Circuit Court for Prince George's County
Case No. CAEF17-14101

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 369

September Term, 2024

NICOLE PETERS-HUMES, ET AL.

v.

DIANA C. THEOLOGOU, ET AL.

Nazarian,
Reed,
Albright,

JJ.

Opinion by Nazarian, J.

Filed: September 4, 2025

This foreclosure case returns after remand to the Circuit Court for Prince George's County to allow George Humes and Nicole Peters-Humes to file motions to reconsider the court's decision to grant a motion for a deficiency judgment. The parties filed revisory motions—the second for Mr. Humes and the third for Ms. Peters-Humes. The court denied their motions, and Mr. Humes and Ms. Peters-Humes seek to appeal. But because denials of subsequent revisory motions are not appealable, we dismiss both appeals.

I. BACKGROUND

This case is at the final stage of a foreclosure case, the motion for deficiency stage. We told the full story of the case up to that point in *Peters-Humes v. Theologou*, No. 300, Sept. Term, 2022 (Md. App. Feb. 9, 2023), which we'll recap briefly and pick up from there.

Mr. Humes and Ms. Peters-Humes owned real property located at 14707 Jovial Court in Bowie. Lafayette Federal Credit Union ("LFCU") owned the note and secured the debt with a deed of trust in the property. Mr. Humes and Ms. Peters-Humes defaulted in 2016. Diana Theologou *et al*., the substitute trustees, began foreclosure proceedings and on July 31, 2018, the property was sold to Preferred Business Exchange ("PBX"). The circuit court ratified the sale later that year. The court then referred the matter to the court auditor, who reported a deficiency of $290,864.18. Mr. Humes and Ms. Peters-Humes did not file exceptions to the audit and the circuit court ratified it in an order dated February 26, 2019.

Almost two years later, on February 5, 2021, LFCU filed a motion for deficiency

judgment. Mr. Humes and Ms. Peters-Humes filed motions to dismiss and on October 5, 2021, the circuit court denied their motions and granted LFCU's motion for deficiency judgment. Mr. Humes and Ms. Peters-Humes then filed motions to alter or amend the court's order. They argued in part that the court should revise the deficiency judgment and deny LFCU's motion. A magistrate heard the matter on February 16, 2022, and denied their motions in an order dated March 17. While issuing its recommendations, the magistrate told Mr. Humes and Ms. Peters-Humes that they "shall have 15 days from the date of this order to file a motion to reconsider/response to [LFCU's] *Motion for Deficiency Judgment*." Mr. Humes and Ms. Peters-Humes filed exceptions to those recommendations, which the circuit court denied—and thus made the magistrate's recommendations final—in an order dated April 1, 2022, and docketed April 4, 2022. The parties appealed to this Court.

The questions on appeal, among other issues, were whether the circuit court erred by not allowing Mr. Humes and Ms. Peters-Humes fifteen days to file their "motion[s] to reconsider/response" and whether the court erred in granting LFCU's motion for deficiency judgment. As to the first question, we answered that on remand, Mr. Humes and Ms. Peters-Humes "shall have fifteen days from the issuance of the mandate to file 'a motion to reconsider/response to [LFCU's] Motion for Deficiency Judgment' as specified in the magistrate's March 17, 2022 proposed order, which became final on April 4, 2022." As to the second question, we recognized that only Ms. Peters-Humes was challenging the court's decision to grant LCFU's motion for deficiency judgment on the grounds that the

circuit court had not complied with statutory requirements in granting that motion. We were "unpersuaded" and affirmed the circuit court. Our mandate reflected our decision to affirm the circuit court on all issues, but to remand solely for the parties to file their motions to "reconsider/response":

> **JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED IN PART AND REVERSED IN PART. THE CIRCUIT COURT'S APRIL 4, 2022 ORDER DENYING THE APPELLANTS' EXCEPTIONS AND AFFIRMING THE MAGISTRATE'S RECOMMENDED ORDER IS AFFIRMED. CASE REMANDED FOR THE LIMITED PURPOSE OF PERMITTING THE APPELLANTS TO FILE IN THE CIRCUIT COURT "A MOTION TO RECONSIDER / RESPONSE TO LAFAYETTE FEDERAL CREDIT UNION'S (LFCU) MOTION FOR DEFICIENCY JUDGMENT" WITHIN FIFTEEN DAYS OF THE ISSUANCE OF THIS MANDATE. COSTS TO BE PAID 7/8 BY THE APPELLANTS AND 1/8 BY THE APPELLEES.**

Our opinion was filed on February 9, 2023, and the mandate issued on March 17, 2023.

