accruing after the date of the tax sale.”).

If the tax certificate holder forecloses the right of redemption within the time period identified in [TP sections 14-827 and 14-833], the holder acquires “absolute and indefeasible title” in the property.

⁴ Pickett filed a petition for writ of *certiorari*, which was denied in December 2009[, 411 Md. 741].

⁵ TP section 14-847(d)(1) provides:

If the holder of the certificate of sale does not comply with the terms of the final judgment of the court within 90 days as to payments to the collector of the balance of the purchase price due on account of the purchase price of the property and of all taxes, interest, and penalties that accrue after the date of sale, that judgment may be stricken by the court on the motion of an interested party for good cause shown.

further ordered that the Property “be placed on the tax rolls in the name(s) of the individual(s) listed prior to [the] May 10, 2004 tax sale.”⁶

Thereafter, Pickett continued to fail to pay taxes on the Property. The Property was sold at the Frederick County tax sale on May 9, 2011, this time to the Commissioners. The Commissioners paid all delinquent taxes on the Property, which amounted to \$19,729.45, and assigned the tax certificate for the Property to the City. On April 12, 2013, in the Circuit Court for Frederick County, the City filed a complaint to foreclose Pickett’s right of redemption. Pickett filed, among other things, a request for the court to fix the sum necessary to redeem the Property. The court set the matter for a hearing on March 5, 2013. In the meantime, Pickett deposited \$7,612.13 with the clerk of court. He maintained that that amount represented the only portion of outstanding taxes on the Property for which he was responsible.

At the hearing, Pickett again asked the court to “tell us what it is that is owed in order to redeem the [P]roperty.” Pickett took the position that Afzali was responsible for the taxes that accrued on the Property from the time she purchased it at the 2004 tax sale through the time when Pickett’s right to redeem was foreclosed by the court, even though that judgment later was stricken. According to Pickett, it would be “patently unfair” to include the taxes for that time period in the amount required for him to redeem the Property. Pickett asserted that he had deposited the \$7,612.13 with the clerk of court to demonstrate his “bona fides,” *i.e.*, his willingness to redeem the Property for the fair amount.

The City responded that, to redeem the Property, Pickett had to pay all the then-outstanding taxes, fees, and interest, which included the amount paid by the Commissioners for the Property at the May 2011 tax sale, along with all taxes that had accrued since. The City acknowledged that the redemption sum it was proposing included taxes that had accrued on the Property after Afzali’s tax sale purchase in 2004, and during the subsequent period when Pickett’s redemption right was foreclosed. It argued that the law required the entire then-outstanding amount to be paid by Pickett to

⁶ Because Afzali did not consummate the purchase of the property after the court’s final judgment foreclosing Pickett’s right to redemption, the Frederick County collector of taxes did not execute a deed conveying the property to her, and Pickett never was removed as the record title holder of the Property. *See* TP § 14-847(a)(1) (providing that upon final judgment, a deed shall be executed to the holder of a tax certificate only after the payment of “the balance of the purchase price, due on account of the purchase price of the property, together with all taxes and interest and penalties on the property that accrue after the date of sale”).

redeem the Property. The City maintained that any claim by Pickett that Afzali was responsible for paying a portion of the accrued taxes should be pursued by Pickett against Afzali after he paid the true redemption amount.

The judge ruled that, because there was a dispute about the redemption amount, he was required under TP section 14-829 to issue an order fixing the amount necessary for redemption.⁷ The judge fixed the redemption amount at \$30,134.24, which included the price paid by the Commissioners at the May 2011 tax sale and the taxes that had accrued since, along with interest and fees. He stated that Pickett would have 15 days to make that payment to the tax collector. The judge explained that Pickett would have to retrieve the money he already had deposited with the clerk of court, because the redemption sum must be paid to the tax collector, not to the court.

