

Circuit Court for Montgomery County
Case No. 475921-V

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 634
September Term, 2020

M. ABRAHAM AHMAD

v.

MEHDI AHMAD & GITI AHMAD
REVOCABLE TRUST, *et al.*

Nazarian,
Friedman,
Zic,

JJ.

Opinion by Friedman, J.

Filed: December 27, 2021

*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.

Following the death of his father, M. Abraham Ahmad (“Abraham”)¹ brought suit against his mother and siblings, seeking to have his father’s revocable trust declared invalid and his father’s estate administered instead under the fixed inheritance provisions of the Iranian Civil Code. The Circuit Court for Montgomery County determined that Abraham’s suit was barred by the statute of limitations and granted the family’s pretrial motion for summary judgment. For the reasons that follow, we affirm the judgment of the circuit court.

FACTUAL BACKGROUND

Decedent Mehdi Ahmad and his family—his wife, Giti Tehranchi, and their three children, Abraham, M. Jaffar Ahmad, and N. Linda Mansouri—emigrated from Iran to the United States in 1982. In the years preceding the family’s move, Mehdi transferred assets from Iran to establish and fund two Maryland corporations. After the move, these corporations served as the family’s primary means of income.² They continue to be operated as family businesses with interests in commercial property.

In August 2008, Mehdi and Giti established the Mehdi Ahmad and Giti Ahmad Revocable Trust. The Trust was funded with Mehdi’s interests in the family businesses, and after his death the remainder of his property and assets were to be added. The Trust would benefit Mehdi and Giti during the remainder of their lives, and upon their death, would benefit two of their children, Jaffar and Linda, and Jaffer and Linda’s respective

¹ Because many of the parties share the same surname, we refer to them by their first names.

² After Mehdi and his family left Iran, any assets remaining in the country were seized by the government.

heirs. The Trust specifically excluded their eldest child, Abraham, from ever being a trustee or a beneficiary. This exclusion was contained in two sections of the Trust document:

10. Appointment of Successor Trustees ... At no time shall the Settlor's son, M. ABRAHIM AHMAD,^[3] his heirs, nor issue, serve as Trustee of any trust hereunder.

* * *

14. Exclusion of Beneficiary. Under no circumstances shall M. ABRAHIM AHMAD, nor any of his issue nor heirs, be a beneficiary of this Trust.

At the time that the Trust documents were being prepared in 2008, the family was already involved in litigation. In 2007, Abraham had filed suit against his sister, Linda, and several of the family-owned entities. *See Ahmad v. Eastpines Terrace Apartments, Inc.*, 200 Md. App. 362, 363-64 (2011) (“*Eastpines*”). As part of the discovery conducted during that litigation, Linda’s counsel provided Abraham with a copy of the executed Trust documents showing that he was excluded as a beneficiary of the Trust.

Mehdi died on November 30, 2018. On November 27, 2019, Abraham filed suit against the Trust, and his mother⁴ and siblings, both in their individual capacities and in their roles as trustees (collectively the “Trustees”). Abraham claimed that under Iranian laws of succession, his right to inherit a fixed portion of Mehdi’s estate automatically vested at his birth and created an inalienable birthright inheritance. Abraham alleged that the Iranian compulsory inheritance laws should be applied to any and all assets that could

³ The Trust documents use this alternate spelling of “Abraham.”

⁴ Giti Tehrantchi died on December 18, 2019.

be directly or indirectly traced to property and assets Mehdi owned when Abraham was born in Iran. Abraham sought a declaratory judgment that the Trust was void, and he alleged claims of conversion, constructive fraud, civil conspiracy, and tortious interference with expected inheritance against the Trustees for their involvement in the creation and administration of the Trust. Abraham further petitioned the court to assume jurisdiction over his father's estate and recognize his vested inheritance rights under Iranian law.

In February 2020, the Trust and Trustees filed a Motion to Dismiss, or in the Alternative, for Summary Judgment, arguing that Abraham's claims were barred by the statute of limitations and laches. The Circuit Court for Montgomery County granted the motion and dismissed the suit with prejudice. Abraham now appeals. For the reasons that follow, we conclude that Abraham's suit was indeed barred by the statute of limitations.⁵ We therefore affirm the ruling of the circuit court.