1. Post-remand motions

On March 2, 2023, LFCU filed a motion requesting entry of a deficiency judgment. The motion argued that because our opinion was filed on February 9, 2023, Mr. Humes and Ms. Peters-Humes had until February 24, 2023 to file their motions to "reconsider/response." Because they had not done so, LFCU contended, any such motion going forward was untimely and that the court should enter a deficiency judgment against them "jointly and severally in the amount of $290,864.18, plus pre-judgment interest at the contract rate of 5.25% from February 26, 2019 in the amount of $29,536.66, plus post judgment interest at the legal rate."

Our mandate issued on March 17, 2023. That same day, Mr. Humes filed a "response to request for entry of deficiency judgment and request for hearing" that argued that LFCU's motion was premature because the mandate had not yet issued when LFCU filed its motion. Four days later, LFCU filed a line withdrawing its motion for entry of a deficiency judgment, recognizing that this Court's mandate had not been issued until March 17, 2023. Then, on March 24, 2023, Mr. Humes filed his "motion to reconsider/response" to LFCU's motion for a deficiency judgment. He contended that LFCU had executed two certificates of satisfaction, both releasing the underlying note and acknowledging full receipt of payment and satisfaction of the note. According to Mr. Humes, the liens on the property had been released and a deficiency no longer existed.

In addition, Mr. Humes asserted that the sale of the property to PBX produced proceeds of $422,639, and the buyer sold the same property for $660,000—realizing an increase of $237,361. Mr. Humes claimed that PBX was one of LFCU's LLCs, indicating that LFCU, as "lender[,] was the purchaser of the property at the foreclosure auction." As a result, he concluded, there was no deficiency. He recognized in that same motion that the court's October 5, 2021 order "grant[ed LFCU's] Motion for Deficiency Judgment." Nevertheless, he asked the court to deny the motion for deficiency judgment. Ms. Peters-Humes filed her "motion to reconsider/response" on March 30, 2023, rehashing these same arguments. Although she acknowledged that the October 5, 2021, order was an order "granting the LFCU's Motion for Deficiency Judgment," she too asked the court to deny that same motion.

On May 12, 2023, the circuit court issued an order stating that Ms. Peters-Humes's motion for "reconsideration/response" was moot: "P/n[LFCU] filed a Line to w/d request for deficiency judgment. Def Peters-Humes motion is MOOT." The court was referencing the March 21 Line that LFCU had filed. Five days later, the circuit court received our February 9 opinion, then docketed the mandate the next day, on May 18, 2023.

On June 7, 2023, the court issued an order permitting Mr. Humes and Ms. Peters-Humes to file their motions to "reconsider/response" in line with this Court's mandate and allowing the case to proceed:

> On February 9, 2023, the Appellate Court of Maryland ("ACM") affirmed, in part, and reversed, in part, the court's order issued on April 4, 2022, and remanded the case in the above-captioned case for further proceedings. It is, therefore, this 06/07/2023 by the Circuit Court for Prince George's County, Maryland,
>
> **ORDERED**, that Defendants may file a Motion to Reconsider Response to Lafyette[sic] Federal Credit Union's Motion for Deficiency Judgment **on or before June 29, 2023**; and it is further
>
> **ORDERED**, that the case shall proceed in the normal course.

