

Circuit Court for Baltimore County
Case No. 03-C-16-002324

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

Consolidated Cases

Nos. 817 & 1701
September Term, 2024

No. 102
September Term, 2025

JENNIFER S. HORNE

v.

ROBERT M. HORNE

Friedman,
Tang,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned)

JJ.

Opinion by Friedman, J.

Filed: November 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 to MD. RULE 1-104(a)(2)(B).

In these appeals,¹ appellant Jennifer Horne seeks to void the actions of the Circuit Court for Baltimore County ordering the sale of her former marital home following her divorce from appellee Robert Horne. To do so, she appeals the circuit court’s denial of her exceptions to the Auditor’s report following the sale, and the denial of two motions asking the circuit court to exercise its revisory powers under Maryland Rule 2-535(b). For the reasons that follow, we affirm the actions of the circuit court.

BACKGROUND

This case has a long and complex history that we will not recite in its entirety. As is relevant to the current appeals, the parties were granted a Judgment of Absolute Divorce in April 2022. One of the provisions of that judgment gave Jennifer the option to purchase Robert’s equity in the house for the amount designated in the judgment. Unhappy with the circuit court’s calculation, Jennifer declined to follow the judgment and instead began a campaign to challenge it.² Notwithstanding Jennifer’s efforts, in August 2022, a Trustee

¹ Although filed as three separate appeals, the cases all stem from the same original circuit court case, involve the same parties, and many of the arguments are duplicative. We therefore exercise our discretion to address them in one opinion.

² Jennifer disputed the circuit court’s calculation of the buyout price primarily on the grounds that the circuit court failed to properly credit her contribution of non-marital funds used to purchase the house. Specifically, the circuit court found that a gift of \$100,000 from Jennifer’s mother was to both Jennifer and Robert, not to Jennifer individually. Jennifer has consistently maintained that she could not agree to the buyout price until she was credited for the additional \$50,000 contribution of individual funds and the buyout price was corrected. On appeal, this Court affirmed the judgment of absolute divorce and the circuit court’s calculation of the buyout price. *See Horne v. Horne*, No. 483, September Term 2022, at *4-5 (December 8, 2023).

was appointed to sell the house after the deadline had passed for her to exercise the purchase option.

After the Trustee was appointed, he attempted to reach an agreement with Jennifer and Robert that would have allowed Jennifer to purchase the house even though she had missed the circuit court's deadline. Those efforts were unsuccessful, however, and in October 2022, the circuit court granted the Trustee's motion to begin the process of a public sale.

In January 2023, the Trustee received an acceptable offer to purchase the house. Before accepting that offer, the Trustee made one final attempt to reach an agreement that would allow Jennifer to acquire the house. When that attempt was also unsuccessful, the Trustee accepted the third-party offer and signed a contract of sale on February 1, 2023.

In March 2023, the Trustee filed a motion informing the circuit court that defects in the title needed to be cured before the title could be insured by a Maryland licensed title insurer and the sale could proceed. The Trustee requested permission to take actions to cure those defects so that he could give a merchantable title. On March 28, 2023, the circuit court issued an order approving the contract of sale and the addenda, approving the purchasers (the Phelps), approving the purchase price, authorizing the Trustee to convey the house to the purchasers, and ordering that the house be vacated by 9:00 a.m. on March 31, 2023.

Despite the court's order, on the morning of March 31st, although Jennifer had left the house, she had not removed any of her personal belongings or household items. As a result, the Phelps' title company would not move forward with the sale. Rather than

terminate the sale, the Phelps and the Trustee completed another addendum to the contract to postpone settlement to April 3, 2023. By the night of April 2, 2023, however, Jennifer still had not moved her belongings out of the house and yet another addendum was executed to postpone settlement until 11 a.m. on April 7, 2023. Over the following two days, Jennifer and her movers worked under the supervision of the Trustee's agent to remove her belongings. By the night of April 6, 2023, although the move was incomplete and the house was not in proper condition to be transferred, Jennifer informed the Trustee that she would not return to reclaim property left behind or to clean. After a walkthrough, the Phelps informed the Trustee that settlement could not occur with the house in its current condition. As a result, the Trustee hired third-party agents to finish removing abandoned property and trash from the house. Settlement ultimately occurred on April 7, 2023. The Trustee filed the report of sale on April 13, 2023. The sale was ratified by the circuit court on July 1, 2023.

