

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 38

September Term, 2016

GWENDOLYN L. YARBOROUGH HALL

v.

THOMAS P. DORE ET AL.
SUBSTITUTE TRUSTEES

Woodward, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 2, 2017

*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 this appeal from a foreclosure proceeding in the Circuit Court for Prince George’s County, Gwendolyn L. Yarborough Hall, appellant, challenges the court’s denial of a motion for reconsideration of her “Motion to Stay the Sale and Dismiss the Action,” the striking of her “Counterclaim for Wrongful Disclosure,” and a judgment awarding possession of the property to the purchaser. Appellees move to dismiss the appeal on the ground that, *inter alia*, the appeal is moot. For the reasons that follow, we shall grant appellees’ motion.

In May 2014, appellees¹ initiated the foreclosure proceeding, contending that Yarborough Hall “fail[ed] to make payments in accordance with [the] terms of the Deed of Trust and Promissory Note.” Following an unsuccessful mediation, the property was sold at a December 2014 foreclosure sale. In June 2015, Yarborough Hall filed the motion to stay the sale and dismiss the action. The court subsequently denied the motion and ratified the sale. In October 2015, Yarborough Hall filed the motion for reconsideration, and the following month, filed the counterclaim for wrongful disclosure. Appellees thereafter moved to strike the counterclaim. The court subsequently denied Yarborough Hall’s motion for reconsideration, struck her counterclaim, and ordered that a judgment awarding possession of the property be entered in the purchaser’s favor. In April 2016, the court issued a writ ordering the Sheriff to place the property in the possession of the purchaser. The Sheriff subsequently executed the writ.

¹Appellees are Thomas P. Dore, Mark S. Devan, Gerard F. Miles, Jr., Erin Gloth, and Christine Drexel.

On appeal, Yarborough Hall contends that, for various reasons, the court erred in denying the motion for reconsideration, striking her counterclaim, and awarding possession of the property to the purchaser. Appellees contend that the appeal is moot, because Yarborough Hall failed “to obtain a supersedeas bond prior to the purchaser’s execution of the judgment of possession.”

We agree with appellees. Rule 8-422(a)(1) states that when an appellant wishes to “stay the enforcement of [a] civil judgment,” the appellant must “fil[e] with the clerk of the lower court a supersedeas bond under Rule 8-423, alternative security as prescribed by Rule 1-402(e), or other security as provided in Rule 8-424.” The Court of Appeals has stated that “if [a] property is sold to a *bona fide* purchaser in the absence of a supersedeas bond,” a subsequent “appeal becomes moot,” because “a reversal on appeal would have no effect.” *Mirjafari v. Cohn*, 412 Md. 475, 484 (2010) (internal citation and quotations omitted) (*italics added*).

Here, Yarborough Hall failed to file with the clerk of the lower court a supersedeas bond or any other security. Also, Yarborough Hall does not dispute that the property was sold to a *bona fide* purchaser. A reversal on appeal would have no effect, and hence, the appeal is moot.

**APPELLEES’ MOTION TO DISMISS
GRANTED. COSTS TO BE PAID BY
APPELLANT.**