Four days later, Ms. Peters-Humes re-filed her "motion to reconsider/response," styled this time as a "motion to reconsider/response to [LFCU's] motion for deficiency judgment, or, in the alternative, motion to dismiss [LFCU's] motion for deficiency judgment." In the motion, she contended that she was "confused by this [circuit court's] orders and as to what issues remain to be decided . . ." given that LFCU had withdrawn its motion for entry of deficiency judgment and that the court had rendered her last motion moot. Nevertheless, she incorporated her arguments from her last motion to "reconsider/response."

With regard to her motion to dismiss, Ms. Peters-Humes argued that because LFCU didn't file a response to her original motion to "reconsider/response," the circuit court could rule on her motion to dismiss under Maryland Rule 2-311. She added that the motion for deficiency had already been adjudicated on the merits in Frederick County, the court had dismissed the motion for deficiency, and that because LFCU had withdrawn its motion for entry of deficiency judgment, "its cause of action and [her] response thereto [were] 'Moot.'" For those reasons, she argued, allowing LFCU to relitigate the deficiency would be akin to "several bites at the apple." She asked the court to grant her motion to "reconsider/response" and her motion to dismiss.

On June 26, 2023, LFCU filed a "response to defendant's motion to reconsider/response." It argued that although there no longer was a lien on the foreclosed property, a deficiency still existed because the circuit court had ratified the debt. The release that LFCU had issued permitted the property to be sold and didn't satisfy the deficiency. LFCU argued that failure to respond to the motion to reconsider earlier did not equate to the court ruling automatically in Ms. Peters-Humes's favor. In addition, res judicata did not apply, it argued, because there was no judgment entered in the Frederick County case. Lastly, LFCU asserted that a deficiency judgment was proper as LFCU had complied with all the rules. LFCU asked the court to deny Ms. Peters-Humes's motion to "reconsider/response" and enter judgment in its favor "jointly and severally in the amount of $290,864.18, plus pre-judgment interest at the contract rate of 5.25% from February 26, 2019 in the amount of $29,536.66, plus post judgment interest at the legal rate."

On June 28, 2023, Ms. Peters-Humes filed a line withdrawing her re-filed motion to "reconsider/response" or alternatively, motion to dismiss LFCU's motion for deficiency judgment, stating that she had already filed one on March 30, 2023. The next day, she filed another line, clarifying that the motion she was withdrawing was the motion she filed on June 11, 2023.

2. Another round of post-remand motions

On June 28, 2023, Mr. Humes filed a motion "for appropriate relief." Again, he acknowledged that the circuit court's October 5, 2021 order granted LFCU's motion for deficiency judgment. He incorporated his March 24, 2023 motion to "reconsider/response," and argued that it was timely because he filed it within the timeline the circuit court set in its June 7, 2023 order. He asked the court to consider the motion's merits. He also asked the court to rule in his favor on the motion for appropriate relief and the motion to "reconsider/response" given that LFCU had withdrawn its request for entry of deficiency judgment, and because Mr. Humes's motion to "reconsider/response" was unopposed. Finally, he asked the court to deny LFCU's motion for deficiency judgment and to set a hearing.

The following day, Ms. Peters-Humes also filed a motion for appropriate relief and requested a hearing. She acknowledged that the court had granted the motion for the deficiency judgment. Even so, she asserted that "[n]otwithstanding, pursuant to [the circuit court's] June 7th Order"—the order rendering her motion to "reconsider/response" moot—she was incorporating her arguments from that same motion and requested that the circuit

court observe this Court's mandate and consider her motion to "reconsider/response" to comply with the court's order, as well as to consider the motion's merits. She asked the court to deny the motion for deficiency judgment along with the request for entry of deficiency judgment, grant her motion to "reconsider/response," and set a hearing.

On July 13, 2023, LFCU responded to Mr. Humes's and Ms. Peters-Humes's motions for appropriate relief. LFCU argued that despite the pair's contentions that there was no underlying debt, that debt remained. LFCU also asserted that the circuit court could not proceed in the matter until it received the mandate, even though the mandate issued earlier and the docketing occurred "well beyond the time [this Court] gave to" Mr. Humes and Ms. Peters-Humes. LFCU argued further that the motions to reconsider were not unopposed, but served as oppositions to LFCU's motion for deficiency judgment. And regardless, LFCU said, even if the motions were unopposed, that did not, by itself, guarantee a ruling against the non-opposing party. LFCU again asked the court to enter the deficiency against Mr. Humes and Ms. Peters-Humes.

