

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 283

September Term, 2016

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SEDERIS FIELDS

v.

ANGELA FIELDS

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Berger,  
Beachley,  
Moylan, Charles E., Jr.,  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Moylan, J.

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Filed: May 9, 2017

\*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.

The appellant, Sederis W. Fields, is the surviving spouse of Horace Andrew Fields, Jr., who died intestate on August 14, 2013. The appellant filed a Petition for Administration of the Estate in the Orphans' Court for Prince George's County. On December 6, 2013, the appellant was appointed as Personal Representative. The appellant listed the appellee, Angela Fields, the decedent's daughter, as the only other person interested in the Estate.

An M&T Bank Account was the only asset listed as part of the Estate. At the time of the decedent's death, that account, solely in the name of the decedent, had a balance of \$62,152.33. The appellant closed that bank account and the bank issued a cashier's check for the full amount, made payable to her. On September 3, 2014, the appellant filed an Affidavit in Lieu of First and Final Account indicating that she was the sole beneficiary of the M&T account. On September 9, 2014, the appellee noted her objection to the Affidavit in Lieu of First and Final Account.

On September 30, 2014, the Orphans' Court approved the Affidavit in Lieu of Account. The appellee, on October 31, 2014, filed a Motion to Reclaim an Estate Asset, a Motion to Strike the Order Approving the Affidavit, and a Petition for Judicial Probate. A hearing was held on those motions on March 31, 2015. The Orphans' Court ordered the appellant to file an Amended Final Account and to make partial payment of \$1,000 toward the appellee's attorney's fee. The court denied the appellee's request for the removal of the appellant as Personal Representative, the appellee's request for additional attorney's fees, and the appellee's request to be appointed as Personal Representative.

It was the appellee who, on April 1, 2015, appealed those orders of the Orphans' Court (dated March 31, 2015) to the Circuit Court for Prince George's County. That appeal was filed as case number CAL 15-09237.

On May 6, 2015, the Orphans' Court issued further orders, approving funeral expenses, approving attorney's fee, and approving the Amended Final Account. On May 15, 2015, the appellee also noted an appeal of these orders to the Circuit Court for Prince George's County. That second appeal was filed in the circuit court under case number CAL-16585.

In case number CAL 15-09237, the parties appeared for a pre-trial hearing on October 22, 2015 and a trial date was set for February 4, 2016. The appellee filed her pre-trial statement on October 30, 2015, and the appellant filed her pre-trial statement on November 9, 2015. The parties subsequently appeared on November 25, 2015 for a pre-trial conference on the second appeal, case number CAL-16585. The circuit court, on December 23, 2015, consolidated the two appeals and set the combined case in for hearing and disposition on February 4, 2016.

The appellant failed to appear at the February 4 hearing. Judge John P. Davey essentially granted the appellee the relief she sought. Although the court order incorrectly lists the hearing date as January 27, 2016, the hearing was indisputably held on February 4, 2016, as the transcript of the hearing reflects. The order of the circuit court was docketed as March 21, 2016, and it is from that order that the appellant takes this appeal.

The appellant raises the two contentions:

1. that she was denied due process in that she never received notice of the hearing held on February 4, 2016 and that she was further denied due process when copies of the orders that the circuit court issued on February 4, 2016 were not timely mailed to her; and
2. that the appeal of the appellee from the Orphans' Court to the circuit court had not been timely taken.

The appellant's first sub-contention is that she was denied due process when the circuit court erroneously failed to give her notice of the hearing that was held on February 4, 2016. It is a bald assertion with no basis in fact. The appellant received actual notice of the hearing date, not once but twice. In case number CAL 15-09237, the appellant was present in court for a pre-trial hearing on October 22, 2015. At that hearing, the trial date was set for February 4, 2016. The appellee filed her pre-trial statement on October 30, 2015, and the appellant filed her pre-trial statement on November 9, 2015. Both parties subsequently were in court again on November 25, 2015, for a pre-trial conference on the second appeal, case number CAL-16585. The circuit court consolidated the two appeals and set the combined case in for hearing and disposition on February 4, 2016, reaffirming the hearing date that had earlier been set for the first appeal alone. Bizarrely, the appellant's argument makes no mention of those notices.

At the hearing on February 4, 2016, from which the appellant was absent, Judge Davey issued several orders. The appellant's second sub-contention is that she was again denied due process because the court failed to mail her copies of the orders in a timely fashion. She contends:

Mrs. Fields' right to due process was further denied because the Circuit Court did not issue Orders in both appeals cases until March 3, 2016,

and did not mail the Orders to Mrs. Fields for several weeks after they had been issued.

Because the Circuit Court failed to issue its Orders in a timely manner, Mrs. Fields lost the opportunity to challenge the Circuit Court's Orders via a Motion for a New Trial. According to Maryland Rule 2-533(a), Mrs. Fields would have been required to file a Motion for a New Trial within ten (10) days of the issuance of the Circuit Court's Order. She did not receive the Circuit Court's Orders until well after the ten-day time period to request a new trial had passed.

Once again, there is no factual basis for the sub-contention. The order that was orally announced by the court on February 4, 2016 was officially docketed by the clerk on March 21, 2016. A copy of the order was accordingly mailed to the appellant on the next day, March 22, 2016. Any filing deadline to which the appellant might have been subjected would have dated from the clerk's docketing of the order on March 21, 2016. The appellant's complaints are imaginary.

The appellant's second contention is that the circuit court erroneously granted relief to the appellee from orders of the Orphans' Court which had never been timely appealed to the circuit court by the appellee. This second contention is, if anything, murkier than the first.

As the appellee points out, she filed a timely objection to the Affidavit in Lieu of Account on September 9, 2014, well within the one-year limitations period provided by Maryland Code, Estates and Trusts Article, Sect. 10-103. After the Orphans' Court approved the final account in September 30, 2014, the appellee filed her Motion to Reclaim an Estate Asset, her Motion to Strike the Order Approving Affidavit in Lieu of Accounting, and her Petition for Judicial Probate on March 31, 2015, well within the timelines

prescribed by Sect. 10-103. Neither before the Orphans' Court nor before the circuit court, moreover, did the appellant ever raise the issue of the timeliness of the appellee's filings. Quite aside from the lack of merit, it is highly questionable whether any issue in this regard has been preserved for appellate review.

**JUDGMENT AFFIRMED; COSTS TO BE  
PAID BY APPELLANT.**