

Circuit Court for Anne Arundel County  
Case No. C-02-CV-22-000962

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 1624

September Term, 2024

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OMID LAND GROUP, LLC

v.

MARCUS L. WOOLEY, *et al.*

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Nazarian,  
Kehoe, S.,  
Raker, Irma S.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Nazarian, J.

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Filed: February 10, 2026

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

Omid Land Group, LLC (“Omid”), purchased a property at a foreclosure auction. After the sale was ratified but before the Circuit Court for Anne Arundel County received and ratified the auditor’s final report of sale, Omid filed an application under Maryland Rule 14-216(a) for payment of surplus proceeds from that sale. The court denied Omid’s application and a motion to reconsider it, and Omid seeks to appeal. But because the denial of a Rule 14-216(a) application is not appealable, we dismiss this appeal.

## **I. BACKGROUND<sup>1</sup>**

In June 2022, James E. Clarke, Christine M. Drexel, and Joanna B. Foronda, acting as Substitute Trustees, filed an Order to Docket in the circuit court, foreclosing on real property owned by Marcus and Judy Wooley.<sup>2</sup> Omid purchased the property at public auction, the sale was ratified on March 21, 2024, and the court referred the matter to the Auditor.

This is the comparatively unusual foreclosure case where there are surplus proceeds after the sale for the court to distribute, and three different parties have made claims for those proceeds: Mr. Wooley, Omid, and Specialized Loan Servicing, LLC, the servicer for a junior lienholder. For present purposes, it is enough to note that there appears to be enough of a surplus to satisfy the junior lien with funds left over, and Omid and Mr. Wooley

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<sup>1</sup> Because our discussion relates only to procedural matters, it is not necessary “to recite the underlying facts in any but a summary fashion[.]” *Teixeira v. State*, 213 Md. App. 664, 666 (2013).

<sup>2</sup> The Wooleys did not participate in this appeal. The Substitute Trustees, designated in this Court as interested parties, filed a brief only to correct an alleged factual error in Omid’s brief. They took no position on the merits of Omid’s claim.

both seek to claim the remainder.

After Omid took legal title to the property, it moved for a judgment awarding possession on March 4, 2024 and for payment of a claim from the surplus sale proceeds on March 22, 2024. The court denied the judgment awarding possession on April 25, 2024 and denied Omid's motion for surplus proceeds on May 30, 2024. Omid filed a second motion for judgment awarding possession on June 20, 2024, and this time the court granted the motion on August 6, 2024. It filed a second motion for surplus proceeds on June 25, 2024 that the court denied on August 13, 2024. Then, on August 22, 2024, Omid moved for reconsideration, and the court denied the motion on October 8, 2024.

The record suggests that the Auditor has circulated an initial audit to the parties but has not filed anything with the court. Omid discussed the proposed report in a "Response to Notice of Audit Filing" that it filed on July 18, 2024, and the Substitute Trustees attached a copy of the suggested audit to the "Petition for Attorneys' Fees" they filed on August 23, 2024. In their respective filings, both Omid and the Substitute Trustees asked the court to enter an order resolving the dispute over the surplus proceeds before the final audit, so everyone seems to acknowledge that the audit isn't final. And as of this writing, the Auditor has not filed a final report (nor, obviously, has anyone filed exceptions, nor could the court yet have ratified it).

On October 16, 2024, Omid filed an otherwise timely notice of appeal that, in light of the timing of its motion for reconsideration, seeks to challenge both the denial of its second motion for surplus proceeds and the denial of the motion for reconsideration. As to both Omid's and Mr. Wooley's claims for the surplus, the circuit court has entered orders,

on November 25, 2024 and December 22, 2025, stating that it would take no action pending the resolution of this appeal.

## II. DISCUSSION

Omid lists three Questions Presented in its brief,<sup>3</sup> but we're unable to reach them because we lack jurisdiction.

Before we can review any matter on appeal, we must have jurisdiction to do so. *Lopez-Sanchez v. State*, 155 Md. App. 580, 606 (2004). Although no one has raised this issue, we have the power and duty to dismiss an appeal if it is not authorized by the Maryland Rules or other law. *See* Md. Rule 8-602(b)(1); *see also* *Won Sun Lee v. Won Bok Lee*, 240 Md. App. 47, 57 (2019) (“[W]e have an independent obligation to assure ourselves that we have jurisdiction in every appeal that comes before us.”). The problem here is that the denial of a Rule 14-216(a) application is not appealable in itself, and the

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<sup>3</sup> Omid phrased its Questions Presented as:

1. Whether the Circuit Court erred by misapplying the Maryland Ann. Code and Rules, and imposing a requirement to demand possession, when the occupant(s) of the foreclosed property were not *bona fide* tenants with a *bona fide* lease?
2. Whether the Circuit Court erred by limiting the period during which foreclosure purchaser may claim damages for the use and detention of the foreclosed property of non-*bona fide* occupant(s) remaining in the foreclosed property, until after the foreclosure purchaser takes legal title to the foreclosed property?
3. Whether the Circuit Court erred by denying a motion for surplus proceeds which required a court to make an equitable distribution without stating grounds for its decision and/or expressing an exercise of discretion in the denial of the motion?

The Substitute Trustees didn't include any Questions Presented in their brief.

absence of a ratified audit report leaves the parties without a final appealable judgment that could encompass the surplus proceeds claim.

