

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 314

September Term, 2022

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DEBRA BONILLA-MEAD

v.

LAURA H.G. O’SULLIVAN, *et al.*

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Nazarian,  
Ripken,  
Zarnoch, Robert A.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: October 27, 2022

\*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.

On July 16, 2018, appellees, acting as substitute trustees,<sup>1</sup> filed an Order to Docket in the Circuit Court for Montgomery County, seeking to foreclose on real property owned by Debra Bonilla-Mead, appellant. Thereafter, Ms. Bonilla-Mead filed an “Emergency Motion to the Court to Strike and Compel Alleged Plaintiffs/Debt Collectors and Their Agents to Void Their Sham Public Auction/Proceedings on Defendant’s Property Scheduled for 12-26-2018.” The court construed the motion as a motion to stay or dismiss the foreclosure action and denied the motion on December 21, 2018. Appellant filed a notice of appeal on December 26, 2018. The same day, appellant’s property was sold at a foreclosure auction to the secured party for the purchase price of \$255,200.00.

Following the foreclosure sale, appellant filed a motion in the circuit court and in this Court seeking stay the foreclosure proceedings during the pendency of her appeal; however, both motions were denied. We ultimately affirmed the circuit court’s denial of appellant’s motion to stay, holding that her motion was untimely, was not made under oath or supported by affidavit, and did not set forth any alleged defenses to the foreclosure action with particularity. *Bonilla-Mead v. O’Sullivan*, No. 3055, Sept. Term 2018 (filed June 9, 2020). After the mandate issued, appellant did not file any additional motions in the circuit court. The court entered an order ratifying the sale on March 9, 2022. Thereafter, appellant filed two timely motions to alter or amend the judgment pursuant to Maryland Rule 2-534,

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<sup>1</sup> Appellees are Laura H.G. O’Sullivan, Chasity Brown, Rachel Kiefer, Michael T. Cantrell and Jessica Horton.

raising various allegations of fraud. The court denied both motions without a hearing. This appeal followed.

As an initial matter, we note that appellant’s brief is very difficult to follow and is replete with conclusory allegations of fraud misconduct against various persons and entities involved in her foreclosure case.<sup>2</sup> Nevertheless, she essentially raises three issues on appeal: (1) whether the court erred in denying her request for a jury trial; (2) whether the court erred in allowing the foreclosure case to proceed during the pendency of her previous appeal; and (3) whether the court erred in refusing to allow her access to the master audio transcript of proceedings that occurred on October 28, 2019. For the reasons that follow, we shall affirm the judgment of the circuit court.

Appellant first contends that the court erred in denying her request for a jury trial. However, because a foreclosure action is an equitable proceeding, appellant did not have the right to a jury trial. *See Hill v. Cross Country Settlements, LLC*, 402 Md. 281, 309-10 (2007) (noting that foreclosures are proceedings in equity); *Mattingly v. Mattingly*, 92 Md. App. 248, 254-55 (1992) (holding that there is no right to a jury trial in an equitable

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<sup>2</sup> We note that those allegations of fraud are not set forth in any of her questions presented. And to the extent that she raised these claims in the circuit court, she does not identify what motions they were raised in or make any legal argument indicating why the court erred in denying those motions. Consequently, we will not address those issues on appeal. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (quotation marks and citation omitted)). We nevertheless note that any defenses that appellant had to the foreclosure action were required to be raised in a timely motion to stay or dismiss filed pursuant to Maryland Rule 14-211. And although appellant did file such a motion, the circuit court denied it and we affirmed that judgment on appeal.

proceeding).<sup>3</sup> Next, appellant asserts that the court erred in allowing the foreclosure action to proceed during the pendency of her appeal from the denial of her motion to stay. But the filing of a notice of appeal from an interlocutory order granting or denying an injunction does not deprive the trial court of jurisdiction to proceed while the appeal is pending. *Baltimore Cnty. v. Xerox Corp.*, 41 Md. App. 465, 474 (1979). Thus, in the absence of a stay, the circuit court was not required to halt the foreclosure proceedings during the pendency of her appeal.<sup>4</sup> Finally, appellant claims that the circuit court erred in not providing her with a copy of the “master audio transcript” of an October 28, 2019, hearing, which she claimed was “heavily redacted.” However, that hearing was held in the civil action that she filed against the secured party, not in this foreclosure case. Thus, any issues

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<sup>3</sup> It is not entirely clear that appellant is referring to her request for a jury trial in the foreclosure action. Rather, in her first question presented she asserts that the court erred in denying her “right to trial by jury as demanded in [her] bill of complaint.” However, she did not file a complaint in this case. Rather, this appears to be a reference to a related civil action that she filed against HSBC Mortgage Services, Inc. NY; Deutsche Bank; PHH Mortgage; and McCabe, Weisburg & Conway, LLC. Any issues with respect to that case are not properly before us in this appeal. Nevertheless, we have previously addressed her claim that the court erred in denying her right to a jury trial in that case and found it to be meritless. *See Bonilla-Mead v. HSBC Mortg. Servs., Inc. NY*, No. 1757, Sept. Term 2019 (filed December 17, 2020).

<sup>4</sup> In any event, a circuit court is not divested of its fundamental jurisdiction to proceed when an appeal is filed and may take any action that does not affect the subject matter or justiciability of the appeal. *See Link v. Link*, 35 Md. App. 684, 686 (1977) (stating that the noting of an appeal only divests the trial court of the ability to rule on issues which are appealed). Although the court ruled on several of appellant’s motions during the pendency of the appeal, it did not ratify the sale until almost two years after we issued the mandate.

with respect to that hearing must be raised in that case, and are not properly before us in this appeal.

Ultimately, appellant has the burden to demonstrate the existence of reversible error on appeal. Because appellant has not done so, we shall affirm the judgments of the circuit court ratifying the foreclosure sale and denying her motions to revise that judgment.

**JUDGMENTS OF THE CIRCUIT  
COURT FOR MONTGOMERY  
COUNTY AFFIRMED. COSTS TO  
BE PAID BY APPELLANT.**