Seven months later, on February 22, 2024, LFCU filed a motion to "reopen case and enter ruling or set for hearing." After recounting the case's factual and procedural history, LFCU stated that there had been no other filings in the case and that the parties had not received any updates from the court. Neither Mr. Humes's and Ms. Peters-Humes's motions nor LFCU's response to those motions had been "ruled on," but the "amounts prayed for in the complaint [were] still due and owing." LFCU asked the court to reopen the case, issue a ruling on LFCU's response to the motions to "reconsider/response," and

grant appropriate relief. As an alternative, LFCU asked the court to set the case for a hearing or any other relief the court deemed "just and proper."

On March 13, 2024, Mr. Humes and Ms. Peters-Humes each filed a response to LFCU's "motion to reopen case and enter ruling or set for hearing and motion to strike and request for hearing other relief.". Both acknowledged that the court had granted LFCU's motion for deficiency judgment on October 5, 2021. They also claimed that "on March 30, 2023, [the circuit court] issued an order denying [LFCU's] motion for deficiency and granting [Mr. Humes's and Ms. Peters-Humes's] unopposed motion[s]." However, there is no record of that order.[1] Nevertheless, both parties argued that the March 30, 2023 order was a final order that became enrolled on April 30, 2023, given that there was no appeal taken from it. Thus, LFCU had no basis to challenge that ruling through a post-judgment motion, and the circuit court lacked jurisdiction "to alter or rule on any order." LFCU's motion, they asserted, demonstrated a "lack of good faith and due diligence."

They then reiterated that the underlying deficiency didn't exist because the liens on property were released, that LFCU acknowledged that release, and that LFCU had sold the property to itself at the foreclosure action and realized an increase from the foreclosure sale in excess of the claimed deficiency. The parties asked the court to deny LFCU's motion to reopen the case and grant any other relief the court deemed appropriate. Mr. Humes also

[1] It appears that the parties gathered that there was a March 30, 2023 order from the circuit court because the date stamp on the May 12, 2023, order that rendered Ms. Peters-Humes's motion to "reconsider/response" moot is dated March 30, 2023. However, that order was docketed on May 12, 2023, and was not an order denying the motion for deficiency.

requested attorneys' fees for having to respond to LFCU's motion to reopen the case, given that the case was already disposed of in the March 30, 2023 order.

3. The decision

On April 11, 2024, the circuit court issued its order on LFCU's motion to reopen the case, Mr. Humes's motion for reconsideration of the motion for deficiency judgment, along with his and Ms. Peters-Humes's motions for appropriate relief. The court stated that in its October 5, 2021 order, it had "granted [LFCU's] Motion for Deficiency Judgment and" analyzed Mr. Humes's and Ms. Peters-Humes's motions as revisory motions under Rule 2-535. Citing that rule, the court found "no legal or meritorious reason to grant [Mr. Humes's and Ms. Peters-Humes's] Motion for Reconsideration." The court didn't find any clear and convincing evidence of fraud, mistake, or irregularity, nor good cause to grant Mr. Humes and Ms. Peters-Humes their requested relief. As a result, the court denied all of their motions and requests for a hearing. The court also ordered LFCU to file a proposed order for an entry of deficiency judgment to include: the deficiency amount, the pre-judgment interest rate, the pre-judgment time period and amount during that period, the legal rate of interest, and reasonable attorneys' fees and costs allowable under the note and deed of trust. The court also ordered the case to "remain statistically closed."

Ms. Peters-Humes filed a notice of appeal on April 22, 2024. Mr. Humes filed his notice of appeal on May 11, 2024.

