

Circuit Court for Prince George's County  
Case No. CAL22-15053

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 0713

September Term, 2024

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TRIANDAFILOU INVESTMENT GROUP, LLC

v.

WILLIESCO SERVICES LLC

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Beachley,  
Ripken,  
Robinson, Dennis M., Jr.  
(Specially Assigned),

JJ.

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Opinion by Robinson, J.

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Filed: June 4, 2025

\* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms with Rule 1-104(a)(2)(B). Md. Rule 1-104.

This appeal is reminiscent of a civil procedure law school exam question. Williesco Services LLC (“Williesco”) filed a complaint in the circuit court against Triandafilou Investment Group, LLC (“Triandafilou”). There were initially some issues with service on Triandafilou. Williesco requested a renewed summons. The circuit court later issued a notice of contemplated dismissal pursuant to Maryland Rule 2-507(d), issued another renewed summons, and ordered that Williesco serve Triandafilou by a specified date. Williesco purportedly served Triandafilou by substitute service on the Maryland State Department of Assessments and Taxation (“SDAT”) pursuant to Maryland Rule 2-124(o) within that deadline. Williesco filed a request for order of default. The circuit court granted the request and entered an order of default, but notice of the entry of that order was sent to an address for Triandafilou that was not a current address and was different than the last-known address listed in the request for order of default. The notice for a hearing regarding entry of a default judgment was also sent to the same incorrect address for Triandafilou. The circuit court entered a default judgment against Triandafilou after the hearing at which only Williesco’s counsel was present. The circuit court denied Triandafilou’s motion to revise, amend, and vacate the default judgment. The circuit court also denied Triandafilou’s motion to dismiss. This appeal followed. For the reasons explained below, we reverse the judgment of the circuit court and remand this case to the circuit court for further proceedings not inconsistent with this opinion.

Triandafilou presents seven questions for our review, which we have consolidated into one overarching question that is dispositive of this appeal:<sup>1</sup>

- I. Whether the circuit court abused its discretion by denying Triandafilou’s motion to revise, amend, and vacate the default judgment.

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<sup>1</sup> Triandafilou presented the questions for review as follows:

- 1) Did the Circuit Court err in entering an Order of Default when Plaintiff’s own papers demonstrated that Plaintiff never properly served Defendant and thus the Court never possessed jurisdiction over the Defendant?
- 2) Did the Circuit Court err in accepting, and then relying upon, an Affidavit of Service that did not contain a Certificate of Service, which in turn was misused by Plaintiff to mislead the Court into entering an Order of Default?
- 3) Did the Circuit Court err in failing to comply with the mandatory requirements of Md. Rule 2-613(c) by not mailing the Notice of Order of Default to Defendant at the address stated in the request for the order of default?
- 4) Did the Circuit Court err in entering the judgment, when no request for judgment was made or served, and in failing to satisfy itself (1) that it had jurisdiction to enter the judgment and (2) that the notice required by Md. Rule 2-613(c) was mailed to the address in the request (when the Court did not have jurisdiction and the mailing was not so mailed)?
- 5) Did the Circuit Court err in failing to grant the Defendant’s Motion to Revise, particularly given the proof of the false Affidavit, lack of proper service, and/or lack of good faith efforts to serve a corporate entity (the prerequisite that would even allow service upon the SDAT), and the Court’s non-compliance with Rule 2-613(d)?
- 6) Did the Circuit Court err in failing to conduct an evidentiary hearing when factual issues regarding the defects in and/or the absence of service of process were before it?
- 7) Did the Circuit Court err in failing to grant the Defendant’s Motion to Dismiss?

## **BACKGROUND**

On May 5, 2022, Williesco filed a complaint against Triandafilou in the circuit court seeking payment for water damage restoration, cleanup, mold remediation and treatment services it provided to Triandafilou. On January 11, 2023, Williesco filed a request to reissue a summons for Triandafilou, which resulted in a renewed summons being issued on January 19, 2023. On February 22, 2023, the circuit court issued a notice of contemplated dismissal pursuant to Maryland Rule 2-507(d). On May 28, 2023, the circuit court ordered that another renewed summons be issued and ordered Williesco to serve Triandafilou by July 7, 2023, with this additional provision in the order:

“ORDERED, that if the Defendant is not served prior to the expiration of the reissued summons, the Court shall dismiss Defendant, Triandafilou Investment Group, as a party to this case pursuant to Md. Rule 2-507(b) and this matter closed for statistical purposes.”