On March 15, 2013, the court issued an order memorializing its oral ruling. The order provided that Pickett had until March 21, 2013, to redeem the Property by paying the stated amount. The order also scheduled another hearing to take place on that date.

Pickett did not pay the redemption amount. On March 20, 2013, he filed a notice of appeal.

Id. (slip op. at 2-6) (Footnotes in original).

We dismissed Pickett’s appeal because the order setting the amount necessary for redemption did not constitute a final judgment, and thus, was not an order from which Pickett could have appealed. *See* Md. Code (1974, 2013 Repl. Vol.), Courts & Judicial Proceedings Art. § 12-301 (“[A] party may appeal from a final judgment entered in a

⁷ TP section 14-829 provides, in pertinent part:

If the property is redeemed after an action to foreclose the right of redemption is instituted and there is any dispute regarding redemption, the person redeeming may apply to the court before which the action is pending to fix the amount necessary for redemption in accordance with the provisions of this subtitle. . . .

If there is any dispute regarding redemption, the collector shall accept no money for redemption unless and until a certified copy of the order of court fixing the amount necessary for redemption is filed with the collector.

civil or criminal case by a circuit court”); Md. Rule 8-602(a)(1); *Quillens v. Moore*, 399 Md. 97, 115-16, 120 (2007).

Before we issued the 2014 decision, the City of Frederick filed a motion for entry of judgment on January 28, 2014, requesting that the circuit court enter judgment foreclosing Pickett’s right of redemption. Citing the Court of Appeals’s decision in *Quillens v. Moore*, 399 Md. 97 (2007), the City argued that the circuit court retained jurisdiction to decide matters in this case because Pickett filed a premature appeal from a non-final judgment. The City requested that final judgment be entered because Pickett failed to pay the redemption amount set by the court in its March 21, 2013 order. To its motion, the City attached an affidavit by the collector averring that Pickett had not tendered any of the taxes due. Pickett countered that the circuit court could not decide matters while the appeal was pending, and the court set a hearing for March 11, 2014.

At the March 11 hearing, Judge Danny B. O’Connor presiding, the City reiterated its position that the circuit court had jurisdiction to enter judgment and represented that the taxes still had not been paid as of the date of the hearing. Pickett argued that because the circuit court, in the March 15, 2013 order, incorrectly calculated the amount necessary for redemption, his appeal from that order was proper and thus divested the circuit court of jurisdiction to foreclose his right of redemption. Pickett also asserted that, at the March 2013 hearing, the circuit court accepted whole-cloth the City’s determination of what the taxes were without letting Pickett present arguments to the contrary. The City argued in response that the real issue at the March 2013 hearing was whether Pickett was responsible for taxes owed for tax years 2005 through 2010, the time

during which Afzali possessed the tax sale certificate for the Property. That is, although Pickett did ask the court to fix the amount necessary for redemption, he did not dispute the specific amounts proffered for each year—he only disputed his liability for the taxes for 2005 through 2010. The City asserted that the court’s prior determination of the taxes owed was proper and that Pickett had not paid the taxes. Consequently, the court was able to foreclose the right of redemption.

In an oral ruling, the court entered judgment foreclosing Pickett’s right of redemption—a decision validated by this Court’s opinion dismissing Pickett’s appeal one week later on March 18, 2014. The court followed its oral ruling with a written order, entered on March 19, 2014, foreclosing Pickett’s right of redemption according to the provisions in TP § 14-844.

Pickett filed a motion for reconsideration, and, after the parties sparred over several post-judgment motions not relevant to the issues on appeal, Mr. Pickett noted this appeal on June 4, 2014.

DISCUSSION

I. Amount Required to Redeem Property

Pickett contests his responsibility to pay taxes accruing on the Property from 2005 to 2010—the years after the first tax sale and during which Afzali was in possession of the tax sale certificate. The City argues that once the circuit court struck Afzali’s judgment foreclosing Pickett’s right of redemption, Afzali was no longer liable for the taxes accrued from 2005 to 2010, and thus Pickett had to pay the full tax liability in order to redeem the Property.