Jennifer has unsuccessfully challenged the sale of the house in numerous motions and appeals. In addition to a direct appeal from the judgment of absolute divorce, Jennifer filed a separate notice of appeal challenging the circuit court's March 2023 order approving the contract of sale and authorizing the Trustee to move forward. This Court dismissed that action as an improper interlocutory appeal. *See Horne v. Horne*, No. 411, September Term 2023 (dismissed June 8, 2023). On April 4, 2023, after her failure to vacate the house had delayed settlement, Jennifer filed a Motion for Immediate Possession alleging that because the settlement did not occur on time, the contract was void. The circuit court denied the motion on May 1, 2023. On May 12, 2023, Jennifer filed a motion to hold the Trustee in

contempt and have the report of sale withdrawn. On May 15, 2023, Jennifer filed exceptions to the report of sale and requested a hearing. The circuit court dismissed the petition for contempt on June 2, 2023, and denied Jennifer’s exceptions without a hearing and ratified the sale on July 1, 2023. On July 3, 2023, Jennifer filed a notice of appeal to the circuit court’s ratification order. That action was stayed pending the resolution of her appeal of the judgment of absolute divorce. In December 2023, this Court issued an unreported opinion on direct appeal of the judgment of absolute divorce, affirming the orders of the circuit court. *Horne v. Horne*, No. 483, September Term 2022 (December 8, 2023). Thereafter, in February 2024, this Court dismissed Jennifer’s appeal of the ratification order as moot. *Horne v. Horne*, No. 889, September Term 2023 (dismissed February 2, 2024).

In April 2024, the Auditor filed his report. Jennifer filed exceptions and requested a hearing. She also filed a motion asking the circuit court to reconsider its order approving the payment of the Trustee’s fees. The circuit court denied both motions without a hearing. The circuit court ratified the Auditor’s report on April 26, 2024, and Jennifer filed a motion asking the circuit court to reconsider. After the circuit court denied the motion for reconsideration, Jennifer filed a notice of appeal, docketed in this Court as No. 817 of the 2024 term.

A few months later, in August 2024, Jennifer filed a motion under Maryland Rule 2-535(b) titled “Emergency Motion to Void the Trial Courts Ratification Order and Deed Under Rule 2-535(b) Request Hearing.” In that motion, Jennifer sought to have the circuit court void its orders ratifying the sale of the house because, she alleged, the Trustee and

the purchasers had committed fraud. She requested a hearing on her motion. She also filed a motion asking that the judge assigned to her case be reassigned so that her motion would be decided by a different judge. The circuit court denied Jennifer’s motion on September 13, 2024, with the notation that the “sale of 33A Brett Manor Court, and ratification of the sale was lawful, fair, and proper and has been fully and finally concluded. Each request for relief DENIED.” Jennifer again filed motions to reconsider that were also denied. Jennifer then filed a notice of appeal, docketed in this Court as No. 1701 of the 2024 term.

Finally, in December 2024, Jennifer filed another motion under Rule 2-535(b), titled “Plaintiff Motion Under Rule 2-535(b) to Vacate the Trial Court’s Judgment of Absolute Divorce and Transfer of the House.” In this motion, Jennifer asked the circuit court to vacate the judgment of absolute divorce and void all of the actions that had occurred since it was entered. Jennifer alleged that the circuit court had acted without jurisdiction by incorporating the parties’ pre-existing custody order into the judgment of absolute divorce and that Robert had committed extrinsic fraud. The circuit court denied the motion to vacate and the ensuing motion to reconsider. Jennifer filed another notice of appeal, docketed in this Court as No. 102 of the 2025 term.

This brings us up to the present opinion addressing all three pending appeals. We will address the issues in the order that the appeals were filed.