In a “Declaration of Due Diligence,” the process server stated that they “visited the address associated with the Defendant’s Registered Agent, BENJAMIN YI, at: 4968 Wyaconda Road, N. Bethesda, MD 20852 on the following dates: (1) June 4, 2023; (2) June 8, 2023; and (3) June 12, 2023,” and that they “received no response at the door of the premises at any of the times of [their] three (3) visits.” The declaration provided further that “[a]s a result, and despite [their] best efforts, [the process server] was unable to effect service upon Defendant Triandafilou Investment Group[,] LLC through its Registered Agent, Benjamin Yi, in the above-captioned case.”

On July 10, 2023, an affidavit of service of process was filed, indicating that the summons, complaint, and other related documents were served on Triandafilou through substitute service on SDAT pursuant to Maryland Rule 2-124(o) on June 28, 2023, by “Certified Mail Restricted Delivery – Receipt Requested.” According to the delivery receipt from the United States Postal Service, the summons and complaint were served by “Certified Mail,” but not “by certified mail requesting Restricted Delivery--show to whom, date, address of delivery” pursuant to Maryland Rule 2-121(a). SDAT confirmed in writing its acceptance of the service of process for Triandafilou. The affidavit of service does not indicate that “two copies of the summons, complaint, and all other papers filed with it” were served on SDAT as required by Maryland Rule 2-124(o). The affidavit of service was also not accompanied by a certificate of service to show that the affidavit of service was served on Triandafilou pursuant to Maryland Rule 1-321(a) (providing in relevant part that “[e]xcept as otherwise provided in these rules or by order of court, every pleading and other paper filed after the original pleading shall be served upon each of the parties”).

Williesco filed a request for order of default on August 29, 2023. The request for order of default listed “4968 Wyaconda Road, North Bethesda, Maryland 2082 [*sic*]” as Triandafilou’s last known address pursuant to Maryland Rule 2-613(b) (providing in relevant part that “[t]he request [for an order of default] shall state the last known address of the defendant”). The circuit court entered an order of default against Triandafilou on October 11, 2023. The circuit court mailed the notice regarding the entry of an order of

default to Triandafilou at “9730 Martin Luther King Jr Hwy Baltimore MD 212012201 [sic],” not to “the address stated in the request [for order of default]” as required by Maryland Rule 2-613(c). According to Triandafilou, it had not occupied property at the address on Martin Luther King Highway in Baltimore, Maryland since January of 2021.

Williesco also did not file and serve on Triandafilou a request for entry of judgment by default pursuant to Maryland Rule 2-613(f) (providing in relevant part that “[i]f a motion was not filed [by the defendant to vacate the order of default] under section (d) of this Rule or was filed and denied, the court, upon request, may enter a judgment by default that includes a determination as to the liability and all relief sought, if it is satisfied (1) that it has jurisdiction to enter the judgment and (2) that the notice required by section (c) of this Rule was mailed.” On November 17, 2023, the circuit court sent notice of a virtual hearing regarding entry of a default judgment scheduled for January 3, 2024, to Triandafilou at the address on Martin Luther King Highway in Baltimore, Maryland. Only Williesco’s counsel appeared for the hearing.

At the beginning of the hearing on January 3, 2024, the following exchange occurred:

THE COURT: We’re here on an ex parte hearing on damages, correct?

[WILLIESCO’S COUNSEL]: That is correct, Your Honor.

THE COURT: All right. And do you know whether or not a motion to vacate the default judgment has been filed?

[WILLIESCO’S COUNSEL]: Not to my knowledge, Your Honor. I did not receive any notice.

THE COURT: Okay. All right. In light of that, sir, we may proceed. I see that you have a witness there. You can go ahead and call your first witness.

