

Circuit Court for Baltimore County
Case No. 03-C-16-000040

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1315

September Term, 2021

ANTHONY A. HARVEY

v.

LAURA H.G. O’SULLIVAN, *et al.*

Arthur,
Tang,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 1, 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.

Anthony A. Harvey, appellant, appeals from an order issued by the Circuit Court for Baltimore County ratifying the foreclosure sale of his real property. For the reasons that follow, we shall dismiss the appeal.

The Court of Appeals has held that in a foreclosure action, “if [a] property is sold to a *bona fide* purchaser in the absence of a supersedeas bond[,]” a subsequent “appeal becomes moot” because “a reversal on appeal would have no effect.” *Mirjafari v. Cohn*, 412 Md. 475, 484 (2010) (quotation marks and citation omitted) (italics added). “The general rule requiring the filing of a *supersedeas* bond or alternative security has but two exceptions: (1) the occasion of unfairness or collusion between the purchaser and the trustee, and (2) when a mortgagee or its affiliate purchases the disputed property at the foreclosure sale.” *Id.* at 485.

The record does not demonstrate that Mr. Harvey posted a *supersedeas* bond upon the filing of the present appeal, or that the circuit court held a hearing to fix the bond amount. Additionally, neither of the exceptions to the rule requiring a *supersedeas* bond or other security apply. Here, the property was purchased by TP Dominion Rental Holdings, LLC (TP Dominion) for the sum of \$154,500. TP Dominion was not the mortgagee. And Mr. Harvey does not allege, nor is there anything in the record demonstrating, that TP Dominion was affiliated with the mortgagee or that it colluded with the trustee in purchasing the property. In fact, the record contains an affidavit from TP Dominion, made under the penalty of perjury, stating that it was not acting as an agent for someone else, that there were no other interested principals, and that it did not discourage

anyone else from bidding on the property. Consequently, in the absence of a *supersedeas* bond, the present appeal is moot and must be dismissed.¹

**APPEAL DISMISSED. COSTS TO
BE PAID BY APPELLANT.**

¹ We note that Mr. Harvey did not file any pleadings in the circuit court challenging the foreclosure sale. Consequently, even if the appeal were not moot, the issues he now raises on appeal are not properly before us. *See* Maryland Rule 8-131(a) (“Ordinarily, the appellate court will not decide any . . . issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]”).