DISCUSSION

I. AUDITOR’S REPORT

We first address Jennifer’s appeal of the circuit court’s denial of her exceptions to the Auditor’s report and release of funds without first granting her a hearing. In response,

Robert argues that Jennifer was not entitled to a hearing because, although she requested one under a separate heading at the end of her motion, she failed to note the request in the title of the motion as required by MD. RULE 2-311(f).³ Upon review of the record, we conclude that even if Jennifer properly requested a hearing, she has failed to identify harm that would require reversal.

Jennifer listed eight exceptions to the Auditor’s report: (#1) that the seller’s credit should have been taken only from Robert’s portion of the proceeds because she did not approve it; (#2) to the sale in general; (#3) to the commissions paid to the buyer’s and seller’s agents; (#4) to the Trustee’s fees and expenses; (#5) to the Auditor’s fee; (#6) to the amount paid to the children’s best interest attorney; (#7) that the deductions were made prior to the division of funds between her and Robert; and (#8) to the overall amount being paid to her. Jennifer attached a 43-page affidavit as an exhibit to her exceptions.

We note first that Jennifer’s broad exception to the sale in general (#2, above) is beyond the scope of proper exceptions to an Auditor’s report. Exceptions to an Auditor’s report are appropriate when they are directed “to the allowance or disallowance of expenses of the sale or the distribution of net proceeds.” *Huertas v. Ward*, 248 Md. App. 187, 206

³ The Maryland Rules provide that the “court may decide exceptions [to an Auditor’s report] without a hearing unless a hearing is requested with the exceptions.” MD. RULE 2-543(h). The rules further provide that a “party desiring a hearing on a motion ... shall request the hearing in the motion or response under the heading ‘Request for Hearing.’ The title of the motion or response shall state that a hearing is requested.” MD. RULE 2-311(f). In this case, although Jennifer did not state that a hearing was requested in the title of her motion, she did request a hearing under a separate heading. We exercise our discretion to decline to base our decision on whether Jennifer’s request fully complied with the Maryland Rules and instead base it on Jennifer’s failure to show that she was prejudiced by the lack of a hearing.

(2020) (quoting *Hood v. Driscoll*, 227 Md. App. 689, 694 n.1 (2016)). “The opportunity to file exceptions to the Auditor’s report is not an additional opportunity to challenge the adjudication of rights in the real property.” *Huertas*, 248 Md. App. at 206 (2020). Thus, Jennifer cannot challenge the validity of the sale itself as an exception to the Auditor’s report.

Next, two of the exceptions (#4 and #6, above) are duplicative of challenges that have been previously adjudicated and are thus barred by *res judicata*. *Shirk v. Sneeringer*, 163 Md. 265 (1932) (holding that “the rule that the court cannot permit litigation of the same subject by the same parties twice” applies “in cases of second exceptions filed to accounts after adjudication of earlier exceptions”). The Trustee’s fees and expenses (#4, above) were approved separately by the circuit court in an order dated April 9, 2023, and the circuit court denied her motion to reconsider that approval. Jennifer cannot relitigate those same exceptions again. And the amount and allocation of fees to the children’s best interest attorney (#6, above) was ordered by the circuit court in the judgment of absolute divorce and affirmed by this Court on direct appeal. Jennifer cannot relitigate that finding as an exception to the Auditor’s report.

Of the remaining five exceptions, Jennifer provides support for only one. Jennifer excepts to the commissions paid to the buyer’s and seller’s agents (#3, above) on the grounds that the Phelps were contractually obligated to pay those expenses. In her affidavit, Jennifer refers us to paragraph 50 of the sales contract. The text of paragraph 50 does not, however, support her exception. Paragraph 50 of the sales contract provides that the buyers would pay all settlement costs and charges,

including, but not limited to, all Lender's fees in connection herewith, including title examination and title insurance fees, loan insurance premiums, all document preparation and recording fees, notary fees, survey fees where required, and all recording charges, except those incident to clearing existing encumbrances or title defects.

Paragraph 50 does not list real estate agent commissions as among the closing costs. Moreover, real estate commissions are typically contractual obligations that are not contingent on closing. *See* MD. CODE, REAL PROP. § 14-105. Thus, Jennifer has failed to show that she would be entitled to any relief on this exception (#4).

For the final four exceptions (#1, #5, #7, and #8, above), Jennifer provides no explanation or support, either in the exceptions themselves or in her lengthy affidavit.