After hearing testimony regarding Williesco’s alleged damages, the circuit court entered a default judgment order against Triandafilou in the amount of \$69,752.00 plus costs and post-judgment interest at the legal rate on January 4, 2024. On January 12, 2024, Triandafilou filed a motion to revise, amend, and vacate the default judgment order. On February 27, 2024, Triandafilou also filed a motion to dismiss the complaint based on the perceived failure of Williesco to properly serve Triandafilou with the summons and complaint prior to the court-imposed deadline of July 27, 2023. The circuit court denied both motions on June 7, 2024, without a hearing. This appeal followed.

### **STANDARD OF REVIEW**

Maryland Rule 2-534 permits parties to invoke the court’s revisory power:

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.

In *Schlottzhauer v. Morton*, 224 Md. App. 72 (2015), we explained:

Pursuant to this Rule, the circuit court ‘has broad discretion whether to grant motions to alter or amend filed within ten days of the entry of judgment,’ and ‘[i]ts discretion is to be applied liberally so that a technicality does not triumph over justice.’ *Benson v. State*, 389 Md. 615, 653 (2005) (citing *Md. Bd. of Nursing v. Nechay*, 347 Md. 396, 408 (1997)).

An appellate challenge to a court's ruling on a Rule 2-534 motion is typically limited in scope. *Cent. Truck Ctr., Inc. v. Cent. GMC, Inc.*, 194 Md. App. 375, 397 (2010) (quoting *In re Julianna B.*, 179 Md. App. 512, 558 (2008), *vacated*, 407 Md. 657 (2009)). 'In general, the denial of a motion to alter or amend a judgment is reviewed by appellate courts for abuse of discretion.' *RRC Northeast, LLC v. BAA Md., Inc.*, 413 Md. 638, 673 (2010) (citing *Wilson-X v. Dep't of Human Res.*, 403 Md. 667, 674-75 (2008)). 'The 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.' *Wilson-X*, 403 Md. at 676.

Nevertheless, a 'court's discretion is always tempered by the requirement that the court correctly apply the law applicable to the case.' *Arrington v. State*, 411 Md. 524, 552 (2009); *see In re Adoption/Guardianship No. T97036005*, 358 Md. 1, 24-25 (2000) (abuse of discretion where trial judge's decision with respect to discretionary matter 'was based on an error of law'); *Guidash v. Tome*, 211 Md. App. 725, 735 (2013) (abuse of discretion occurs when court 'makes a decision based on an incorrect legal premise'); *Brockington v. Grimstead*, 176 Md. App. 327, 359 (2007) ('an exercise of discretion based upon an error of law is an abuse of discretion').

Consequently, in appeals from the denial of a post-judgment motion, reversal is warranted in cases where there is both an error and a compelling reason to reconsider the underlying ruling. *E.g. Williams v. Hous. Auth. of Balt. Cty.*, 361 Md. 143, 153 (2000) (holding that it is abuse of discretion not to strike judgment and allow further proceedings where judgment was 'based on a clear mistake' later brought to court's attention); *Wormwood v. Batching Sys., Inc.*, 124 Md. App. 695, 700-01 (1999) (holding that circuit court abused discretion in denying motion for reconsideration where appellant brought court's attention to legal error previously made by court); *Garliss v. Key Fed. Savings Bank*, 97 Md. App. 96, 104-05 (1993) (holding that circuit court abused discretion in denying motion to alter or amend that 'should



have alerted’ hearing judge that movant was entitled to credit against judgment).

*Schlotzhauer*, 224 Md. App. at 84–85.

To the extent this appeal involves the interpretation of the Maryland Rules, the issue before us “is appropriately classified as a question of law,” and “we review the issue *de novo* to determine if the trial court was legally correct in its rulings on these matters.” *Pickett v. Sears, Roebuck & Co.*, 365 Md. 67, 77 (2001) (citation omitted).

### **DISCUSSION**

Although there are several legal questions presented for review, the issues before us on appeal can be distilled into one question: Whether the circuit court abused its discretion by denying Triandafilou’s motion to revise, amend, and vacate the default judgment. There are multiple procedural waypoints at which we could assess whether the circuit court committed error or abused its discretion. We address the circuit court’s denial of Williesco’s motion to revise, amend, and vacate the default judgment order because, at that point, the circuit court had before it the entire record from the filing of the complaint to the entry of a default judgment. We focus our analysis primarily on issues related to service of Triandafilou.