In tax foreclosure cases, we construe the tax sale statute to ensure a balance between:

- (1) the due process and redemption rights of persons that own or have an interest in property sold at a tax sale; and
- (2) the public policy of providing marketable title to property that is sold at a tax sale through the foreclosure of the right of redemption.

TP § 14-832.

“All unpaid taxes on real property shall be, until paid, liens on the real property in respect to which they are imposed from the date they became or become payable.” TP §14-804(a) (Emphasis added). Further, the lien is created automatically; TP §14-805(a) provides: “From the date property tax on real property is due, liability for the tax and a 1st lien attaches to the real property in the amount of the property tax due on the real property.”⁸ All taxes that accrue after a property is sold in a tax sale, together with interest and penalties on the taxes, are additional liens against the property. TP § 14-831.

Generally, within two years from the date taxes become in arrears the collector for the local government must sell the property at a public auction. TP § 14-808. At the public sale, the purchaser pays the back-taxes due on the property and is in turn “given a certificate of sale which includes a description of the property, the amount for which the property was sold, and information as to the time in which an action to foreclose the owner's right of redemption must be brought.” *Quillens*, 399 Md. at 113; *see* § 14-820.

⁸ “‘Tax’ means any tax, or charge of any kind due to the State or any of its political subdivisions . . . that by law is a lien against the real property on which it is imposed or assessed.” TP §14-801(c)(1).

Once the tax sale certificate holder forecloses the right of redemption, the holder is liable for all taxes, interest, and penalties due on the property. TP § 14-844(d). If the certificate holder fails to pay the bid surplus along with all of the taxes and fees due, interested parties—such as the collector or the former property owner—have several options. After 90 days, an interested party may petition the court to strike the judgment for good cause. TP § 14-847(d). Alternatively, the former property owner may bring an action to enforce the judgment to obtain the surplus of the bid from the tax sale, thus recouping the difference between the bid amount and the former property owner’s unpaid taxes. *Hardisty v. Kay*, 268 Md. 202, 213 (1973). In terms of a governmental response, the collector may, but is not required to, bring an action to collect the taxes and fees owed on the property. TP §§ 14-844(d), 14-864. Additionally, if the collector does not bring an action to collect the unpaid taxes, that official can sell the property at a second tax sale. *See Prince George's Homes, Inc. v. Cahn*, 283 Md. 76, 83 (1978).

However, before the right of redemption is foreclosed or if the judgment foreclosing the right of redemption is stricken, the record owner of the property may redeem the property by paying the required sum to the collector. *See* TP §§ 14-827, 14-828. To redeem the property, the record owner must pay the collector the sum of:

- (1) the total lien amount paid at the tax sale for the property together with interest;
- (2) any taxes, interest, and penalties paid by any holder of the certificate of sale;
- (3) except for owner-occupied residential property in Baltimore City, any taxes, interest, and penalties accruing after the date of the tax sale;
- (4) in the manner and by the terms required by the collector, any expenses or fees for which the plaintiff or the holder of a certificate of sale is entitled to reimbursement under § 14-843 of this subtitle; and

(5) for vacant and abandoned property sold under § 14-817 of this subtitle for a sum less than the amount due, the difference between the price paid and the unpaid taxes, interest, penalties, and expenses.

TP § 14-828(a). The amount required to redeem is specified by statute to be the amount paid at the tax sale with interest combined with any taxes, interest, and penalties accruing after the date of the tax sale including those already paid by the holder of the tax sale certificate. Notably, section 14-828 does not mention the person to whom the tax was assessed in its specification of the amount required to redeem the property.

