Circuit Court for Washington County
Case No. C-21-CV-20-000371

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 883

September Term, 2023

JUSTIN HOLDER AND UNCLE EDDIES BROKEDOWN PALACE, LLC

v.

JEFFREY YOUNG

Berger,
Albright,
Kenney, James A., III
(Senior Judge, Specially Assigned),
JJ.

Opinion by Albright, J.

Filed: May 31, 2024

*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 Rule 1-104(a)(2)(B).

This case is before us for a second time.[1] In 2020, Jeffrey Young sued Justin and Deena Holder in the Circuit Court for Washington County for quiet title and to enjoin them from trespassing on his property. Uncle Eddies Brokedown Palace, LLC, a limited liability company created by the Holders, joined the suit (hereinafter "Uncle Eddies"). The circuit court (The Honorable Andrew F. Wilkinson, presiding)[2] granted Mr. Young's request for quiet title and an injunction against the Holders and Uncle Eddies. Justin Holder and Uncle Eddies appealed. We affirmed but remanded to the circuit court to, among other things, remove from its declaratory judgment reference to a parcel that was not a part of the litigation. The circuit court revised the judgment. Mr. Holder and Uncle Eddies appeal from the circuit court's revisions, presenting essentially two questions:

I. Did the circuit court err when it allegedly failed to follow our instructions on remand to remove any reference to "Parcel 1" in its judgment?

II. Did the circuit court err when it allegedly failed to limit the injunction against Mr. Holder and Uncle Eddies to exclude any public roads?

FACTS AND PROCEDURAL BACKGROUND

[1] Our initial unreported opinion can be found at *Holder v. Young*, Nos. 1145 & 1457, Sept. Term 2022, 2023 WL 3674691 (Md. App. May 26, 2023), *cert. denied sub nom. Uncle Eddie's Brokedown Palace, LLC v. Young*, 485 Md. 141 (2023), and *cert. denied*, 485 Md. 144 (2023), and *cert. denied*, No. 23-988, 2024 WL 2116308 (U.S. May 13, 2024).

[2] Judge Wilkinson was killed in October 2023, approximately three months after the revised judgment at issue here. We remember Judge Wilkinson for his service to the State of Maryland and the Maryland Judiciary.

We shall provide a quick overview of this case to place the questions asked in context. Reference should be made to our earlier opinion for a more complete statement of facts than is necessary here.

In 1988, Mr. Young purchased real property at 13 Dogstreet Road in Keedysville, Maryland by deed to which a plat was attached. The plat described a single parcel of approximately 10.36 acres, which was comprised of three smaller parcels: Parcel 1, Parcel 2, and Parcel 3. Parcel 1 was approximately 10 acres, occupying the majority of the deeded property upon which Mr. Young's house and accessory buildings were located, with a driveway leading to Parcel 2. Parcel 2 was approximately an 0.11 acre strip of land located along the southwestern area of Mr. Young's property that served as a road connecting Parcel 1 to Dogstreet Road, a public road. Parcel 3 was approximately an 0.25 acre strip of land located along the northwestern area of Mr. Young's property, lying east of and bordering a housing development known as Stonecrest, consisting of 21 single family homes.

Deena Holder owns two parcels that lie near Mr. Young's property but do not border it. Uncle Eddies owns one parcel that borders Ms. Holder's property and is near Mr. Young's property but also does not border it. In 2020, Justin Holder purchased a quitclaim deed for some or all of the land contained in Parcel 3.

In May 2020, Mr. Young found Mr. Holder clearing brush and trees on Parcel 3 with a bobcat and chainsaw. Mr. Young subsequently filed a complaint against the Holders. The complaint sought to quiet title to Parcels 2 and 3, by deed or adverse possession, and to enjoin the Holders from entering those parcels. The Holders filed an

answer, denying Mr. Young's ownership of those parcels and claiming that Mr. Holder owned Parcels 2 and 3. Uncle Eddies also filed an answer and denied Mr. Young's ownership of those parcels.

On September 7, 2022, following a three-day bench trial, the court issued a written opinion and judgment.

In its opinion, the circuit court found that Mr. Young was the record title owner of Parcels 1 and 2. The court reasoned that Mr. Young had purchased Parcels 1 and 2 in 1988 through a valid deed, and in 1993, he had purchased a quitclaim deed for Parcel 2. The court also found, after reviewing the 1988 deed, a 1966 predecessor deed, and the deeds and plats for the neighboring Stonecrest property, that Mr. Young had record ownership of Parcel 3, and in the alternative, Mr. Young adversely possessed Parcel 3.

