

Circuit Court for Anne Arundel County
Case No.: C-02-FM-22-000806

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 474

September Term, 2025

WILLIAM ATKINS

v.

NANCY WHEELER, *et al.*

Friedman,
Kehoe, S.,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 4, 2026

*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 December 2023, the Circuit Court for Anne Arundel County entered a judgment of absolute divorce, ending the marriage between appellant William Atkins and appellee Nancy Wheeler. As part of the judgment, the court ordered that the marital home be sold. Almost a year later, the court appointed appellee E. David Silverberg as trustee to effectuate the sale. Atkins still resided in the home and refused to cooperate with Silverberg. Accordingly, in February 2025, Silverberg moved to evict Atkins from the property. Soon after, Atkins moved to remove Silverberg as trustee. After a hearing, the court denied Atkins’s motion and granted Silverberg’s, ordering Atkins to vacate the home within 24 hours and to remove all personal property. This appeal followed.

We must first define the scope of our review. In Maryland, “the right to seek appellate review is statutory[.]” *Douglas v. State*, 423 Md. 156, 170 (2011) (cleaned up). Section 12-301 of the Courts & Judicial Proceedings Article provides that, generally, “a party may appeal from a final judgment entered in a civil or criminal case by a circuit court.” Here, the circuit court’s order is not appealable as a final judgment because it did not adjudicate or complete the adjudication of all claims against all parties; the sale of the marital home has not been ratified. *Cf. McLaughlin v. Ward*, 240 Md. App. 76, 89 (2019) (holding that, in foreclosure proceedings, a final judgment is not entered “at least until the ratification of the foreclosure sale”).

There are, however, three exceptions to the final judgment rule: “(1) appeals from interlocutory orders specifically allowed by statute; (2) immediate appeals permitted when a circuit court enters final judgment under Maryland Rule 2-602(b); and (3) appeals from interlocutory rulings allowed under the common law collateral order doctrine.” *In re O.P.*,

470 Md. 225, 250 (2020) (footnote omitted). The court’s denial of Atkins’s motion to remove Silverberg does not fall within any of these exceptions. It is not specifically allowed by statute or Rule and does not fall within the collateral order doctrine because it remains reviewable after a final judgment. *See* Md. Code Ann., Cts. & Jud. Proc. (“CJP”) § 12-303; *Tucker v. Woolery*, 99 Md. App. 295, 299 (1994), *abrogated on other grounds by D’Aoust v. Diamond*, 424 Md. 549 (2012).

On the other hand, the court’s order requiring Atkins to vacate the marital home and remove all personal property was immediately appealable under CJP § 12-303(3)(iii) as an order granting an injunction. *See* Md. Rule 15-501(a) (defining “injunction” as “an order mandating or prohibiting a specified act”). On appeal, however, Atkins presents no argument about this order. It is a party’s responsibility to present, in their principal brief, “[a]rgument in support of [their] position on each issue.” Md. Rule 8-504(a)(6). “We cannot be expected to delve through the record to unearth factual support favorable to [Atkins] and then seek out law to sustain his position.” *Van Meter v. State*, 30 Md. App. 406, 408 (1976). *See also Diallo v. State*, 413 Md. 678, 692 (2010) (“Arguments not presented in a brief or not presented with particularity will not be considered on appeal.” (cleaned up)). Thus, because Atkins has presented no argument that the circuit court’s order evicting him was erroneous, we shall affirm its judgment.

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