In this case, Afzali originally purchased the Property at a tax sale on May 10, 2004. She petitioned the circuit court to foreclose Pickett’s right of redemption, which it did in a judgment entered on January 16, 2007. Afzali was then liable for the taxes that accrued after the 2004 tax sale. However, those taxes were not paid, and the Frederick County Board of County Commissioners successfully moved to strike the judgment foreclosing the right of redemption on August 25, 2010, pursuant to TP § 14-847(d).

After the judgment was stricken, the case stood precisely as if there had been no judgment. In other words, “[t]he vacated judgment lack[ed] force or effect and place[d] the parties in the position they occupied before entry of the judgment.” 47 Am. Jur. 2d *Judgments* § 714 (2015); see *Eastgate Associates v. Apper*, 34 Md. App. 384, 388 (1977); see also *Bridges v. Adams*, 32 Md. 577, 579 (1870). Thus, Afzali was no longer responsible for the payment of taxes for the years 2005 through 2010. See TP § 14-831 (“Until a judgment is issued by the circuit court that forecloses all rights of redemption in any property sold by the collector, the property shall continue to be assessed as though no

sale had been made, whether the governing body of the county or some other person holds the certificate of sale”).

The Property was subsequently listed at a second tax sale. Because no private person purchased the Property, Frederick County bought in and held the Property as required by TP § 14-824. After the County assigned the tax sale certificate to the City, the City obtained all the rights of a private tax sale purchaser, including the right to foreclose Pickett’s right of redemption for a second time.

At the March 5, 2013 hearing—the proceedings in part giving rise to this appeal—Pickett ostensibly sought to redeem his property. However, he desired to do this only by paying the taxes that accrued after the second tax sale, not the taxes that accrued after Afzali foreclosed his right to redeem.

In contrast to Pickett’s assertions, the amount necessary to redeem is the sum of the outstanding taxes and fees due on the Property and is not dependent on the name of the person to whom those taxes were assessed. As set out in TP § 14-828(a)(1), in order to redeem his or her property, a person must pay “the total lien amount paid at the tax sale for the property together with interest.” In this case, the lien amount included the taxes that accrued during the years that Afzali was in possession of the tax sale certificate. Thus, in order to redeem the Property, Pickett was required to pay the collector that amount, in addition to the amounts set out in TP § 14-828(a)(2)-(5). Accordingly, the circuit court did not err in including the taxes accruing from tax years 2005 through 2010 when it set the amount necessary for redemption.

Pickett contends that this interpretation would leave tax collectors in a predicament. He argues that if striking a judgment foreclosing the right of redemption would relieve the tax sale certificate holder from her liability for the taxes and fees accruing after the date of sale under TP §§ 14-831 and 14-844(d), then municipalities “would have to leave the foreclosing judgment in place indefinitely in order to attempt to collect taxes and/or payment of the purchase price.”

This argument is misguided because it rests on the assumption that striking a judgment foreclosing the right of redemption also strikes the tax lien on the property for the taxes assessed after the judgment was entered. In reality, after a judgment is stricken, municipalities and other taxing entities have the same remedies to collect taxes that they had prior to the judgment because the tax lien on the property is independent of a judgment foreclosing redemption of that property. TP § 14-804 (“All unpaid taxes on real property shall be, until paid, liens on the real property in respect to which they are imposed from the date they became or become payable”).

Municipalities may sue the former owner in an action to collect taxes under TP § 14-864, or they may sell the property at a second tax sale. If a private bidder purchases the property, then the outstanding taxes, including the taxes that accrued after the original tax sale, would be satisfied at the tax sale. If no private bidder purchases the property, then the municipality holds the property and eventually obtains possession of the property after foreclosing the right of redemption. If the former property owner desires to retain possession of the property, as Pickett does here, he must pay all outstanding taxes, fees, and penalties on the property pursuant to TP § 14-828(a). Therefore, in any of the above

scenarios, the municipality will either obtain all taxes due, or will obtain ownership of the property.

