

Circuit Court for Baltimore City
Case No. 24-O-16-001781

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 1270

September Term, 2024

AMANDA L. BOSKENT

v.

THE BELVEDERE CONDOMINIUM

Zic,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 5, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Amanda L. Boskent, appellant, appeals from the granting, by the Circuit Court for Baltimore City, of a motion by The Belvedere Condominium (hereinafter “Belvedere”), appellee, for summary judgment, and the court’s entry of a deficiency judgment in favor of Belvedere. For the reasons that follow, we shall affirm the judgment of the circuit court.

[T]his case concerns claims by condominium owner [Ms.] Boskent . . . against . . . Belvedere . . . and mortgage holder[] Bank of America, N.A. (the “Bank”) . . . [Ms.] Boskent, who was in default on her loan, brought suit in the Circuit Court for Baltimore City initially alleging that Belvedere’s manager wrongfully helped a contractor, hired by the Bank, to enter her vacant unit on February 14, 2014 in order to winterize the property. Following the circuit court’s granting of summary judgment in favor of the Bank and Belvedere, [Ms.] Boskent appealed to this Court.

Boskent v. Belvedere, No. 1490, Sept. Term 2020 (filed March 7, 2022), slip op at 1.

While the appeal was pending, the court ratified and confirmed the sale of the condominium. On August 22, 2019, the court ratified and confirmed the auditor’s report and account. In April 2020, Belvedere filed a motion for deficiency judgment, in which it contended that the “proceeds of the sale were insufficient to pay [its] lien,” and requested “an award of the unpaid assessments, late fees, interest, and attorney’s fees and costs that remain[ed] due and owing following the sale.” In May 2020, we held, in a “per curiam decision, . . . that the circuit court did not err in granting summary judgment in favor of the Bank and Belvedere.” *Id.*

In November 2020, Belvedere filed a motion for alternative service of process related to the motion for deficiency judgment. In June 2021, the court denied the motion for alternative service. In October 2022, the court issued a notification of contemplated dismissal. Belvedere subsequently filed a motion to defer entry of order of dismissal. In

December 2022, the court granted the motion. In April 2023, Belvedere filed a motion for continued deferral of dismissal. The court subsequently granted the motion. In June 2023, the sheriff effectuated service upon Ms. Boskent.

In November 2023, Ms. Boskent filed a motion to dismiss the motion for deficiency judgment, in which she contended that Belvedere failed to seek a deficiency judgment within three years of the final ratification of the auditor's report in violation of Rule 14-216(b) ("[a]t any time within three years after the final ratification of the auditor's report, a secured party or any appropriate party in interest may file a motion for a deficiency judgment"). Ms. Boskent also contended that the court failed to dismiss the motion for deficiency judgment "150 days from the issuance of original process," in violation of Rule 2-507.¹

In December 2023, Belvedere filed a motion for summary judgment, in which it contended that it "is entitled to . . . judgment in the amount of \$39,830.95." Belvedere

¹Rule 2-507 states, in pertinent part:

(b) **For Lack of Jurisdiction.** An action against any defendant who has not been served or over whom the court has not otherwise acquired jurisdiction is subject to dismissal as to that defendant at the expiration of 120 days from the issuance of original process directed to that defendant.

* * *

(d) **Notification of Contemplated Dismissal.** When an action is subject to dismissal pursuant to this Rule, the clerk, upon written request of a party or upon the clerk's own initiative, shall serve a notice on all parties pursuant to Rule 1-321 that an order of dismissal for lack of jurisdiction or prosecution will be entered after the expiration of 30 days unless a motion is filed under section (e) of this Rule.

further contended that Ms. Boskent was served “on or about June 8, 2023,” that she had “failed to respond to the summons of the Court [and] offered no defense to the allegations” against her, and that “there are no disputes of material fact.” On January 23, 2024, Ms. Boskent filed an answer to the motion for summary judgment, in which she generally denied that Belvedere is entitled to the judgment that it requested. Ms. Boskent also summarily contended that she “was served but the date is wrong.” In an addendum to the answer, Ms. Boskent re-raised the arguments raised in her motion to dismiss the motion for deficiency judgment. Ms. Boskent also filed a second motion to dismiss the motion for deficiency judgment. On January 30, 2024, the court denied the motion to dismiss. In April 2024, the court granted the motion for summary judgment and entered in favor of Belvedere a judgment in the amount of \$39,830.95.

Ms. Boskent first contends that the court “erred and abused its discretion” in denying the motion to dismiss, because Belvedere “had until August 22, 2022 to seek a deficiency judgment,” and the court was required to dismiss the motion for deficiency judgment “150 days [from] the issuance of original process.” We disagree. Belvedere filed the motion for deficiency judgment approximately eight months after the court ratified and confirmed the auditor’s report and account, and Rule 14-216(b) does not require that the judgment be obtained within three years of the ratification and confirmation. Also, Rule 2-507 requires a clerk to dismiss an action for lack of jurisdiction or prosecution thirty days after service of a notice of contemplated dismissal only if a motion for deferral of dismissal has not been “filed under section (e) of [the] Rule.” Belvedere filed two such motions, and Ms. Boskent does not cite any authority that required the clerk to issue a

notice of contemplated dismissal prior to October 2022. Hence, the court did not err or abuse its discretion in denying the motion to dismiss the motion for deficiency judgment.

Ms. Boskent next contends that the court “erred and abused its discretion” in granting the motion for summary judgment and entering judgment in favor of Belvedere, because she has “always disputed . . . Belvedere’s claims of what [she] owed.” But, Ms. Boskent did not state with particularity in her answer to the motion for summary judgment that Belvedere had miscalculated the deficiency, in violation of Rule 2-311(c) (“a response to a motion shall state with particularity the grounds and the authorities in support of each ground”). Also, the only material fact disputed by Ms. Boskent in her answer is whether she was served “on or about June 8, 2023,” which she failed to support with documentation as required by Rule 2-311(d) (“a response to a motion that is based on facts not contained in the record shall be supported by affidavit and accompanied by any papers on which it is based”). Hence, the court did not err in granting the motion for summary judgment and entering judgment in favor of Belvedere.²

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

²Belvedere moves for sanctions against Ms. Boskent on the grounds that her “contentions lack substantial justification within the meaning of Md. Rule 1-341 and are frivolous,” she “has acted in bad faith by engaging in unjustified proceedings,” and she “persists in arguing issues previously raised and decided against her which are the subjects of enrolled judgments.” We deny the motion.