

Circuit Court for Charles County
Case No. 08-C-14-001486

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 452

September Term, 2022

STANLEY JONES, *et al.*

v.

CARRIE M. WARD, *et al.*

Friedman,
Albright,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 7, 2023

*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.

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

In June 2014, appellees, acting as substitute trustees,¹ filed an Order to Docket in the Circuit Court for Charles County, seeking to foreclose on real property owned by Stanley Jones, appellant.² The property was ultimately sold at a foreclosure sale to MTGLQ Investors, LP (MTGLQ) by way of a credit bid, and the sale was ratified in June 2017. The court entered a judgment awarding possession of the property to MTGLQ in March 2018.

In January 2022, over four years after the ratification of the foreclosure sale, appellant filed a pleading entitled “Motion for New Trial” wherein he alleged, among other things, that the loan had actually been paid in full prior to the foreclosure action being filed; that appellee had lacked standing to foreclose; and that their original lender had violated RESPA by charging “exorbitant” refinancing fees.³ On February 11, 2022, appellant filed a motion for summary judgment asserting that the motion for new trial should be granted because appellees had not filed a response. Three days later, appellees filed a response asserting that the motion for new trial should be dismissed because, “[n]otwithstanding the inappropriateness of a Rule 2-533 Motion for New Trial in the context of a Maryland foreclosure docket,” the motion was untimely as it was filed more than one year after the

¹ Appellees are Carrie M. Ward, Howard N. Bierman, Jacob Geesing, Joshua Coleman, Richard R. Goldsmith, Pratima Lele, Ludeen McCartney Green, and Tayyaba C. Monto.

² The home was also owned by Debra Jones, appellant’s wife. However, because Ms. Jones did not sign the notice of appeal, she is not a party to this appeal.

³ Notably, all these claims appear to have been previously raised and rejected in either the foreclosure action or in various civil actions that have been filed by appellant.

order ratifying the sale was entered. The court denied the “Motion for New Trial” without a hearing on February 23, 2022.

On March 2, 2022, appellant filed an “Amended Motion for Summary Judgment,” wherein he again contended that summary judgment should be granted because the claims raised in his “Motion for New Trial” were “undisputed.” On April 18, 2022, the court dismissed the amended motion for summary judgment on the grounds that it lacked “compliance with the applicable Maryland Rules (Rule 2-501, Rule 14-305, and Rule 14-211).” On April 22, 2022, appellant filed a “Motion for Default Final Judgment,” this time claiming that the court should enter a default judgment with respect to his amended motion for summary judgment because appellees had not filed a response.

Appellant filed a notice of appeal on May 12, 2022. The court then denied the motion for default judgment on May 25, 2022. On appeal, appellant contends that the court erred in denying his amended motion for summary judgment and the motion for final default judgment.⁴ For the reasons that follow, we shall affirm.

As an initial matter, the circuit court had neither announced its decision on appellant’s motion for final default judgment nor entered its order denying that motion at the time appellant filed his notice of appeal. And appellant did not file a new notice of appeal after that order was entered on the docket. Consequently, we lack jurisdiction to

⁴ Appellant does not raise any issues with respect to the merits of his motion for new trial. And in any event, his appeal is not timely as to the order denying the motion for a new trial as it was filed more than 30 days after that order was entered. *See* Maryland Rule 8-202(a) (providing that a “notice of appeal shall be filed within 30 days after entry of the judgment or order from which the appeal is taken”).

consider the merits of that order. *See Doe v. Sovereign Grace Ministries, Inc.*, 217 Md. App. 650, 664 (2014) (holding that a notice of appeal is jurisdictionally defective if it is filed prior to the entry of the final judgment).

As to the court’s order denying the amended motion for summary judgment, the only order that is properly before us, appellant does not raise any particularized claims of error. Rather, he has simply attached a copy of that motion to his brief and asked us to determine whether he was “treated fair and without prejudice.” Maryland Rule 8-504(a) requires a party’s brief to contain a “clear concise statement of the facts material to a determination of the questions presented,” a “concise statement of the applicable standard of review for each issue,” and “[a]rgument in support of the party’s position on each issue.” Appellant’s brief, however, contains none of these things. Consequently, we will not consider that issue 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)).⁵

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

⁵ In any event, we note that the court had already denied appellant’s motion for a new trial at the time he filed his amended motion for summary judgment. Consequently, the amended motion for summary judgment was moot. Moreover, even assuming that a motion for summary judgment could be filed in a foreclosure action, the Maryland Rules do not allow for the filing of such a motion following the entry of a final judgment, which in this case was the order ratifying the foreclosure sale.