

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 0068

September Term, 2015

LAZINA KING, ET AL.

v.

LAURA O'SULLIVAN, ET AL.,
SUBSTITUTE TRUSTEES

Woodward,
Friedman,
Zarnoch, Robert A.
(Retired, Specially Assigned),

JJ.

Opinion by Woodward, J.

Filed: February 9, 2016

*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.

In June 2014, foreclosure proceedings were instituted in the Circuit Court for Prince George’s County for the property located at 141 North Huron Drive, Oxon Hill, Maryland 20745 (“the property”) by substitute trustees, appellees.¹ On September 3, 2014, appellants, Ria and Lazina King, who were the owners of the property, sent a letter to the circuit court that had the subject line: “Re: Request for a trail [sic] /hearing to halt foreclosure proceedings on my property located at 141 N Huron Drive, Oxon Hill, MD 20745 CASE # CAEF1413506.” The circuit court treated the letter as a motion to stay the foreclosure. On September 9, 2014, the court denied appellants’ motion without a hearing.

The foreclosure sale occurred on September 12, 2014, and the noteholder, U.S. Bank Trust, N.A. as Trustee for LSF8 Master Participation Trust, purchased the property. An order ratifying the sale was entered on February 26, 2015.

On March 26, 2015, a number of documents were filed with the circuit court with a cover letter that said: “To whom it may concern[;] Note: Seven (7) copies have been filed with the Appellant [sic] Court. Thank you, Lazina King.” One of the documents was a letter dated March 25, 2015, with the subject line “Re: Request for Foreclosure an Appeal regarding Foreclosure of Property 141 N. Huron Drive, Oxon Hill, MD 20745 (Case # CAEF14-13506).” The letter included a statement by Lazina King: “I am writing this letter to request an appeal and foreclosure mediation on my house.” Although the letter is addressed to the circuit court, a duplicate original appears to have been sent to this Court,

¹ The named substitute trustees in this case are Laura H. G. O’Sullivan, Erin M. Brady, Diana C. Theologou, Chasity Brown, and Laura T. Curry.

because the record also shows that appellants included with their filing in the circuit court a copy of a \$50 check made payable to “Maryland Court of Appeals” [sic] and a civil appeal information report form, usually filed in this Court pursuant to Rule 8-205. On April 6, 2015, this Court mailed to Lazina King a letter in which we returned the \$50 check, asked her to correct the civil appeal information report, and directed her to provide a copy of the notice of appeal.

On April 16, 2015, appellants filed a notice of appeal with the circuit court. In their brief, appellants cite to the February 26, 2015 order ratifying the foreclosure sale as the order from which their appeal is taken. Rule 8-202(a) requires, with certain exceptions inapplicable to this case, that a “notice of appeal [] be filed within 30 days after entry of the judgment or order from which the appeal is taken.” This requirement is jurisdictional. *Lovero v. Da Silva*, 200 Md. App. 433, 441 (2011). Accordingly, “[f]ailure of an aggrieved party to so file terminates its right of appeal and the appellate court acquires no jurisdiction to hear that matter.” *Id.* (quoting *Ruby v. State*, 353 Md. 100, 113 (1999)).

Because appellants did not file a notice of appeal within thirty days of the order ratifying the foreclosure sale, this Court has no jurisdiction to review appellants’ appeal. We cannot treat appellants’ March 25 letter as a notice of appeal, because the letter does not contain a certificate of service,² and a certificate of service is required for a notice of appeal

² At the end of appellants’ March 25 letter, there appears the following: “cc: Caliber
(continued...)”

to be accepted as filed by the circuit court. *See* Rule 1-323 (“The clerk shall not accept for filing any pleading or other paper requiring service . . . unless it is accompanied by an admission or waiver of service or a signed certificate showing the date and manner of making service.”); *Lovero*, 200 Md. App. at 447 (stating that notice of appeal without certificate of service cannot be accepted as filed).³ Accordingly, appellants did not file a notice of appeal until April 16, 2015, which is untimely. *See* Rule 8-202(a).

**APPEAL DISMISSED. COSTS TO BE PAID
BY APPELLANTS.**

²(...continued)

Home Loans/McCabe, Weisberg, & Conway, LLC.” Such language does not constitute a certificate of service, because it is not “a signed certificate showing the date and manner of making service.” Md. Rule 1-323.

³ In their reply brief, appellants admit a lack of knowledge regarding certificates of service. We cannot afford special consideration to them merely because they are *pro se*. *See Dep’t of Labor, Licensing & Regulation v. Woodie*, 128 Md. App. 398, 411 (1999) (“It is a well-established principle of Maryland law that *pro se* parties must adhere to procedural rules in the same manner as those represented by counsel.”).