

Circuit Court for Prince George's County  
Case No. CAEF16-00039

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 53

September Term, 2018

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ROSE MKENDE

v.

BROCK & SCOTT, PLLC, *et al.*

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Meredith,  
Graeff,  
Raker, Irma S.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: May 1, 2019

\*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 January 2016, Brock & Scott, PLLC, appellee, acting as substitute trustee, filed an Order to Docket in the Circuit Court for Prince George’s County, seeking to foreclose on real property owned by Rose Mkende, appellant. Ms. Mkende’s home was sold at a foreclosure sale in March 2017, and the circuit court entered a final order ratifying the sale on November 6, 2017. On December 5, 2017, Ms. Mkende filed a “Motion to Vacate Final Order of Foreclosure Sale and Exceptions to Sale,” claiming that the foreclosure sale should be vacated because she did not receive notice of the foreclosure sale or a copy of the report of sale (motion to vacate). The court denied the motion to vacate without a hearing on February 20, 2018. Ms. Mkende filed a notice of appeal on March 9, 2018, and presents the following questions for our review, which we quote:

- (1) Is a note an asset or liability on the banking ledger?
- (2) Can the Appellee/MORTGAGEE show chain of title?
- (3) Has the original note been separated from the mortgage? If so, can they still be enforceable as independent instruments?
- (4) Is there any proof where Appellee/MORTGAGEE has shown cause the Appellant/MORTGAGOR has forfeited the equitable right of redemption from the equitable assets including insurance?
- (5) Is there any reasonable means why the Appellant/MORTGAGOR should not have access to a full accounting to make chargeable the equitable assets from the mortgage and the insurance?

Because the court’s order denying the motion to vacate is the only order that is properly before us, and Ms. Mkende does not raise any issues on appeal regarding that order, we shall affirm.

In the instant case, the November 6, 2017, order ratifying the foreclosure sale constituted the final judgment on the merits as to the validity of the foreclosure sale. *See Hughes v. Beltway Homes, Inc.*, 276 Md. 382, 284 (1975) (“An order ratifying a sale is a judgment . . . because it is an order of the court final in its nature.” (internal quotation marks omitted)); *Ed Jacobson Jr., Inc. v. Barrick*, 252 Md. 507, 511 (1969) (“[T]he law is firmly established in Maryland that the final ratification of the sale of property in foreclosure proceedings is res judicata as to the validity of such sale, except in the case of fraud or illegality, and hence its regularity cannot be attacked in collateral proceedings.” (citations omitted)). Therefore, to obtain review of that judgment, Ms. Mkende was required to file her notice of appeal within 30 days after it was entered on the docket. However, she did not file her notice of appeal until March 9, 2018, almost four months later. And her motion to vacate did not toll the time for her to file the notice of appeal as it was filed more than ten days after the entry of the ratification order. *See* Md. Rule 8-202(c) (stating that the 30 day deadline to file a notice of appeal can be tolled when a motion to alter or amend the judgment under Maryland Rule 2-534 is filed within ten days of the entry of judgment). Consequently, Ms. Mkende’s notice of appeal was only timely as to the February 20, 2018, judgment denying her motion to vacate.

All of the issues that Ms. Mkende raises in her brief address the propriety of the underlying foreclosure action. However, Ms. Mkende did not file a timely appeal from

the ratification order. Therefore, we will not address those contentions on appeal.<sup>1</sup> Because Ms. Mkende does not raise any claims regarding the February 20 judgment, the only judgment that is properly before us, we affirm the denial of her motion to vacate.

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

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<sup>1</sup> We note that, even if Ms. Mkende had filed a timely notice of appeal from the ratification order, we would not consider the issues raised in her brief as they consist of nothing more than conclusory statements that are not supported by facts in the record or relevant legal authority. *See Diallo v. State*, 413 Md. 679, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (citation omitted)).