

Circuit Court for Prince George's County
Case No.: C-16-CV-24-005676

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 317

September Term, 2025

MICHAEL HOLLY

v.

WRIGHT PROPERTIES, LLC

Reed,
Shaw,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 3, 2025

*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.

In May 2024, appellee Wright Properties, LLC, purchased, at a tax sale, a lien on property owned by appellant Michael Holly. Six months later, Wright Properties filed, in the Circuit Court for Prince George’s County, a complaint to foreclose rights of redemption in the property. By January 2025, Wright Properties certified service upon all interested parties. As to Holly, the process server filed an affidavit attesting that he had completed substitute service at an address in Cheltenham, Maryland—which the affidavit stated was Holly’s “usual place of residence”—by delivering process to an individual who was over 18 years old and identified as Holly’s granddaughter and co-resident.

Within a week of the purported service date, Holly moved to dismiss, claiming that he was not properly served. The court denied the motion. Holly again moved to dismiss, again claiming that he was not properly served and adding that the Cheltenham address was not his place of residence. Again, the court denied the motion. Eventually, Wright Properties moved for judgment granting it title to the property, which the court granted. This appeal followed.

Holly’s sole argument on appeal is that he was not properly served. “The determination whether a person has been served with process is essentially a question of fact.” *Wilson v. Md. Dep’t of Env’t*, 217 Md. App. 271, 286 (2014) (cleaned up). A circuit court’s findings of fact will be overturned only if clearly erroneous. *Medi-Cen Corp. of Md. v. Birschbach*, 123 Md. App. 765, 770 (1998).

Under Maryland Rule 14-503(a), upon the filing of a complaint to foreclose a right of redemption and the issuance of a summons by the court, process “shall be served in accordance with Rule 2-121 on each defendant named in the complaint whose whereabouts

are known.” Rule 2-121(a) permits service of process by leaving the papers “at the individual’s dwelling house or usual place of abode with a resident of suitable age and discretion[.]” A process server’s affidavit of service is prima facie evidence of proper service. *Weinreich v. Walker*, 236 Md. 290, 296 (1964). Although this presumption may be rebutted, “a mere denial of service is not sufficient[.]” *Wilson*, 217 Md. App. at 285. Just so here.

The process server filed an affidavit indicating that process had been left at Holly’s usual place of abode with his granddaughter—a co-resident. This was prima facie evidence of proper service. *Weinreich*, 236 Md. at 296. Without “corroborative evidence by independent, disinterested witnesses,” Holly’s mere denial of service was not sufficient to rebut this presumption.¹ *Wilson*, 217 Md. App. at 285 (cleaned up). Consequently, the circuit court’s finding that he had been served with process was not clearly erroneous.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**

¹ On appeal, Holly attached as an exhibit to his informal brief a letter from the purported owner of the Cheltenham residence—who is not the person named in the process server’s affidavit—stating that she is not related to Holly and that he was not residing at the Cheltenham address on the purported service date. This letter, however, was never filed in the circuit court and so “do[es] not form a legitimate portion of the record[.]” *Rollins v. Cap. Plaza Assocs., L.P.*, 181 Md. App. 188, 200 (2008). Thus, “we cannot consider [it].” *Id.*