STANDARD OF REVIEW

The Trust and Trustees filed their motion as a Motion to Dismiss or, in the Alternative, a Motion for Summary Judgment. When ruling on a motion to dismiss, a trial

⁵ Because we conclude that Abraham's suit is barred by the statute of limitations, we do not reach the seven other issues he raises on appeal: (1) the Trust was void because it was not adequately funded at its inception; (2) the Trust was void because it was contrary to his vested inheritance rights; (3) there was a genuine issue of material fact as to whether Mehdi was still a domiciliary of Iran at the time of his death; (4) there was a genuine issue of material fact as to whether Mehdi's deposition testimony from the previous litigation showed an intent for Abraham to inherit, contrary to the Trust documents; (5) it was error to grant summary judgment before discovery was complete; (6) the Trust's choice of law provision was invalid because applying Maryland law would conflict with the public policy and laws of Iran; and (7) that his claims under the Iranian civil code are enforceable in Maryland courts.

court considers only the facts contained within the complaint and its supporting exhibits, if any. *D'Aoust v. Diamond*, 424 Md. 549, 572 (2012). If a motion to dismiss presents factual matters outside of the pleadings and those matters are not excluded by the judge, it is treated as a motion for summary judgment. *Id.* at 572-73; MD. RULE 2-322(c). In their motion, the Trust and Trustees presented factual information and supporting affidavits outside of the pleadings to establish when Abraham received a copy of the executed Trust document. We shall, therefore, treat the motion as one for summary judgment.

Summary judgment is proper “when there is no genuine dispute of material fact and a party is entitled to judgment as a matter of law.” *Id.* at 574 (cleaned up). We review a trial court’s ruling on a motion for summary judgment without deference. *Id.*

DISCUSSION

“Under Maryland’s discovery rule, the three-year statute of limitations period begins to toll when the plaintiff discovers, or through the exercise of due diligence, should have discovered, the injury.” *Ver Brycke v. Ver Brycke*, 379 Md. 669, 699 (2004) (cleaned up); MD. CODE, CTS. & JUD. PROC. (“CJ”) § 5-101. It is undisputed that Abraham received a copy of the executed Trust documents during discovery in the 2007-08 *Eastpines* litigation, putting him on notice that he was excluded as a beneficiary. Thus, even assuming the latest possible date within the 2007-08 timeframe, the three-year statute of limitations expired long before Abraham filed the current suit in 2019.

In opposition to this conclusion, Abraham contends that because the Trust was revocable, Mehdi could have changed it at any time, and as a result, there was no injury for Abraham to discover until after Mehdi’s death when the Trust became irrevocable and

Abraham’s inheritance rights became effective.⁶ We are not persuaded. “The statute of limitations begins to run when [a claimant] gain[s] knowledge sufficient to put them on inquiry notice generally when they know, or should know, that they have been injured by a wrong.” *Lumsden v. Design Tech Builders, Inc.*, 358 Md. 435, 452 (2000). Abraham was made aware of the provisions of the Trust at the latest in 2008. From that date forward he had knowledge of the facts giving rise to his cause of action, and the statute of limitations was not tolled by the ability of Mehdi to revoke or amend the Trust documents. *See, e.g., Id.* (“pursuant to the discovery rule, a statute of limitations generally is not delayed by any period of investigation to ascertain the precise cause of the injury”).

In the alternative, Abraham argues that the statute of limitations should be controlled by Section 14.5-605 of the Estates and Trusts article of the Maryland Code, which provides that his suit had to be filed “within the earliest of (1) 1 year after the death of the settlor; or (2) 6 months after the trustee sends the person a copy of the trust instrument and a notice informing the person of the existence of the trust, the name and address of the trustee, and the time allowed for commencing a proceeding.” MD. CODE, EST. & TRUSTS (“ET”) § 14.5-605. Abraham’s reliance on ET § 14.5-605 is, however, misplaced. Section 14.5-605 took

⁶ It is not entirely clear whether Abraham is also arguing that the statute of limitations should be calculated based on when his cause of action accrued under Iranian law, rather than applying Maryland’s discovery rule. We note, however, that under Maryland choice of law principles, procedural matters are controlled by Maryland law, and questions about the statute of limitations are procedural for choice of law purposes. *Lewis v. Waletzky*, 422 Md. 647, 664 (2011). Thus, even assuming that Iranian civil law would have applied to Abraham’s substantive claims, the statute of limitations analysis would remain the same.

effect on October 1, 2018 and specifically provided that it was to “be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any action arising before the effective date of this Act.” *See* 2018 Md. Laws, Ch. 256, § 2 (H.B. 444); 2018 Md. Laws, Ch. 257, § 2 (S.B. 348). Because Abraham’s cause of action arose in 2008 when he received a copy of the executed Trust documents during the *Eastpines* discovery, ET § 14.5-605 is inapplicable.

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