It is well-established that ““appellate courts of this State will not reverse a lower court judgment for harmless error.”” *Sumpter v. Sumpter*, 436 Md. 74, 82 (2013) (quoting *Harris v. David S. Harris, P.A.*, 310 Md. 310, 319 (1987)). To justify reversal, Jennifer had the burden of demonstrating not only error, but prejudicial error that caused an identifiable injury. *Harris*, 310 Md. at 319 (citing *Joseph Bros. Co. v. Schonthal*, 99 Md. 382, 400 (1904)). To reverse the order of the circuit court and remand for a hearing, it is not enough to state that she disagrees with some of the calculations. There must be some foundation for that disagreement that could potentially entitle Jennifer to relief. *See* MD. RULE 2-543(g)(1) (“Exceptions shall be in writing and shall set forth the asserted error with particularity.”). Because she has failed to make that showing, we conclude that any error

in the circuit court’s denial of Jennifer’s exceptions and release of the funds without a hearing was harmless.⁴

II. MOTION TO VOID THE RATIFICATION ORDER AND DEED

We next address Jennifer’s August 2024 Motion to Void the Trial Court’s Ratification Order and Deed under Maryland Rule 2-535(b). In her motion, Jennifer argued that the circuit court lacked jurisdiction to ratify the sale of the house because of fraud. The circuit court denied the motion without a hearing. On appeal, Jennifer now argues that the circuit court’s repeated refusal to grant her an evidentiary hearing on her allegations of fraud, including the emergency motion, is tantamount to extrinsic fraud because she has been prevented from presenting her claims to the court. She is mistaken.

A. Rule 2-535(b)

Because more than 30 days had elapsed between the entry of the judgment and the filing of the motion for reconsideration, the circuit court can only exercise its revisory power under very narrow circumstances. *Facey v. Facey*, 249 Md. App. 584, 604-05 (2021). To be eligible for relief, Jennifer must make a showing of “fraud, mistake, or irregularity.” MD. RULE 2-535(b). For purposes of Rule 2-535(b), these categories are

⁴ Jennifer also challenges the circuit court’s denial of her motion to reconsider the order ratifying the Auditor’s report. A circuit court has almost unlimited authority to grant or deny a motion for reconsideration. *Shih Ping Li v. Tzu Lee*, 210 Md. App. 73, 97-98 (2013) (citing *Steinhoff v. Sommerfelt*, 144 Md. App. 463, 484-85 (2002)). In her motion to reconsider, Jennifer identified the same exceptions but added details about the calculations and amounts that had been entirely absent from her initial filing. A motion to reconsider is not an opportunity to raise arguments that could have been raised previously. *Shih Ping Li*, 210 Md. App. at 97-98 (citing *Steinhoff*, 144 Md. App. at 484-85). We see no abuse of discretion in the circuit court’s refusal to reconsider its order.

interpreted very narrowly. *Peay v. Barnett*, 236 Md. App. 306, 321 (2018). Fraud is limited to extrinsic fraud, mistake is limited to jurisdictional mistakes, and irregularity is limited to procedural irregularity. *Facey*, 249 Md. App. at 604-05; *Thacker v. Hale*, 146 Md. App. 203, 219-222 (2002). The circuit court has broad discretion when ruling on a motion to revise a judgment, and we review its decision for an abuse of that discretion only. *Peay*, 236 Md. App. at 315-16; *Shih Ping Li v. Tzu Lee*, 210 Md. App. 73, 97 (2013) (citing *Steinhoff v. Sommerfelt*, 144 Md. App. 463, 484-85 (2002)).

Here, Jennifer has failed to establish the necessary factual predicates to support the exercise of the court’s revisory power.