In the motion to revise, amend, and vacate the default judgment, Triandafilou presented the circuit court with various grounds to vacate the default judgment. In our view, at a minimum the circuit court should have granted the motion to revise, amend, and vacate the default judgment because Williesco did not properly serve Triandafilou through SDAT pursuant to Maryland Rule 2-124(o). Sufficiency of service is not a trivial

issue. It is well established that “procedural due process requires that litigants must receive notice, and an opportunity to be heard.” *Pickett*, 365 Md. at 81. Indeed, properly serving a defendant with a complaint and summons is a critical step in the litigation process. *Miserandino v. Resort Properties, Inc.*, 345 Md. 43, 52 (1997). As we explained in *Conwell Law LLC v. Tung*, 221 Md. App. 481 (2015):

It is fundamental that before a court may impose upon a defendant a personal liability or obligation in favor of the plaintiff or may extinguish a personal right of the defendant it must have first obtained jurisdiction over the person of the defendant. A court obtains *in personam* jurisdiction over a defendant when that defendant is notified of the proceedings by proper summons. The court has no jurisdiction over a defendant until such service is properly accomplished, or until service is waived by a voluntary appearance by the defendant, either personally or through a duly authorized attorney. A party's failure to comply with the Maryland Rules governing service of process constitutes a jurisdictional defect that prevents a court from exercising personal jurisdiction over the defendant.

*Conwell Law*, 221 Md. App. at 498 (citations omitted) (cleaned up).

Maryland Rule 2-124(o) provides:

Service may be made upon a . . . limited liability partnership . . . by serving two copies of the summons, complaint, and all other papers filed with it, together with the requisite fee, upon the State Department of Assessments and Taxation if (i) the entity has no resident agent; (ii) the resident agent is dead or is no longer at the address for service of process maintained with the State Department of Assessments and Taxation; or (iii) two good faith attempts on separate days to serve the resident agent have failed.

Because subsections (i) and (ii) of the rule do not apply here, we address the applicability of subsection (iii). According to the declaration of due diligence, the process server

“visited the address associated with the Defendant’s Registered Agent, BENJAMIN YI, at: 4968 Wyaconda Road, N. Bethesda, MD 20852 on the following dates: (1) June 4, 2023; (2) June 8, 2023; and (3) June 12, 2023,” and the process server “received no response at the door of the premises at any of the times of [their] three (3) visits.”

The Supreme Court of Maryland has noted that “what amounts to good faith efforts to serve [a] defendant will vary based on the circumstances.” *Lohman v. Lohman*, 331 Md. 113, 133 (1993). The declaration of due diligence is insufficient to establish that there were at least two good faith attempts to serve Triandafilou’s resident agent under the circumstances before resorting to substitute service pursuant to Maryland Rule 2-124(o). First, June 4, 2023, the date of the first service attempt, was a Sunday.<sup>2</sup> Attempting to serve a business entity’s resident agent at the entity’s place of business on a Sunday, regardless of the time of day, can hardly be characterized as a “good faith attempt” to serve an entity. Although the other days were weekdays,<sup>3</sup> the declaration of due diligence still falls short of demonstrating that the process server made good faith attempts to serve Triandafilou’s resident agent on June 8, 2023, and June 12, 2023, because details regarding the nature and extent of the service attempts are lacking.

The declaration merely states that the process server “received no response at the door of the premises at any of the times of [their] three (3) visits.” That does not

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<sup>2</sup> <https://www.dayoftheweek.org/?m=June&d=4&y=2023&go=Go> (last visited May 27, 2025).

<sup>3</sup> <https://www.dayoftheweek.org/?m=June&d=8&y=2023&go=Go> (last visited May 27, 2025); <https://www.dayoftheweek.org/?m=June&d=12&y=2023&go=Go> (last visited May 27, 2025).

