Circuit Court for Washington County
Case No.: C-21-FM-20-001127

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 89

September Term, 2025

ERIC HOUSTON

v.

MARY HOUSTON

Zic,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 2, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Appellant Eric Houston ("Father") and appellee Mary Houston ("Mother") are the divorced parents of a minor child. In April 2021, the Circuit Court for Washington County, in accordance with the parties' Marital Settlement Agreement, entered a judgment of absolute divorce, which set a shared physical custody schedule and required Father to pay $278 per month in child support to Mother. The parties' custody schedule was modified several times over the next three years, *see generally Houston v. Houston*, No. 501, Sept. Term 2023, & No. 125, Sept. Term, 2024, slip op. at 2–9 (filed Oct. 9, 2024), but Father's support obligation did not change. Even so, he failed to make any payments.

In April 2024, the circuit court referred the matter "to the Washington County Department of Social Services for child support establishment and consideration of arrearages[.]" The parties eventually appeared before the Family Magistrate in December 2024. Based on the evidence presented at the hearing, the magistrate recommended ordering Father to pay to Mother $1,118 per month in child support and $150 per month on his $23,712 arrearage. Father timely excepted to the magistrate's recommendation, but he failed to order the transcript. *See* Md. Rule 9-208(g). As a result, the circuit court dismissed his exceptions and adopted the magistrate's recommendation. This appeal followed.

On appeal, Father contends that the circuit court erred in dismissing his exceptions and that, in any event, the court erred in adopting the magistrate's recommendations. We are not persuaded.

Father does not dispute that Maryland Rule 9-208(g) authorized the circuit court to dismiss his exceptions for his failure to order the transcript. Instead, he argues that the transcript was not necessary because his exceptions alleged only legal error. We disagree.

We first note that Rule 9-208(g) provides a mechanism for seeking review of exceptions without a transcript: "At the time the exceptions are filed, the excepting party shall . . . file a certification that no transcript is necessary to rule on the exceptions[.]" Father failed to do so. Indeed, he did not raise the issue until after Mother moved to dismiss his exceptions, which the circuit court denied as untimely. On appeal, Father seems to suggest that the court should have *sua sponte* determined that no transcript was needed. But the Maryland Rules are "precise rubrics which are to be strictly followed." *Gen. Motors Corp. v. Seay*, 388 Md. 341, 344 (2005) (cleaned up). Rule 9-208(g) set out the process by which Father could seek review of his exceptions without a transcript, and he failed to follow it. The circuit court did not err in dismissing his exceptions on that basis.

In any event, we agree with the circuit court that, even if Father's request were timely, "the [t]ranscript in this matter [was] vitally necessary for any exceptions hearing." Father's exceptions challenged the figures used by the magistrate in calculating his support obligation and the dates used in calculating his arrearages. But determining Father's income to set his support obligation was a factual finding, not a legal conclusion. *See Walker v. Grow*, 170 Md. App. 255, 284 (2006). So, too, was the determination of when each parent had custody of the child—and, thus, the periods for which Father owed arrearages. Because Father's exceptions sought review of the magistrate's factual findings, the transcript was necessary for the circuit court to review the evidence and testimony upon

which the magistrate made those findings. It therefore did not err in dismissing his exceptions for his failure to order the transcript.

Still, Father argues that the court erred in adopting the magistrate's recommendation because it included "speculative and uncertain overtime" in the support calculation and arrearages for periods in which he had no support obligation. He has forfeited this issue.

As just discussed, both of Father's claims address factual findings by the magistrate, specifically with respect to his yearly income and whether the child was in fact living with him during the time that he was ordered to pay child support arrearages. But because his exceptions were dismissed for his failure to order the transcript, Father has "forfeit[ed] any claim that the [magistrate's] findings of fact were clearly erroneous." *Barrett v. Barrett*, 240 Md. App. 581, 587 (2019) (cleaned up). *See also* Md. Rule 9-208(f). He may challenge only "the court's adoption of the [magistrate's] application of the law to the facts." *Barrett*, 240 Md. App. at 587 (cleaned up). Here, however, Father's arguments do not attack any application of law to the facts; he disputes only the magistrate's factual findings regarding his income and periods of custody. Consequently, Father's claims regarding the magistrate's fact-finding are not properly before us, and we must affirm the judgment of the circuit court. *See Miller v. Bosley*, 113 Md. App. 381, 393 (1997) (holding that "if [an] appellant's sole basis for appeal was that the [magistrate]'s factual findings, such as they are, were clearly erroneous, [the] failure to file exceptions [is] fatal to such an argument").

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