Jennifer’s primary argument in her motion—that the circuit court did not have jurisdiction to ratify the sale—is based on a misunderstanding of what constitutes a “jurisdictional error.” As a general matter, “jurisdiction refers to two quite distinct concepts: (i) the *power* of a court to render a valid decree, and (ii) the *propriety* of granting the relief sought.” *Thacker*, 146 Md. App. at 224 (quoting *Moore v. McAllister*, 216 Md. 497, 507 (1958)). Rule 2-535(b) provides relief only where the power of a court to act is in question, that is, where the court lacked subject matter jurisdiction over the cause of action and the relief sought or lacked personal jurisdiction over the parties involved. *Thacker*, 146 Md. App. at 224. There is no real dispute that the circuit court had subject matter jurisdiction over the sale of the house pursuant to the judgment of absolute divorce, or that it had personal jurisdiction over Jennifer, Robert, and the court-appointed Trustee. Even if we were to assume that all of Jennifer’s allegations are true, she has at most alleged that the circuit court made “simply a legal mistake or error of law.” *Id.* at 227 (cleaned up)

(quoting *Evans v. Evans*, 75 Md. App. 364, 372 (1988)). An error of law is voidable on direct appeal but does not render the entire judgment either void *ab initio* or subject to collateral attack under Rule 2-535(b).

Jennifer’s argument on appeal—that by repeatedly denying her requests for a hearing, the circuit court has acted in way that is “tantamount to extrinsic fraud”—is simply wrong. Extrinsic fraud is an act that is “collateral to the issues tried in the case” and “prevents an adversarial trial [because] it keeps a party ignorant of the action and prevents them from presenting their case.” *Facey*, 249 Md. App. at 632. When a party commits extrinsic fraud, it has the effect of preventing the case from reaching the court. When a court decides a motion, with or without a hearing, the case has most assuredly reached the court for a decision to be made. Nothing a court does is extrinsic (as opposed to intrinsic) fraud.

Jennifer’s insistence that she has never been allowed to present her allegations is based on the misconception that without an evidentiary hearing, the circuit court cannot, will not, and did not consider the substance of her allegations. That is simply not true. A written motion to the court must “state with particularity the grounds and the authorities in support of each ground” and must include either as an attachment, by reference to the record, or in an affidavit, the evidence that the movant wishes the court to consider. MD. RULE 2-311(c), (d). By denying a motion without a hearing, the court is not refusing to consider the movant’s allegations. The court has considered her allegations and determined that there was already enough information either included with the motion or already contained in the record to rule on the motion. Jennifer has filed several affidavits with the

circuit court, and as described by her motions, all of the purportedly fraudulent actions occurred within the confines of the judicial sale of the house, under the supervision of the circuit court, and are well documented in the record. No evidentiary hearing was necessary.

B. Recusal

In connection with her motion to void the ratification order, Jennifer filed several motions— some with the circuit court itself and some directed at the Baltimore County administrative judge—requesting that the judge assigned to her case, Judge Robert E. Cahill, Jr., either recuse himself or be recused. Jennifer specifically sought to have someone other than Judge Cahill rule on her motion because she believed that Judge Cahill “had animus toward her as a litigant” and could not make impartial decisions about her case. Although Jennifer argues on appeal that Judge Cahill erred in denying her requests to recuse himself, she is very wrong.

For a judge to be recused from a case, the party seeking recusal must allege prejudice that stems from “an extrajudicial source.” *Conner v. State*, 472 Md. 722, 744 (2021) (quoting *Boyd v. State*, 321 Md. 69, 77 (1990)). A judge’s impartiality cannot be attacked “on the basis of information and beliefs acquired while acting in [their] judicial capacity.” *Conner*, 472 Md. at 744 (quoting *Boyd*, 321 Md. at 77). Here, the only evidence of prejudice that Jennifer identifies is that Judge Cahill denied all of her requests for evidentiary hearings on her motions and that she believes those denials demonstrate personal bias against her. We disagree. There is a strong presumption that judges know the law and apply it correctly. *State v. Chaney*, 375 Md. 168, 181 (2003). Thus, our presumption is that Judge Cahill denied each request for a hearing based on the correct

application of the law. Adverse rulings “[do] not automatically mean that [the judge was] biased or prejudiced against” a party. *Hill v. Hill*, 79 Md. App. 708, 716 & n.4 (1989). Indeed, if an adverse ruling or denial of a hearing were enough for a litigant to claim bias, no judge would be qualified to preside over a case to its end. Recusal is not required when the complaining party alleges bias arising solely from “a source within the ‘four corners of the courtroom.’” *Conner*, 472 Md. at 744 (quoting *Doering v. Fader*, 316 Md. 351, 355 (1989)). Because that is the only kind of bias Jennifer alleges, we see no abuse of discretion in Judge Cahill’s refusal to recuse himself.