The circuit court found that Mr. Holder had abandoned his claim of ownership of Parcel 2 prior to trial. After reviewing Mr. Holder's quitclaim deeds, the court also found that he did not have any ownership interest in Parcel 3, nor any alleged "gap" between Stonecrest and Parcel 3. The court further found that Uncle Eddies had failed to establish that it had a viable "wagon road" easement over Mr. Young's property. Although the court had permitted evidence regarding a personal "wagon road" easement over Mr. Young's property, it had limited the evidence at trial to not include any public roads or right of ways. The court specifically stated in its opinion:

> In this litigation, and in other litigation in this court, Defendant Justin Holder has asserted that certain closed or unopened public roads exist on Plaintiff's land and that Mr. Holder is entitled to sue Plaintiff, and other private citizens, to have them opened. This issue was not considered during trial because the court made a preliminary determination that Mr. Holder

> cannot sue another private citizen to compel government to open an abandoned, unused, closed, or otherwise unopened road.

In its judgment, the circuit court granted Mr. Young's request to quiet title and for declaratory and injunctive relief. The court found that Mr. Young was the owner of Parcels 1, 2, and 3. The court found that there was no "gap" between Stonecrest and Parcel 3. The court ordered that any quitclaim held by Mr. Holder for any part of Parcel 1, 2, or 3 was invalid and void. Finally, the court "permanently enjoined" the Holders, Uncle Eddies, and any of their members or agents from entering Mr. Young's "land as described in the Opinion and this Order."

First appeal

Mr. Holder and Uncle Eddies appealed. In a 63-page unreported opinion, we affirmed the circuit court's judgment in most respects but remanded on two narrow points. Because Mr. Young had only sought relief as to Parcels 2 and 3 and because there was an issue about attorneys' fees, we concluded: "We shall remand the case to the circuit court . . . to revise its declaratory judgment by removing any mention of Parcel 1, and to make the requisite findings as to attorneys' fees payable by Deena Holder to Jeffrey Young."[3] We stated in our mandate:

> **JUDGMENT OF THE CIRCUIT COURT FOR WASHINGTON COUNTY AFFIRMED IN PART AND VACATED IN PART.**
>
> **CASE REMANDED TO THE CIRCUIT COURT FOR WASHINGTON COUNTY FOR THE PURPOSE OF ENTERING A DECLARATORY JUDGMENT CONSISTENT WITH THIS OPINION RELATIVE TO PARCEL 1 AND DETERMINING THE AMOUNT OF ATTORNEYS' FEES PAYABLE BY DEENA HOLDER**

[3] Attorneys' fees are not an issue in the appeal before us.

TO JEFFREY YOUNG RELATIVE TO THE FILING OF HER APPELLEE'S BRIEF. COSTS TO BE PAID BY APPELLANTS.

Holder, 2023 WL 3674691 at *31.

On remand to the circuit court

On remand, the circuit court revised its opinion and judgment. At the beginning of the opinion, the court added the following language:

> This court issued an Opinion and related Orders dated September 6, 2022. Following appeal and consistent [with] the directive of the Appellate Court of Maryland on remand in consolidated cases CSA-REG-1145/1147-2022, this Court's Opinion is updated to remove conclusions about Plaintiff's Parcel 1 from its declaratory judgment.

Additionally, in the opinion, it removed some of its references to Parcel 1. At the beginning of the judgment, the court added the following underlined language:

> Following appeal and consistent [with] the directive of the Appellate Court of Maryland in consolidated cases CSA-REG-1145/1147-2022 directing this court to remove conclusions about Parcel 1 from its declaratory judgment, it is this 13th day of June 2023, by the Circuit Court for Washington County, Maryland hereby: [followed by several orders].

In the judgment, the court omitted any reference to Parcel 1.

Mr. Holder filed a motion to alter and amend,[4] arguing that the court should have removed all references to Parcel 1, and because the court had not, the unchanged last paragraph of the court's judgment was ambiguous. The last paragraph of the court's judgment read:

> **ORDERED**, Defendants Justin Holder, Deena Holder, Uncle Eddie's Brokedown Palace, LLC, and any member or agent thereof, be and are

[4] This motion was docketed as a Request to File Motion to Alter or Amend the June 13, 2023, Opinion. The circuit court denied this motion on the merits.

