

Circuit Court for Prince George's County
Case No. CAE19-34084

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 987

September Term, 2021

JOHN KIRKSEY, *et al.*

v.

PHH MORTGAGE CORPORATION

Graeff,
Zic,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 26, 2022

*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.

In 2009, John Kirskey, appellant, executed a promissory note in the amount of \$224,400 (the Note) to AmeriGroup Mortgage Corporation for the purpose of purchasing property located at 1102 Burketon Road, Hyattsville, Maryland. The note was secured by a Deed of Trust. The Note was subsequently transferred to PHH Mortgage Corporation, appellee. In 2018, a release of lien for the Deed of Trust was executed and recorded in the land records for Prince George’s County. Thereafter, appellee filed a complaint to quiet title in the property and for declaratory judgment in the Circuit Court for Prince George’s County. In that complaint, appellee claimed that the release of lien had been executed and recorded due to “inadvertence or mistake” and that Mr. Kirskey had not, in fact, satisfied his obligations under the Note. The complaint thus sought an order declaring the release of lien to be “null and void.”

During the course of that litigation, Mr. Kirksey conveyed the property via a general warranty deed to Kenneth A. Chloe, as Trustee for the Derrick Donell Bey Express Trust,¹ in exchange for \$3.00. Appellee then amended its complaint to raise a claim of violation of the Maryland Uniform Fraudulent Conveyance Act (MUFCA), asserting that the conveyance had been made without fair consideration and for the purpose of rendering Mr. Kirksey insolvent and to frustrate appellee’s ability to effectuate its security interest in the property. Appellee then filed a partial motion for summary judgment on its claims for declaratory judgment and violation of the MUFCA. The court granted the motion without

¹ Mr. Chloe is also an appellant in this appeal.

a hearing after appellants failed to file a response. Appellee then dismissed its quiet title claim and the court entered an order closing the case statistically. This appeal followed.

Appellants’ brief is difficult to follow and does not clearly address the merits of appellee’s summary judgment motion. In their “question presented” they contend that the circuit court somehow “committed maladministration” and did not follow its “trust indenture.” The “argument” section of their brief is similarly incomprehensible, citing to numerous Maryland constitutional provisions without indicating how they were violated or why they apply to this case.

As best as we can discern, appellants generally raise four claims, none of which have merit.² First, they contend that the circuit court was not an “Article III court” and therefore lacked jurisdiction to adjudicate the case. However, § 1-501 of the Courts and Judicial Proceedings Article specifically provides that each circuit court has “full common-law and equity powers and jurisdiction in all civil and criminal cases within its county.” And because Mr. Kirksey’s property was located in Prince George’s County, the Circuit Court for Prince George’s County had jurisdiction to adjudicate appellee’s claims with respect to that property. Second, appellants assert that their right to a jury trial was infringed. But appellants were not entitled to a jury trial because the court found that there

² Throughout their brief, appellants appear to raise legal theories advanced by the proponents of the “sovereign citizen” and “redemptionist” movements, in which individuals seek to “dodge [their] legal and financial responsibilities by claiming [to be] a ‘general executor,’ denying [their] citizenship, or through any other filings or declarations to these effects.” *Anderson v. O’Sullivan*, 224 Md. App. 501, 512-13 (2015). However, in *Anderson*, we noted that such theories “have not, will not, and cannot be accepted as valid.” *Id.* at 512.

was no genuine issue of material fact as to the issues raised in the complaint and thus granted appellee’s motion for summary judgment. Next, appellants briefly reference § 40 of article 3 of the Maryland Constitution, which prohibits the taking of private property for public use without just compensation. However, that provision has no application to the instant case as appellee was not attempting to take the property for public use. Finally, appellants make a number of general claims of error, including that “facts were never proven by appellee” and that the motions judge engaged in “maladministration.” But these contentions are not presented with any particularity. Thus, we will not consider them on appeal. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (citation omitted)).

Appellants ultimately bear the burden of demonstrating that the court committed reversible error in granting appellee’s motion for summary judgment. Because they have not done so, we shall affirm the judgment of the circuit court.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANTS.**