III. MOTION TO VACATE JUDGMENT OF ABSOLUTE DIVORCE

Finally, we address Jennifer’s appeal of the circuit court’s denial of her Rule 2-535(b) Motion to Vacate the Judgment of Absolute Divorce on the grounds that (#1) the circuit court made a jurisdictional mistake when it incorporated the parties’ amended custody order into the judgment of absolute divorce; and (#2) that Robert committed extrinsic fraud in the post-trial proceedings and in the direct appeal. As relief, Jennifer requests that this Court vacate its previous unreported opinion and void the circuit court’s orders all the way back to the judgment of absolute divorce, including all actions pertaining to the sale of the house. As with Jennifer’s previous Rule 2-535(b) motion, neither allegation meets the requirements for the circuit court to exercise its revisory power under Rule 2-535(b).

A. Amended Custody Order

In her brief, Jennifer asserts that by the time the judgment of absolute divorce was entered, the amended custody order had been superseded by a contempt order which

prevented Robert from having overnight access with the children until he met certain conditions. Jennifer argues that, because those conditions were never met, custody of the parties' children was controlled by the contempt order, and by incorporating the amended custody order into the judgment of absolute divorce, the circuit court improperly modified custody without first finding that there had been a material change in circumstances.⁵ She further argues that because custody was not an issue before the circuit court at the hearing, it did not have jurisdiction to modify custody in the judgment of absolute divorce, and that this constituted a jurisdictional mistake that makes the judgment of absolute divorce void *ab initio*.

Similar to the error in her previous Rule 2-535(b) motion, Jennifer's argument misunderstands what constitutes jurisdictional error. There is no real question that the circuit court had jurisdiction over the parties' divorce proceedings. Although child custody was determined in the first half of the bifurcated proceedings, the court retains continuing jurisdiction of child custody cases. MD. CODE, FAM. LAW § 9.5-202. The circuit court therefore had personal jurisdiction over the parties and subject matter jurisdiction over the case. *Thacker*, 146 Md. App. at 224. Even if we were to assume that by incorporating the amended custody order into the judgment of absolute divorce the circuit court had unintentionally modified custody,⁶ it would at most be a legal mistake or error of law. *Id.*

⁵ Based solely on this allegation, appeal no. 102 of the 2025 Term was expedited under Maryland Rule 8-207.

⁶ We note that Jennifer's factual assertions misrepresent the contempt order in several respects. *First*, Jennifer was the party found in contempt, not Robert. Although it appears that neither Jennifer nor Robert completed the actions ordered by the circuit court,

at 227. Thus, had Jennifer successfully raised such an argument on direct appeal, the court's action could have been voidable. But it was not void *ab initio* and is not subject to collateral attack under Rule 2-535(b).

B. Extrinsic Fraud

Jennifer also misunderstands the distinction between extrinsic fraud and intrinsic fraud. As previously explained, extrinsic fraud is something that prevents an adversarial trial from occurring, while intrinsic fraud is something that occurs during the course of the litigation. *Facey*, 249 Md. App. at 616. Only a finding of extrinsic fraud will render a judgment voidable under Rule 2-535(b). *Id.* at 611.

Jennifer argues that Robert committed fraud twice: *first*, in his post-trial memorandum to the circuit court by requesting an indemnity clause for the first time and misrepresenting facts about the parties' respective financial liabilities; and *second*, by improperly redacting documents in the record on direct appeal, resulting in an unjust opinion from this Court that relied on false facts. Jennifer argues that these actions should be considered extrinsic fraud because she was not allowed to directly respond to Robert's

compliance was directed at Jennifer to purge her contempt, not as a penalty against Robert to limit his access to the children. *Second*, the contempt order did not amend custody. It was a temporary measure intended to reunify Robert with the children and ameliorate alienation that had developed because of Jennifer's refusal to comply with the custody order. And *third*, by its own terms, the contempt order expired on May 23, 2021, at which time "the custodial access schedule [reverted] back to the schedule within the Amended Child Access and Custody Order." Thus, regardless of whether the parties were following the schedule in the amended custody order, at the time the judgment of absolute divorce was issued, its incorporation into the judgment was not a modification of custody and the circuit court did not err by calculating child support based on shared custody as directed by the amended custody order.

post-trial memorandum, and because Robert’s misrepresentations prevented this Court and the circuit court from making a fair evaluation of the issues. She is mistaken.