For the above reasons, we hold that the circuit court did not err in calculating the amount Pickett was required to pay to redeem his property to be the total tax liability, including the years after which Afzali had foreclosed Pickett’s right of redemption.⁹

II. Crediting Funds

Pickett argues that the circuit court should have credited him \$7,612.13 for the funds he deposited with the Clerk of the Circuit Court for Frederick County prior to the March 5, 2013 hearing. TP § 14-828(a), as discussed *supra*, provides that “the person redeeming shall pay the *collector*” the amount due. (Emphasis added). Pickett contends that he could not pay the collector because TP § 14-829(c) states that the collector may not accept funds if there is a dispute regarding the amount necessary for redemption. Section 14-829 describes under what circumstances the collector may or may not accept payment. Specifically, subsection (c) states: “If there is any dispute regarding redemption, the collector shall accept no money for redemption unless and until a

⁹ Almost as an aside, Pickett asserts that he was denied his right to a jury trial. In his answer to the City’s first amended complaint to foreclose, Pickett requested a jury trial. This request was not discussed or ruled upon in the circuit court’s proceedings. The “guaranty of the right to a jury trial *in actions at law* remains absolute despite the procedural merger of law and equity in 1984.” *Calabi v. Gov’t Employees Ins. Co.*, 353 Md. 649, 655-56 (1999) (Citations omitted). However, “there is no constitutional right to a jury trial for proceedings *in equity*” because, “[h]istorically, the Chancellor, rather than a jury, decided all questions of law and fact.” *Id.* Tax foreclosure proceedings are equitable in nature. *See* § 14-834; *Hardisty, supra*, 268 Md. at 211; *Kona Properties, LLC v. W.D.B. Corp.*, No. 696, Sept. Term 2014, 2015 WL 5090056, at *15 (Md. Ct. Spec. App. Aug. 28, 2015). Thus, Pickett had no right to a jury trial in this case.

certified copy of the order of court fixing the amount necessary for redemption is filed with the collector.” The subsection does not suggest that the circuit court may accept payment of the redemption amount in place of the collector if there is a dispute regarding the amount due. Therefore, the redemption amount must be paid to the collector, and, in cases where the amount due is disputed, then the person redeeming must wait until the court fixes the amount due before depositing the funds with the collector.

Although depositing the funds with the court may have shown Pickett’s willingness to pay a portion of the tax obligation, for the above reasons, we hold that the court did not err in calculating the tax obligation to be \$30,131.21 and was correct to not reduce that amount by the fund deposited with the court.¹⁰

III. Right of Owner to Redeem Property Until Foreclosed

Pickett argues that the circuit court erred because its March 15, 2013 order, which required Pickett to pay the collector the redemption amount by March 20, 2013, did not comply with TP § 14-827 because it impeded him from redeeming his property before his right of redemption was actually foreclosed. The City argues that the order, in fact, set the redemption amount and gave Pickett an opportunity to redeem his property.

TP § 14-827 states, “[t]he owner or other person that has an estate or interest in the property sold by the collector may redeem the property at any time until the right of

¹⁰ Pickett, in his reply brief, also asserts that the circuit court erred in its determination of the amount necessary for redemption because it accepted the City’s proffer of the amount without taking evidence. Pickett did not raise this issue in his initial brief, and did not include the issue in his questions presented. Thus, we need not consider it now. *See Gazunis v. Foster*, 400 Md. 541, 554 (2007) (declining to decide an issue raised for the first time in petitioner’s reply brief).

redemption has been finally foreclosed under the provisions of this subtitle.” The court’s March 15 order, titled “Order Fixing Amount of Redemption,” stated:

It being found by the Circuit Court that the amount necessary for redemption of the property in question is . . . \$30,131.24, it is therefore this 15th day of March, 2013, . . . ORDERED, that the Defendant, Allan Pickett may redeem the Property by paying . . . \$27,567.75 to the Director of Treasury, Collector of Taxes for the State of Maryland and the County of Frederick, and by paying . . . \$2,563.49 to the City of Frederick. Both payments must be made on or before March 20, 2013; and it is further

ORDERED, that in addition to the above amounts in order to redeem the Property the Defendant must pay the per diem interest and penalties on or before March 21, 2013 that have accrued between March 5, 2015 and the day of redemption which shall be no later than March 20, 2013, to the Director of Treasury, Collector of Taxes for the State of Maryland and the County of Frederick; it is further

ORDERED, that this matter will be rescheduled for a hearing on March 21, 2013 at 2:00 p.m.

