

Circuit Court for Anne Arundel County
Case No. C-02-CV-24-000903

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1391

September Term, 2024

MADHU VERMA, ET AL.

v.

STATE OF MARYLAND

Arthur,
Kehoe, S.,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Arthur, J.

Filed: November 7, 2025

* This is an unreported opinion. It may not be cited as precedent within the rule of stare decisis. It may be cited as persuasive authority only if the citation conforms to Maryland Rule 1-104(a)(2)(B).

This is the latest in a series of cases in which a group of putative homeowners attempts to relitigate the ramifications of a foreclosure sale that was ratified in 2013. The Circuit Court for Anne Arundel County dismissed the complaint for failure to state a claim upon which relief can be granted, and the plaintiffs noted a timely appeal. We affirm.

FACTUAL AND PROCEDURAL HISTORY

Plaintiff Ravi Gogna purchased a property at 18600 Black Kettle Drive in Boyds, Maryland, in 2006. In 2010 his lender commenced a foreclosure action in the Circuit Court for Montgomery County. *O’Sullivan, et al. v. Gogna*, Civil Action No. 326303V.

In May 2012 Deutsche Bank National Trust Co. bought the property at a foreclosure sale. The original report of sale erroneously listed the address of the property as “18600 Black Kettle Court” instead of “18600 Black Kettle Drive,” but the substitute trustees corrected the typographical error in an amended report of sale.¹

The Circuit Court for Montgomery County ratified the foreclosure sale in November 2013. “The ratification . . . awarded Deutsche Bank complete equitable title in the foreclosed property.” *Verma v. Deutsche Bank Trust Co.*, 2019 WL 3975458, at *3 (D. Md. Aug. 22, 2019) (unreported) (citing *Empire Props., LLC v. Hardy*, 386 Md. 628, 651 (2005)), *aff’d*, 813 F. App’x 150 (4th Cir. 2020).

¹ The error appears to have occurred because on “[t]he note accompanying the deed of trust . . . the word ‘Drive’ is scratched out, and [the] word ‘Court’ is printed just above it.” *Verma v. Deutsche Bank Trust Co.*, 2019 WL 3975458, at *1 (D. Md. Aug. 22, 2019) (unreported).

Meanwhile, on June 21, 2013, while the foreclosure proceedings were pending, Gogna had conveyed his interest in the property to himself and his wife, plaintiff Madhu Verma, as tenants by the entireties. Verma claims to have “added” plaintiff Kamal Mustafa “to the [d]eed” at some later date.²

After the ratification of the foreclosure sale in November 2013, nothing else appears to have happened until March 4, 2018, when Verma—undoubtedly prompted by some action taken by Deutsche Bank—filed a petition for relief from her creditors under Chapter 13 of the United States Bankruptcy Code. *Verma v. Deutsche Bank Trust Co.*, 2019 WL 3975458, at *1. “In taking this step, Ms. Verma availed herself of . . . [the] automatic stay against most collection activities, a form of statutory protection that generally prevents creditors from collecting debts or foreclosing on property.” *Id.* (citing 11 U.S.C. § 362(a)). On Deutsche Bank’s motion, the bankruptcy court terminated the automatic stay to permit the bank to enforce its rights as to the property (*id.* at *2), and the federal district court affirmed that ruling on appeal. *Id.* at *3-4. In affirming the bankruptcy court, Judge Paul W. Grimm wrote that one of Verma’s arguments “border[ed] on the absurd” (*id.* at *3) and that another was “hard to parse.” *Id.* at *4.

On February 28, 2020, after the federal district court affirmed the order lifting the automatic stay against Verma, Gogna, too, petitioned for relief under Chapter 13. On September 21, 2020, the bankruptcy court granted Deutsche Bank’s motion to lift the

² The deed, which is dated January 18, 2019, but was not recorded until August 10, 2021, purports to convey fee simple title to Mustafa as a tenant in common with Verma and Gogna.

automatic stay and authorized the bank “to take such action under Maryland state law as may be necessary to enforce its rights in the Property, including obtaining possession of the Property[.]” In granting that relief, the bankruptcy court found that Gogna “and his family have engaged in actions with respect to the Property as part of a scheme to delay, hinder, or defraud Deutsche Bank[.]” Consequently, the bankruptcy court decreed that an equitable servitude would attach to the property for two years, to prevent the automatic stay from affecting the property in the event of a future bankruptcy filing by Gogna, Verma, “or any other person claiming an interest in the Property” during that period.

Deutsche Bank sold the property to Jacques François and Nadia Allen in May 2021. Less than a month later, François and Allen filed a wrongful detainer action against Verma and Gogna in the District Court of Maryland for Montgomery County.³

On November 17, 2021, the district court entered judgment in favor of François and Allen and against Verma and Gogna. On November 30, 2021, the district court issued a warrant of restitution, ordering the sheriff “to deliver the premises” to François and Allen “and, unless local law require[d] otherwise, to remove from the premises, by force if necessary, all property” of Verma, Gogna, or “any other occupant.”

Verma and Gogna moved to dismiss or to vacate the warrant of restitution. The district court denied the motion, and the sheriff served the warrant on January 24, 2022, five days before it expired. *See* Md. Code (1974, 2023 Repl. Vol.), § 8-401(f)(1)(iii) of

³ “[W]rongful detainer” means to hold possession of real property without the right of possession.” *See* Md. Code (1974, 2023 Repl. Vol.), § 14-132(a) of the Real Property Article.

the Real Property Article (“RP”). On the following day, January 25, 2022, the district court issued a second warrant of restitution, probably because the first was about to expire. The second warrant went unserved, probably because there was no need to serve it once the sheriff had served the first warrant.