#### **A. The Circuit Court’s Order Is Not A Final Judgment.**

Generally, a party may appeal only “from a final judgment entered in a civil or criminal case by a circuit court.” Md. Code Ann. (1974, 2020 Repl. Vol.), § 12-301 of the Courts & Judicial Proceedings Article (“CJ”). “A ‘final judgment’ is a judgment that disposes of all claims against all parties and concludes the case.” *Doe v. Sovereign Grace Ministries, Inc.*, 217 Md. App. 650, 660 (2014) (cleaned up). To be “final,” the ruling must either “determine and conclude the rights involved or [] deny the appellant the means of further prosecuting or defending [their] rights and interests in the subject matter of the proceeding.” *Rohrbeck v. Rohrbeck*, 318 Md. 28, 41 (1989) (emphasis omitted). In other words, the order “must be a complete adjudication of the matter in controversy, except as to collateral matters, meaning that there is nothing more to be done to effectuate the court’s disposition.” *Metro Maint. Sys. South, Inc. v. Milburn*, 442 Md. 289, 299 (2015). “Such an order has been described as one that has the effect of putting the party out of court.” *Id.* (cleaned up).

Foreclosure actions are unusual in that they produce two final judgments. *See Huertas v. Ward*, 248 Md. App. 187, 205–06 (2020). *First*, “[t]he ratification of the sale has the practical effect of putting the parties out of court, as they can no longer prosecute or defend their rights with respect to the property[.]” *Id.* at 206. *Second*, the ratification of the auditor’s report has the same effect on the parties’ rights with respect to the allowance or disallowance of expenses of the sale or the distribution of net proceeds. *See id.* Each of

these orders is considered a final judgment because they conclude adjudication of their respective matters in controversy and leave nothing more to be done to effectuate the court's disposition. *See id.* at 205–06.

The former of these events has happened—the sale was ratified by order dated March 21, 2024—but Omid did not appeal from the ratification of the sale, and in any event the surplus proceeds issue hadn't been raised at that point. The real problem is that the second final judgment event hasn't happened yet—the auditor's final report hasn't been submitted and, of course, can't yet have been ratified. Omid's appeal follows directly from the denial of an application (its second)<sup>4</sup> under Maryland Rule 14-216(a) for the payment of a claim from the surplus proceeds of the sale and the denial of a timely (filed within ten days) motion to reconsider that denial. But the circuit court's order was not a final determination as to the surplus proceeds. *See Balt. Home All., LLC v. Geesing*, 218 Md. App. 375, 385 (2014). Nor did it deny Omid the ability to prosecute or defend its claim further—Omid may still file exceptions to the auditor's report as to the disposition of the surplus. *See id.* Put simply, the order did not have the practical effect of putting Omid out of court, and, thus, it was not a final judgment. *See Huertas*, 248 Md. App. at 206.

## **B. The Circuit Court's Order Is Not Appealable Immediately.**

Normally, Omid's time to bring any appellate challenges relating to the surplus would come as part of an appeal from a final judgment, and that opportunity remains

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<sup>4</sup> Omid had filed and lost an earlier motion for payment of surplus proceeds, but didn't file a motion to reconsider that denial or a notice of appeal afterward.

available to Omid when (if) it appeals from the ratification of the auditor's report. Otherwise, there are just three exceptions to the final-judgment rule: "(1) appeals from interlocutory orders specifically allowed by [CJ § 12-303]; (2) immediate appeals permitted when a circuit court enters final judgment under Maryland Rule 2-602(b); and (3) appeals from interlocutory rulings allowed under the common law collateral order doctrine." *In re O.P.*, 470 Md. 225, 250 (2020) (footnote omitted). The court here did not enter a final judgment under Rule 2-602(b), so we limit our discussion to CJ § 12-303 and the collateral order doctrine, and these orders don't qualify under any of these exceptions.

Indeed, we can narrow our discussion even further because, of the fourteen types of interlocutory orders listed in CJ § 12-303, only two could plausibly be relevant here. *First* is CJ § 12-303(3)(v), which allows an interlocutory appeal from an order "for the sale, conveyance, or delivery of real or personal property or the payment of money[.]" By its plain language, though, this exception can't apply because (as Omid complains) the orders didn't direct any property to be sold, conveyed, or delivered, or any money to be paid. Moreover, the orders didn't end the court's involvement with the surplus proceeds. *Cf. Geesing*, 218 Md. App. at 383 n.5.

*Second* is CJ § 12-303(3)(vi), which allows an interlocutory appeal from an order "determining a question of right between the parties and directing an account to be stated on the principle of such determination[.]" But again, by its plain language, this exception doesn't apply because although the orders arguably determined a question of right between the parties, no account was directed by the court in either. *See Geesing*, 218 Md. App. at 384. Thus, the orders aren't appealable under this exception either.

This leaves the collateral order doctrine, which doesn't save these orders, either. This exception to the final judgment rule allows an interlocutory appeal from an order that "(1) conclusively determines (2) an important issue (3) separate from the merits of the action (4) that would be effectively unreviewable if the appeal had to await entry of a final judgment." *In re O.P.*, 470 Md. at 251. Even assuming the first three elements were satisfied, the order here fails at the fourth step because it will still be reviewable after entry of the final judgment—*i.e.*, ratification of the auditor's report. *See, e.g., Legacy Funding LLC v. Cohn*, 396 Md. 511, 514 (2007) (reviewing the denial of a motion seeking payment from surplus proceeds on appeal from ratification of the auditor's report).

In short, “[i]f a party seeks to challenge an interlocutory ruling concerning purely monetary aspects of the foreclosure proceeding . . . , [they] typically must await the adjudication of exceptions to the auditor's report before noting an appeal.” Kevin F. Arthur, *Finality of Judgments and Other Appellate Trigger Issues* 40 (4th ed. 2025). So too here. Omid can still assert its claim to the surplus proceeds by filing exceptions to the auditor's report and, if those are denied, appeal from the ratification. This appeal, however, is premature and must be dismissed. *See* Md. Rule 8-602(b)(1).

**APPEAL DISMISSED. APPELLANT TO PAY COSTS.**