> hereby permanently enjoined from entering Plaintiff's land as described in the Opinion and this Order.

Mr. Holder posited that the word "land" could be understood to mean that he, his wife, and Uncle Eddies "are enjoined from *Parcel 1*" (emphasis added). Mr. Holder also argued that the circuit court should modify or dissolve the injunction over Parcel 2, as "the court acknowledged [at trial] the public rights" afforded on that parcel.

The circuit court denied Mr. Holder's motion to alter or amend. The court noted that it had removed all references to Parcel 1 in its judgment and removed some of the references in its opinion to Parcel 1, but not all. The court explained that in its opinion it could not discuss or analyze the deeds, plats, and law on adverse possession and ownership as to Parcels 2 and 3 without discussing Parcel 1. As to Mr. Holder's request to modify or dissolve the injunction, the court stated:

> [Mr.] Holder suggests he is prepared to present evidence that alleged roads have not been closed by the Town of Keedysville and, therefore, the injunction should be modified. Roads were not considered in this trial because this court determined the opening or closing of roads is a legislative function. The appellate court found no error in this court's determination. The issue of whether a road is open or closed, or whether it ever existed at all, remains with the legislative body and is not ripe for this court.

Mr. Holder and Uncle Eddies appealed the circuit court's revised opinion and judgment.

DISCUSSION

I.

Mr. Holder and Uncle Eddies argue that because the circuit court's opinion still contains references to Parcel 1, the final paragraph in the court's judgment, which refers to

"Plaintiff's land," could be construed as applying to Parcel 1. Mr. Young argues that the appellants' "interpretation of the revised order is a stretch." While we agree with Mr. Young that the language is not likely to cause confusion, out of an abundance of caution we shall adopt the suggestion by Mr. Young to alleviate any ambiguity by replacing the word "land" in the last paragraph of the court's judgment with the words "Parcels 2 and 3." Accordingly, we shall vacate the court's judgment and remand for revision of the judgment consistent with this opinion. Md. Rule 8-604(d)(1) (permitting remand).[5]

II.

Mr. Holder and Uncle Eddies further argue that we should dissolve the injunction because they cannot be enjoined from crossing public roads that exist on Parcels 2 and 3 or, in the alternative, remand for the circuit court to expressly limit the injunction in the final paragraph to not include "[p]ublic roads and ways of record." If we remand, they suggest that we advise the circuit court to remove in the final paragraph of the court's judgment the words "land as described in the Opinion and this Order," and insert the words "Parcels 2 and 3 as depicted on Plat 2499 . . . except those parts of Parcel 2 and 3 that are subject to [p]ublic roads and ways of record."

We decline to dissolve the injunction or to add any additional language for two reasons. First, what the appellants are now additionally seeking is beyond our original remand. In our unreported opinion, we remanded for the limited purpose of making clear

[5] We note that the circuit court issued two Orders on June 14, 2023. Today's remand requires a change to the two-page Order that appears at Pages 1212-1213 of Volume IV-A of the Record Extract of Appellant.

that the litigation involved only Parcels 2 and 3, not Parcel 1. The circuit court attempted to do this, but a possible ambiguity arose, which can be addressed with the language suggested above under heading **I**. Second, the circuit court ruled and specifically advised the parties that it would not take evidence regarding any public roads over Mr. Young's property. Therefore, the circuit court made no determination as to the existence of public roads, who owned them, and whether they were open or closed. We specifically stated in our 2023 unreported opinion that we found no error in the circuit court's decision to limit the litigation to not include public roads. Appellants appealed our decision to the Maryland Supreme Court and the United States Supreme Court, both of which denied certiorari. What appellants are attempting to do is to take a second bite at the appellate apple. Accordingly, we reject appellants' arguments regarding the injunction. Should at a future point in time, a public road or right of way be found on Parcels 2 or 3, appellants may seek a modification of the injunction. Until that time, the injunction stands.

JUDGMENT OF THE CIRCUIT COURT FOR WASHINGTON COUNTY AFFIRMED IN PART AND REVERSED AND REMANDED TO THE CIRCUIT COURT FOR WASHINGTON COUNTY FOR PROCEEDINGS CONSISTENT WITH THIS OPINION.

COSTS TO BE PAID BY THE APPELLANTS.