Verma and Gogna appealed the adverse judgment in the wrongful detainer action to the circuit court. The circuit court dismissed the appeal on the ground that it was untimely. Maryland’s highest court denied a petition for certiorari.⁴

On April 9, 2024, Verma filed a complaint alleging that the State of Maryland violated her rights under the Fourteenth Amendment to the United States Constitution and Article 19 of the Maryland Declaration of Rights. She later amended the complaint to include Gogna and Mustafa as plaintiffs.

In the amended complaint, Verma, Gogna, and Mustafa made two central contentions. Citing § 4-402 of the Courts and Judicial Proceedings Article of the Maryland Code (1974, 2020 Repl. Vol.) (“CJP”), they contended, first, that the district court lacked jurisdiction to decide the wrongful detainer action because, they said, the action involved issues of title, which a district court cannot decide. Second, they contended that Verma and her family were evicted without a valid court order. In support

⁴ Verna, Gogna, and Mustafa also attempted to remove the wrongful detainer action to federal court. *In re Verma*, 2022 WL 17850253, at *1 (D. Md. Dec. 22, 2022) (unreported). The bankruptcy court remanded the case to state court, finding that “removal was improper and likely for an improper purpose.” *Id.* Because of Verma’s “lack of good faith and abuse of process,” the bankruptcy court also “imposed a two-year bar to refiling.” *Id.* The federal district court affirmed the order remanding the wrongful detainer case to state court. *Id.* at *2.

of the second contention, they ignored the first warrant of restitution, which was issued on November 25, 2021, and served on January 24, 2022, and mentioned only the second warrant of restitution, which was issued on January 25, 2022, after the first had been duly served.

The State moved to dismiss the amended complaint for failure to state a claim upon which relief can be granted. In support of its motion, the State argued that the district court had exclusive original jurisdiction over the wrongful detainer action. The State also argued that the sheriff lawfully removed the plaintiffs from the property under the authority of a valid warrant of restitution.

The court granted the State’s motion to dismiss and dismissed the action with prejudice. Gogna, Verma, and Mustafa noted a timely appeal to this Court.

QUESTIONS PRESENTED

In their informal briefs, the self-represented appellants do not expressly formulate any questions for appellate review. Having reviewed the informal briefs, however, we have condensed their contentions into one question: Did the circuit court err in dismissing the amended complaint?

We see no error. Consequently, we shall affirm the judgment.

STANDARD OF REVIEW

Whether dismissal was proper is a legal question. *Cain v. Midland Funding, LLC*, 475 Md. 4, 33 (2021). Our review is therefore de novo. *Id.*

In reviewing the grant of a motion to dismiss for failure to state a claim upon which relief can be granted, we assume the truth of all well-pleaded facts and view all inferences that can be reasonably drawn from them in the light most favorable to the plaintiff. *Morris v. Goodwin*, 230 Md. App. 395, 401 (2016). Dismissal is proper “only if the allegations and permissible inferences, if true, . . . do not state a cause of action for which relief may be granted.” *Id.* (cleaned up). We may affirm the judgment on any ground adequately shown by the record, regardless of whether the trial court relied on it. *Id.*

DISCUSSION

In a language that puts a premium on understatement, one would say that this appeal lacks merit. The appellants’ contentions have no basis in fact or law.

The district court did not lack jurisdiction over the wrongful detainer action brought by François and Allen. To the contrary, the district court has exclusive jurisdiction over wrongful detainer actions. CJP § 4-401(4) (“the District Court has exclusive original civil jurisdiction in . . . [a]n action involving . . . wrongful detainer”); see *Uthus v. Valley Mill Camp, Inc.*, 472 Md. 378, 386 (2021).

A district court has no power to “decide the ownership of real property or of an interest in real property[,]” CJP § 4-402(b), but the wrongful detainer action did not require the district court to decide that issue. The Circuit Court for Montgomery County had already decided who owned the property when it ratified the foreclosure sale in November 2013. See *Huertas v. Ward*, 248 Md. App. 187, 203 (2020) (stating that,

“[w]hen the court finally ratifies a [foreclosure] sale, the purchaser acquires complete equitable title to the property and becomes the substantial owner of the property, retroactive to the date of sale[.]”).

The ratification of the foreclosure sale entitled the purchaser (Deutsche Bank) or its assignees (François and Allen) to seek possession of the property (*Huertas v. Ward*, 248 Md. App. at 203), which they did by commencing the wrongful detainer action. See *Laney v. State*, 379 Md. 522, 541 (2004) (stating that, “[w]hen a mortgagor loses the right to possess foreclosed property but fails to vacate the premises, the purchaser of that property, in lieu of actually taking possession, may seek a court order to remove the holdover mortgagor[.]”).

Nor did the sheriff act without a “valid [c]ourt order” or a “valid legal [o]rder” to carry out the eviction. On November 30, 2021, the district court issued an order of restitution that directed the sheriff to deliver the property to François and Allen and to evict Verma, Gogna, and any other occupants, and their belongings. The issuance of the warrant evidenced the district court’s determination that François and Allen were entitled to the possession of the property. RP § 14-132(f).

The sheriff had a legal duty to serve the warrant. CJP § 2-301. The sheriff did so on January 24, 2022, five days before the warrant expired. RP § 8-401(f)(1)(iii). It makes no difference that the district court issued a second warrant of restitution on January 25, 2022, when it was apparently unaware that the first had been served.

In short, the appellants have no basis in fact or law to contend that they were deprived of any rights, constitutional or otherwise, when the sheriff complied with his legal obligation by executing the duly-issued warrant of restitution after François and Allen prevailed in the wrongful detainer action over which the district court had exclusive jurisdiction. The circuit court did not err in granting the State’s motion to dismiss.

**JUDGMENT OF THE CIRCUIT COURT
FOR ANNE ARUNDEL COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANTS.**