

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 394

September Term, 2016

GARRET DARDEN

v.

FAOULY UMOJA, *et al.*

Berger,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 7, 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.

Garret Darden, appellant, filed a complaint, in the Circuit Court for Baltimore City, to foreclose the right of redemption for unpaid taxes on real property located at 1606 Homestead Street. That complaint was later dismissed, without prejudice, because Mr. Darden did not file an Affidavit of Compliance within the time ordered by the court. Mr. Darden filed two motions to revise that judgment pursuant to Maryland Rule 2-535(a), but both motions were denied. Appellant did not appeal the denial of those motions.

Instead, Mr. Darden filed a “Motion to Vacate Order Denying Plaintiff’s Motion to Re-Open Case pursuant to Rule 2-535(b).” That motion did not challenge the underlying judgment dismissing his complaint, but sought to vacate the circuit court’s orders denying his motions to revise that judgment. Specifically, Mr. Darden contended: (1) that there had been an “irregularity” in the denial of his first motion because the court had relied, in part, on Md. Code Ann., Tax-Property Art. § 14-833(a-1), which Mr. Darden claimed did not apply in his case; and (2) that there had been an “irregularity” in the denial of his second motion because the court had incorrectly cited a case in its order. After the circuit court denied that motion, Mr. Darden filed this appeal raising three issues that are reducible to one: whether the court erred in denying his Maryland Rule 2-535(b) motion. For the reasons that follow, we affirm.

Maryland Rule 2-535(b) provides that “at any time, the court may exercise revisory power and control over [a] judgment in case of fraud, mistake, or irregularity.” “The denial of a motion to revise under Rule 2-535(b) is appealable, but the only issue before the appellate court is whether the trial court erred as a matter of law or abused its discretion in

denying the motion.” *In re Adoption/Guardianship No. 93321055/CAD*, 344 Md. 458, 475 (1997).

“Maryland courts have narrowly defined and strictly applied the terms fraud, mistake, [and] irregularity, in order to ensure finality of judgments.” *Thacker v. Hale*, 146 Md. App. 203, 217 (2002). Here, none of the claims raised in Mr. Darden’s motion demonstrate the existence of any fraud, mistake, or irregularity, as those terms are used in Rule 2-535(b), that would have warranted the circuit court setting aside its orders denying his motions to revise the judgment dismissing his complaint. *See generally Davis v. Attorney General*, 187 Md. App. 110, 125 (2009) (stating that an “‘irregularity,’ warranting vacatur of judgment, is not an ‘error,’ which in legal parlance, generally connotes a departure from truth or accuracy of which a party had notice and could have challenged, but instead, is a nonconformity of process or procedure” (citation omitted)); *Claibourne v. Willis*, 347 Md. 684, 692 (1997) (noting that the term “mistake” is “limited to a jurisdictional error, such as where the Court lacks the power to enter the judgment”). Consequently, the circuit court did not err in denying Mr. Darden’s Rule 2-535(b) motion.

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**