All the actions that Jennifer describes indisputably occurred within the adversarial proceedings. Indeed, Jennifer challenged the circuit court’s use of Robert’s post-trial memorandum on direct appeal, and she acknowledges that on direct appeal, she submitted unredacted copies of the same evidence. Thus, any purported fraud was intrinsic and fails to meet the standard for revision under Rule 2-535(b).⁷ The circuit court did not err in denying her motion to vacate the judgment of absolute divorce.

⁷ We note that apart from failing to meet the requirements of Rule 2-535(b), all of the arguments Jennifer raised in her motions to void and vacate would be barred by *res judicata*.

The doctrine of *res judicata* “bars the relitigation of a claim if there is a final judgment in a previous litigation where the parties, the subject matter[,] and causes of action are identical or substantially identical” to either issues that were actually litigated or issues that could or should have been litigated. *Anne Arundel Cnty. Bd. of Educ. v. Norville*, 390 Md. 93, 106-07 (2005). The purpose of *res judicata* is to protect “the courts, as well as the parties, from the attendant burdens of relitigation.” *Id.* at 107. “To avoid the vagaries of *res judicata*’s preclusive effect, a party must assert all the legal theories he wishes to in his initial action.” *Colandrea v. Wilde Lake Cmty. Ass’n, Inc.*, 361 Md. 371, 392 (2000) (emphasis removed). Failure to assert a legal theory “does not deprive the ensuing judgment of its effect as *res judicata*.” *Id.* (emphasis removed). Indeed, “even if a ruling in an original suit was found later to be in error, the mere fact that the prior ruling is wrong does not deprive it of *res judicata* effect.” *Powell v. Breslin*, 430 Md. 52, 64 (2013) (cleaned up).

The “effect of a final ratification of sale is *res judicata* as to the validity of such sale, except in the case of fraud or illegality.” *Jones v. Rosenberg*, 178 Md. App. 54, 72 (2008) (citations omitted). Even with that caveat, Jennifer cannot continue to challenge the sale of the house because her allegations of fraud and irregularity have been previously adjudicated and are barred by *res judicata*. Jennifer has repeatedly argued that the Trustee and Phelps committed fraud in the sale of the house because the title and deed were transferred to the Phelps before the sale was ratified by the court. Although the circuit court had granted the Trustee’s motion to transfer the property, Jennifer maintains that the

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

transaction was invalid, and as a result, the Phelps committed fraud when they filed the deed with the county, thereby invalidating their status as bona fide purchasers and rendering the deed akin to a forgery. Jennifer has vigorously and repeatedly argued that this rendered the entire sale void *ab initio* and the circuit court should void the ratification and award her ownership and immediate possession of the house, with an award of monetary damages to be determined later.

Although not exhaustive, our review of the record shows that Jennifer has made this same argument to the circuit court no less than four times: in her March 28, 2023 Motion for Reconsideration of the circuit court’s order allowing the Trustee to convey 33A Brett Manor Court to the Phelps; in her April 4, 2023 Motion for Immediate Possession; in her May 12, 2023 petition for Contempt against the Trustee; and in her May 15, 2023 Exceptions to the Notice of Sale. All of these motions were denied by the circuit court, as were their corresponding motions for reconsideration. Even if we assume that there was something erroneous in the transfer of the house, the validity of the sale has been finally litigated and *res judicata* precludes Jennifer from continuing to raise these allegations. Indeed, this is precisely the type of situation that *res judicata* is intended to prevent. At some point, litigation has to end.

Jennifer’s challenges to the judgment of the absolute divorce are similarly barred by *res judicata*. Jennifer had the opportunity—and did—appeal the judgment of absolute divorce to this Court. It was incumbent upon her to raise any possible grounds for relief at that time. She cannot reopen the litigation every time she thinks of a new legal theory.