Circuit Court for Baltimore County
Case No. 03-C-12-006456

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND*

No. 1211

September Term, 2024

SHAUNTESE TRYE

v.

STEPHEN TRYE

Berger,
Zic,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Zic, J.

Filed: June 6, 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 Maryland Rule 1-104(a)(2)(B).

Shauntese Trye, n/k/a Shauntese Curry ("Mother"), appellant, appeals from four orders entered by the Circuit Court for Baltimore County in a child custody case involving B., the minor child she shares with Stephen Trye ("Father"), appellee.[1] As explained below, we dismiss.

BACKGROUND

The parties are the divorced parents of B. Mother resides in Florida and Father resides in Hanover, Maryland. On November 22, 2019, the circuit court entered a consent order modifying custody to grant Mother sole legal and physical custody of B. in Florida. Father was ordered to pay Mother $1,500 each month in child support.

In February 2023, by agreement of the parties, B. moved to Maryland to live with Father.

On April 4, 2024, Father moved to modify custody and child support, and on June 5, 2024, he moved to suspend or escrow his child support payments pending the resolution of his motion to modify. By order entered on July 15, 2024, the circuit court granted Father's motion, ordering that Father could pay his child support into his attorney's escrow account until his motion to modify was ruled upon.

Within ten days, Mother moved to vacate that order and to stay the proceedings, arguing that she was not properly served with the motion to modify custody and child support. Both motions were denied by orders entered August 14, 2024.

[1] We refer to the minor child using an anonymized initial.

The next day, Father requested an order of default be entered against Mother for failure to answer the modification petition. Mother noted the present appeal on August 20, 2024, and the court entered an order of default on August 21, 2024.

On May 1, 2025, following a magistrate's hearing and the denial of Mother's exceptions, the circuit court entered an order that adopted the magistrate's report and recommendations, thereby granting Father sole legal and physical custody of B., terminating Father's child support payments, and authorizing Father's counsel to return to Father all sums paid into escrow.

DISCUSSION

In her informal brief, Mother challenges four orders entered by the court: the July 15, 2024 order permitting Father to escrow his child support; the August 14, 2024 order denying her motion to stay that order; the August 14, 2024 order denying her motion to vacate that order; and the August 21, 2024 order of default. Father moves to dismiss the appeal. Because we lack jurisdiction over these orders, we dismiss.

"This Court does not acquire jurisdiction over an appeal unless it is taken from a final judgment or from an interlocutory order that falls within one of the exceptions to the final judgment requirement." *Bartenfelder v. Bartenfelder*, 248 Md. App. 213, 229 (2020) (citation omitted). The three exceptions to the general requirement that an appeal be taken from a final judgment are: "(1) an appeal from an interlocutory order specifically authorized by a statute; (2) an appeal from an interlocutory order that falls under the collateral order doctrine; and (3) an appeal permitted under Maryland Rule

2-602." *Adelakun v. Adelakun*, 263 Md. App. 356, 370 (2024), *aff'd*, __ Md. __, 2025 WL 1037399 (filed Apr. 8, 2025) (*per curiam*).

We begin with the August 21, 2024 order of default. An order of default, unlike a default judgment, is an interlocutory order and is subject to revision at any time prior to the entry of a final judgment. *Velasquez v. Fuentes*, 262 Md. App. 215, 231 (2024). Orders of default are not immediately appealable.[2] *See Banegura v. Taylor*, 312 Md. 609, 618 (1988) ("no appeal may be taken from the entry of an order of default"). Mother does not argue that an exception to the general final judgment requirement applies to the order of default. Therefore, because the order is interlocutory, we will not review it.

Next, we turn to the July 15, 2024 order permitting Father to escrow his child support payments and the two August 14, 2024 orders denying Mother's motions to vacate and stay the July 2024 order. Mother contends that all three orders are immediately appealable pursuant to three statutory provisions in the Courts and Judicial Proceedings ("CJP") Article of the Maryland Code (1974, 2020 Repl. Vol., 2023 Supp.), as:[3] 1) orders for "the payment of money[,]" § 12-303(3)(v); 2) orders "[d]etermining a question of right between the parties and directing an account to be stated on the principle

[2] We observe that Mother's appeal from this order also is premature. Mother noted her appeal on August 20, 2024, one day before the entry of the order of default. She did not note another appeal thereafter. Although sections (f) and (g) of Maryland Rule 8-602 contain limited savings provisions for premature appeals, neither of those provisions apply here.

[3] All references are to the Courts and Judicial Proceedings Article unless otherwise noted.

of such determination[,]" § 12-303(3)(vi); or 3) orders "[d]epriving a parent, grandparent, or natural guardian of the care and custody of his child, or changing the terms of such an order[,]" § 12-303(3)(x). None of these exceptions apply here.

In *Adelakun*, this Court concluded that "an order is appealable as an order for the payment of money pursuant to [] § 12-303(3)(v) only if it directly orders one party to pay a sum to another party." 263 Md. App. at 378-79. We held that an order denying a parent's request for *pendente lite* child support was not such an order and dismissed the parent's appeal from that order. *Id.* at 379.

Here, the November 2019 order directing Father to pay $1,500 per month in child support was an order for the payment of money because it directed Father, a party, to pay money to Mother, another party. In contrast, the July 2024 order permitting Father to temporarily redirect those same payments into an escrow account is not an order for "the payment of money[.]" § 12-303(3)(v). Instead, the order denied Mother child support pending the resolution of Father's motion to modify custody and child support. As explained in *Adelakun*, the July 2024 order is not, therefore, an immediately appealable order. 263 Md. App. at 377-79. The August 2024 orders denying Mother's requests to vacate and to stay the July 2024 order are likewise not orders for the payment of money.

The other statutory exceptions Mother relies upon are similarly unavailing. The orders do not direct an accounting, § 12-303(3)(vi), and as Mother concedes, do not deprive her "of the care and custody of [her] child[,]" § 12-303(3)(x). Furthermore,

neither of the August 2024 orders "chang[e] the terms" of any previous order governing the care and custody of B.[4] § 12-303(3)(x).

CONCLUSION

We hold that all four contested orders are interlocutory orders that do not fall within prescribed interlocutory appeals exceptions. For this reason, we dismiss.

APPEAL DISMISSED; COSTS TO BE PAID BY APPELLANT.

[4] We note that, even if any of the orders Mother challenges were immediately appealable pursuant to § 12-303(3) the circuit court's subsequent final order on May 1, 2025, which terminated Father's child support obligation and directing that the escrowed payments be returned to him, rendered the prior orders moot. *See In re R.S.*, 242 Md. App. 338, 353 (2019) (explaining that a matter is moot when "there is no longer an existing controversy when the case comes before the Court or when there is no longer an effective remedy the Court could grant" (internal marks and citation omitted)).