II. DISCUSSION

The parties present several questions in this appeal,[2] but we will be unable to reach

[2] Mr. Humes phrased his Questions Presented as:

> 1. Whether the lower court erred in ruling on the Motion to Reconsider / Response to Lafayette Federal Credit Union's (LFCU) Motion for Deficiency Judgment and Request for Hearing; the Response to Motion to Reopen Case and Enter Ruling or Set for Hearing; and / or the Motion for Appropriate Relief without a hearing even though a hearing was requested pursuant to Rule 2-311?
>
> 2. Whether the lower court erred in misapplying the law when granting the Motion for Deficiency?
>
> 3. Whether there was sufficient evidence to support the granting of the Motion for Deficiency by the lower court?

Ms. Peters-Humes phrased hers as:

> 1. Did the circuit court commit an error in ruling the Appellants and Appellee's Motions without a hearing, although a hearing was requested pursuant to Rule 2-311 and Rule 2-541?
>
> 2. Did the circuit court abuse its discretion and erred in misapplying the law when it did not consider all the proffered evidence, despite the ratification of the Auditor's report, before granting the Motion for Deficiency in its decision, thereby violating the Appellants' Due process rights?
>
> 3. Did the lower court abuse its discretion by not following the Appellate Court of Maryland's mandate, changing the deadline for the Appellants to respond to the Appellee's motion for a deficiency judgment, ruling the Appellants' unopposed Motion to Reconsider/Response as "Moot," altering the Order without a motion from the Appellee, and granting the Motion for Deficiency in a closed case?
>
> 4. Whether appellants' previous voluntary dismissals of this action in two Maryland Circuit Courts and two court-ordered dismissals for procedural errors made by the Appellee resulted

Continued . . .

them because we lack jurisdiction.

Before we can review any matter on appeal, we must have jurisdiction to do so. *Lopez-Sanchez v. State*, 155 Md. App. 580, 606 (2004) ("The jurisdiction of this Court is a function of statute; if we do not have statutory authorization to hear an appeal, we do not have jurisdiction over that appeal.") *aff'd*, 388 Md. 214 (2005); *see County Council of Prince George's County v. Dutcher*, 365 Md. 399, 405 n.4 (2001) ("Lack of subject matter jurisdiction may be raised at any time, including initially on appeal, . . . [and] need not be

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> in an adjudication on the merits that warranted summary judgment in the trial court based on the doctrine of res judicata.
>
> 5. Is the Appellant barred by res judicata from arguing in her response to the Appellee's Motion for Deficiency Judgment that the deficiency has been satisfied despite the Auditor's Report?
>
> 6. Is the Appellant, who did not initially challenge the foreclosure action, barred by res judicata from objecting in her response to the Appellee's Motion for Deficiency Judgment, filed within three years after the sale's ratification, because the foreclosure was not conducted according to Maryland statutory laws? [(footnote omitted)]

LFCU framed its questions presented as:

> 1. Did the lower court erred in ruling on the Motions without a hearing even though a hearing was requested pursuant to Rule 2-311?
>
> 2. Was the court choice to analyze Appellant's Motions under Maryland Rule 2-535 appropriate?
>
> 3. Was there sufficient evidence to support granting the Motion for Deficiency by the lower court?

raised by a party, but may be raised by a court *sua sponte*.").[3] The problem is that we have before us challenges to second or third revisory motions, and those aren't appealable.

A. Because The Denial Of A Second Revisory Motion Is Not Appealable, This Court Lacks Jurisdiction To Review The Denial Of Mr. Humes's and Ms. Peters-Humes's Revisory Motions.

Mr. Humes and Ms. Peters-Humes assert that the circuit court misapplied the law when "granting the Motion for Deficiency." They contend that the court cited the incorrect rule when adjudicating their motions—that is, that the court treated the motions as revisory motions under Md. Rule 2-535, when those motions weren't revisory motions. LFCU responds that because there was already a final judgment in 2021, Mr. Humes's and Ms. Peters-Humes's motions were post-judgment motions, under Rule 2-535. Should we disagree, LFCU argues that treating the motions as so was a harmless error. As we discuss below, the decisions at issue were denials of Mr. Humes's and Ms. Peters-Humes's second or third revisory motions, and those decisions aren't appealable.