The court’s order is not at odds with the language of TP § 14-827. The contested term—describing the date before which Pickett was able to redeem the Property—merely set a deadline for payment, which, if not complied with, would result in the court entering an order foreclosing his right of redemption. Moreover, the order was in substantially the same form as the orders mentioned in *Quillens v. Moore, supra*, which set the amount the defendants were required to pay to redeem the property before a certain date, set a per diem interest amount, and provided that plaintiffs could foreclose the right of redemption if the defendants did not pay within 30 days. 399 Md. at 108 n.9; *see also Brooks v. McMillan*, 42 Md. App. 270, 276 (1979) (noting that orders fixing the amount for redemption may also establish a “payment deadline”).

The circuit court’s March 15, 2013 order gave Pickett an opportunity to redeem his property and did not run afoul of the tax sale statute.

IV. Recusal

In his final contention of error, Pickett argues that Judge O’Connor should have recused himself from the proceedings because Judge O’Connor had served as a court-appointed mediator between the parties in a separate condemnation case concerning the same property in 2005 and prior to his appointment to the bench.

Rule 2.11(a) of the Maryland Code of Judicial Conduct (“MCJC”) provides in pertinent part:

A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned, including the following circumstances: (1) The judge has a personal bias or prejudice concerning a party or a party’s lawyer, or personal knowledge of facts that are in dispute in the proceeding.

“[T]here is a strong presumption in Maryland, and elsewhere, that judges are impartial participants in the legal process, whose duty to preside when qualified is as strong as their duty to refrain from presiding when not qualified.” *Jefferson-El v. State*, 330 Md. 99, 107 (1993) (Citations omitted). The party asserting that recusal is necessary “has a heavy burden to overcome the presumption of impartiality and must prove that the judge has a personal bias or prejudice against him or her or has personal knowledge of disputed evidentiary facts concerning the proceedings.” *Attorney Grievance Comm’n of Maryland v. Shaw*, 363 Md. 1, 11 (2001) (citing *Jefferson-El*, 330 Md. at 107).

Pickett presents no evidence that Judge O’Connor was biased or prejudiced against him or had personal knowledge of a disputed evidentiary fact. Pickett’s descriptions of bias ultimately amount to an inference of prejudice allegedly revealed by the fact that Judge O’Connor did not agree with his legal arguments and foreclosed his

right of redemption—orders with which we have found no error. Moreover, the party asserting bias must show that the judge had personal knowledge of “facts *that are in dispute* in the proceeding.” MCJC Rule 2.11(a)(1) (Emphasis added); *see Attorney Grievance Comm'n of Maryland v. Ross*, 428 Md. 50, 86 (2012) (holding that recusal was not necessary where defendant did not produce any evidence of judicial bias or prejudice, or of any personal knowledge about disputed facts in the case). Pickett has not directed our attention to any specific fact in dispute in this tax foreclosure case that Judge O'Connor may have had personal knowledge of as a result of his role as a mediator during the condemnation case 10 years ago. Without such evidence and given the strong presumption of judicial impartiality, we accept that any privileged knowledge Judge O'Connor may have obtained from the parties from during the condemnation case had no bearing on the this tax foreclosure case.

**JUDGMENT OF THE CIRCUIT
COURT FOR FREDERICK
COUNTY AFFIRMED. COSTS TO
BE PAID BY THE APPELLANT.**