sufficiently establish that there were good faith attempts to serve Triandafilou through its resident agent. For example, the declaration does not indicate at what times the process server attempted to serve Triandafilou’s registered agent on June 8, and June 12, 2023, *i.e.*, during or outside of regular business hours. The declaration also does not indicate whether the process server knocked on the door or took any other steps to elicit a response from anyone at the premises. The declaration does not provide other details, such as how many times the process server knocked on the door or for how much time the process server waited to determine if anyone would respond to knocking on the door. The declaration does not state whether the process server looked for another entrance to the building. The declaration also does not state whether the process server posted contact information, such as a business card, on a door or window so that the resident agent or perhaps someone else affiliated with Triandafilou might receive notice that a process server was attempting to serve papers. The declaration does not indicate whether the process server called any publicly-available phone number(s) for Triandafilou to attempt to obtain additional information to facilitate service. These deficiencies highlight some of the details that the declaration of due diligence could have included to demonstrate that the attempts to serve Triandafilou’s resident agent on June 8, and June 12, 2023, were, in fact, good faith attempts to serve Triandafilou. Without additional details regarding the service attempts, we cannot conclude that there were the requisite “two good faith attempts on separate days” to serve Triandafilou’s resident agent. It was an abuse of discretion for the circuit court to deny Triandafilou’s motion to revise, amend, and vacate

the judgment because Williesco did not properly serve Triandafilou pursuant to Maryland Rule 2-124(o) or any other applicable service-related rule.<sup>4</sup>

“It has long been the common, and preferred, practice of appellate courts to decide only those issues that are necessary to render a proper judgment or mandate.” *Mitchell v. State*, 44 Md. App. 451, 461 (1979). “Where multiple claims are presented but a decision upon one (or less than all) will suffice to decide the appeal, appellate courts have rather consistently declined to address the other, non-essential, issues.” *Id.* “This practice is justified by principles of judicial efficiency as well as the equally long established practice of declining to decide issues that, in a practical sense, become moot.” *Id.*

Accordingly, we decline to address whether the notice of entry of an order of default not being “mailed to the defendant at the address stated in the request [for entry of an order of default]” as required by Maryland Rule 2-613(c) was reversible error. We also decline to address whether Williesco not filing and serving on Triandafilou a request for entry of judgment by default pursuant to Maryland Rule 2-613(f) (providing in relevant part that “[i]f a motion was not filed [by the defendant to vacate the order of default] under section (d) of this Rule or was filed and denied, the court, upon request,

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<sup>4</sup> There was another defect with respect to the purported service on Triandafilou by substitute service on SDAT. Maryland Rule 2-124(o) provides that “[s]ervice may be made upon a corporation, limited partnership, limited liability partnership, limited liability company, or other entity required by statute of this State to have a resident agent by serving two copies of the summons, complaint, and all other papers filed with it, together with the requisite fee, upon [SDAT].” The affidavit of service does not indicate that the process server served two copies of the papers on SDAT.

may enter a judgment by default that includes a determination as to the liability and all relief sought, if it is satisfied (1) that it has jurisdiction to enter the judgment and (2) that the notice required by section (c) of this Rule was mailed”) was reversible error. We likewise do not address whether the circuit court should have granted the motion to revise, amend, and vacate the default judgment because, on November 17, 2023, the circuit court sent notice of a virtual hearing regarding entry of a default judgment scheduled for January 3, 2024, to Triandafilou at an address on Martin Luther King Highway in Baltimore, Maryland, which was not the address for Triandafilou listed in the request for entry of an order of default. We also do not reach the issue Triandafilou raises regarding the circuit court’s denial of Triandafilou’s motion to dismiss the complaint because, according to Triandafilou, that motion to dismiss filed on February 27, 2024 was “[i]n light of the May 28, 2023 Order which required Plaintiff (in this then year old action) to obtains [*sic*] service by July 27, 2023, and Plaintiff’s failure to properly serve Defendant.”

### **CONCLUSION**

For these reasons we reverse the circuit court, vacate the circuit court’s order denying the motion to revise, amend, and vacate the default judgment entered against Triandafilou. We remand this case to the circuit court for further proceedings not inconsistent with this opinion. From a procedural standpoint, on remand this case essentially restarts with the requirement that Williesco properly serve Triandafilou.

**JUDGMENT OF THE CIRCUIT COURT  
FOR PRINCE GEORGE'S COUNTY  
REVERSED. CASE REMANDED TO THE  
CIRCUIT COURT FOR FURTHER  
PROCEEDINGS NOT INCONSISTENT  
WITH THIS OPINION. COSTS TO BE  
PAID BY APPELLEE.**