Our first task in any appeal is to define what's before us. Before this case came here in the first appeal, LFCU filed a motion for deficiency and that motion was granted. The circuit court, in no uncertain terms, "**ORDERED**, that Movant's 'Motion for Deficiency

[3] If we had jurisdiction, we would have before us the denial of a revisory motion, which we would review for abuse of discretion. *Miller v. Mathias*, 428 Md. 419, 438 (2012) (citation omitted). A trial court does "'not have discretion to apply inappropriate legal standards, even when making decisions that are regarded as discretionary in nature.'" *Id.* (*quoting RRC Northeast, LLC v. BAA Md., Inc.*, 413 Md. 638, 675 (2010)). Thus, "'[t]he relevance of an asserted legal error, of substantive law, procedural requirements, or fact-finding unsupported by substantial evidence, lies in whether there has been such an abuse.'" *Id.* (*quoting Wilson-X v. Dep't of Hum. Res.*, 403 Md. 667, 675–76 (2008)).

Judgment' . . . is **GRANTED**." We noted as well in the first appeal that the motion had been granted and that Ms. Peters-Humes was arguing that the circuit court erred by granting that motion. The only motions that could follow from that were post-judgment motions. On this point, we agree with LFCU.

After that motion was granted, the parties filed motions to alter or amend the court's judgment granting LFCU's motion for deficiency judgment. These post-judgment motions were Mr. Humes's and Ms. Peters-Humes's first revisory motions. Although the denial of those motions to alter or amend is not before us, we note that only two motions were possible,[4] Rule 2-534 and 2-535 motions. The former allows the court, after a timely filing by a party, to amend its judgment:

> In an action decided by the court, on motion of any party filed within ten days *after entry of judgment*, the court may open the judgment to receive additional evidence, may amend its findings or its statement of reasons for the decision, may set forth additional findings or reasons, may enter new findings or new reasons, may amend the judgment, or may enter a new judgment.

Md. Rule 2-534 (emphasis added). The latter allows the court, after a timely filing by a party, to treat a party's motion as a Rule 2-534 motion, or if filed outside the thirty-day

[4] Generally, after judgment in a trial court, a party may file one of three post-judgment motions: "a motion for new trial under Md. Rule 2–533; a motion to alter or amend the judgment under Md. Rule 2–534; or a motion for the court to exercise its revisory power under Md. Rule 2–535." *Pickett v. Noba, Inc.*, 122 Md. App. 566, 570 (1998). Md. Rule 2-533 is inapplicable because there was no trial on this matter. We recognize the confusion that can arise when a case reaches this procedural posture, especially when we agree with the parties that they can file revisory motions. However, that does not alter the substance of those motions, as here, where the motions could only be revisory in nature, nor does it a right to file them alter their appealability.

mandatory window, to revise its judgment where a party proves fraud, mistake, or irregularity:

> **(a) Generally.** On motion of any party filed within 30 days *after entry of judgment*, the court may exercise revisory power and control over the judgment and, if the action was tried before the court, may take any action that it could have taken under Rule 2-534.
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> * * *
>
> **(b) Fraud, Mistake, Irregularity.** On motion of any party filed at any time, the court may exercise revisory power and control over the judgment in case of fraud, mistake, or irregularity.

Md. Rule 2-535 (emphasis added). Motions under both of these Rules are filed "after entry of judgment," and we have recognized, further, that Rule 2-535 "only applies to judgments." *Logan v. LSP Mktg. Corp.*, 196 Md. App. 684, 702 (2010). The logic applies with equal force to Rule 2-534.[5] Mr. Humes and Ms. Peters-Humes's motions to alter or amend were their first revisory motions, and they appealed when those were denied.

