

Circuit Court for Baltimore County
Case No. C10-12157

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 168

September Term, 2017

DOUGLAS C. MYERS

v.

R. MARC GOLDBERG, TRUSTEE

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

JJ.

PER CURIAM

Filed: May 3, 2018

*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 2010, R. Marc Goldberg, appellee, acting as trustee, filed an Order to Docket, in the Circuit Court for Baltimore County, seeking to foreclose on real property owned by Allender Property I, LLC. The property was ultimately sold at a foreclosure sale, the sale was ratified in April 2011, and the auditor's report was ratified in January 2012.

In September 2016, Douglas Myers, appellant, filed a motion for leave to intervene and file a motion to vacate the foreclosure sale pursuant to Maryland Rule 2-535(b).¹ The circuit court denied the motion to intervene on October 12, 2016. On October 21, 2016, Myers filed a timely motion to alter or amend the judgment pursuant to Maryland Rule 2-534 (the first revisory motion). Goldberg filed an opposition to that motion and Myers filed a reply to Goldberg's opposition (the reply); however, because of a clerical error, the reply was not docketed until January 4, 2017. The circuit court denied Myers's first revisory motion on December 12, 2016. On January 6, 2017, Myers filed a "Motion to Reconsider Motion to Alter or Amend Judgment," claiming that the court should reconsider the denial of his first revisory motion because the Clerk had failed to timely docket his reply (the second revisory motion). The court denied the second revisory motion on March 6, 2017. Myers then filed a notice of appeal on March 31, 2017.

Myers raises five issues on appeal, all of which bear on either the validity of the original foreclosure sale or the denial of his motion to intervene. However, for the reasons set forth below, the only issue that this Court could possibly consider is whether the circuit

¹ Myers is the sole member and resident agent of Allender Property I, LLC.

court abused its discretion in denying Myers’s second revisory motion. Because Myers does not raise this issue, we affirm.

Maryland Rule 8-202 provides that a party must file his or her notice of appeal “within 30 days after entry of the judgment or order from which the appeal is taken.” That 30-day deadline is tolled when a motion to alter or amend judgment under Md. Rule 2-534 is filed within ten days of the entry of judgment. *See* Md. Rule 8-202(c). Here, Myers filed the first revisory motion within ten days of the circuit court’s order denying his motion to intervene being entered on the docket. Therefore, his time to file a notice of appeal from the denial of his motion to intervene was tolled until that motion was resolved. The first revisory motion was ultimately denied in an order docketed on December 12, 2016. Therefore, Myers had until January 11, 2017, to file a notice of appeal from the denial of his motion to intervene and the denial of his first revisory motion.

But Myers did not note an appeal to this Court before that time. Instead, on January 6, 2017, he filed the second revisory motion. That motion, however, did not toll the time to file his notice of appeal from either the order denying his motion to intervene or from the order denying his first revisory motion. *See Leese v. Department of Labor, Licensing and Regulation*, 115 Md. App. 442, 445 (1997) (noting that a party cannot obtain additional extensions of the deadline to appeal by filing a series of successive motions to alter or amend the previous motion’s denial). Consequently, Myers’s March 31, 2017, notice of appeal was timely only as to the denial of his second revisory motion.

The only point argued in Myers’s second revisory motion was that his due process rights had been violated because the clerk of court had failed to timely docket the reply

prior to the court ruling on his first revisory motion. However, Myers does not raise this claim on appeal and, therefore, the issue it is not properly before us. *See Anne Arundel County v. Harwood Civic Ass'n, Inc.*, 442 Md. 595, 614 (2015) (noting that arguments not presented in a brief or not presented with particularity will not be considered on appeal). Moreover, even if Myers had raised this issue, we would find no abuse of discretion in the circuit court's denial of his second revisory motion.

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