In the opinion deciding the first appeal, we stated that Mr. Humes and Ms. Peters-Humes had fifteen days from the issuance of our mandate to file "'A Motion To Reconsider / Response To [LFCU's] Motion for Deficiency Judgment.'" Those motions were revisory motions, a second round of them. *See Pickett*, 122 Md. App. at 571 ("A motion may be treated as a motion to revise under Md. Rule 2-535 even if it is not labeled as such."); *Brower v. Ward*, 256 Md. App. 61, 70 (2022) ("It has long been the rule in

[5] Rule 2-534 and 2-535 motions "deal with the same subject matter and seek the same or similar relief," both seeking a change in the judgment or revision "in some way." *Miller*, 428 Md. at 443 n.15.

Maryland that a motion, however labeled, may be treated as a motion to revise under Rule 2-535 where the substance of the motion was clearly a request to revise the judgment."); *see Cave v. Elliott*, 190 Md. App. 65, 80 (2010) (treating a "Motion to Accept Filing of Motion for Reconsideration" filed after ten days but within thirty days of entry of judgment as Rule 2-535 motion because it asked court to exercise its post-judgment revisory power). The fatal hurdle for Mr. Humes and Ms. Peters-Humes on appeal is that the denial of a second or third revisory motion is not appealable. *Pickett*, 122 Md. App. at 573. The case would ordinarily end there, but there are some differences in posture between the two appealing parties that merit some explanation.

1. Ms. Peters-Humes's third revisory motion is not appealable.

Our mandate from the first appeal instructed Ms. Peters-Humes that she had fifteen days from the issuance of the mandate to file her "motion to reconsider/response to [LFCU's] motion for deficiency judgment." The mandate issued on March 17, 2023 and she filed her "motion to reconsider/response" on March 30, 2023, or thirteen days after the mandate. This filing was timely. However, the circuit court filed an order rendering this motion moot, and Ms. Peters-Humes did not appeal that decision, so it's not before us. Then, she filed another "motion to reconsider/response" on June 11, 2023, but withdrew it on June 29. At that point, two of Ms. Peters-Humes's revisory motions had come before the circuit court, and the court had adjudicated them.

When she withdrew her second revisory motion, Ms. Peters-Humes also filed a "Motion for Appropriate Relief and Request For Hearing." There, she incorporated her

arguments from the mooted revisory motion. This approach was less than ideal. But generally we construe filings by *pro se* litigants liberally to try and reach the merits where we can, *see Simms v. Shearin*, 221 Md. App. 460, 480 (2015), and under these circumstances, Ms. Peters-Humes's motion title and adoption of arguments from her earlier filing made her motion a revisory one. *See Miller*, 428 Md. at 443 n.15 (stating that it is a "well-settled proposition that it is the substance of the motion, not its form or caption, that is dispositive of its nature"). The "substance of the motion" for appropriate relief was to ask the court to invoke its revisory powers and declare that Ms. Peters-Humes's "Motion to Reconsider is granted." And the mooted motion challenged the deficiency (which had been found in the original order) directly and asked the court to recognize that it no longer existed. On this record, the circuit court was satisfied that Ms. Peters-Humes's "Motion for Appropriate Relief" was a revisory motion. But it was her third one. And if "[t]he denial of [a] second motion to revise is not appealable because it is not a final judgment," *Pickett*, 122 Md. App. at 573, the same is true for a third. We must, therefore, dismiss her appeal.

2. Mr. Humes's second revisory motion is not appealable.

As with Ms. Peters-Humes, and in line with our mandate, Mr. Humes filed a motion styled as a "Motion To Reconsider/Response To [LFCU's] Motion For Deficiency Judgment And Request For Hearing." He filed this on March 24, 2023, or seven days after our mandate was issued. The circuit court did not render his motion moot, only Ms. Peters-Humes's, so his motion was still alive until the circuit court denied it in its April 11, 2024 order. Nevertheless, his motion was a second revisory motion, and because the denial of a

second revisory motion is not appealable, Mr. Humes's appeal is not properly before us, *see Pickett*, 122 Md. App. at 573, and we must dismiss it as well.

APPEALS DISMISSED. APPELLANTS TO PAY COSTS.