

Circuit Court for Prince George's County
Case No. CAEF14-27745

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1559

September Term, 2016

ZOE MARIE CHAVIS

v.

MARK H. WITTSTADT, *et al.*,
SUBSTITUTE TRUSTEES

Woodward, C.J.,
Leahy,
Moylan, Charles, E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 3, 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.

On October 9, 2014, appellees filed a foreclosure action in the Circuit Court for Prince George’s County, claiming that Zoe Chavis, appellant, had defaulted on a promissory note secured by a Deed of Trust encumbering her residential property located at 906 Jackson Valley Court in Bowie, Maryland. On September 19, 2016, Chavis filed an “Emergency Motion to Stay Sale of Property and Dismiss Foreclosure Action Explosion at 906 Jackson Valley Ct. Attempted Murder,” claiming that appellees did not have the right to foreclose on the property because her signature on the Deed of Trust and promissory note had been forged. After the circuit court denied that motion, Chavis filed this interlocutory appeal raising two issues which reduce to one: whether the circuit court erred in denying her motion to stay and/or dismiss the foreclosure sale. For the reasons that follow, we affirm.

Maryland Rule 14–211(a)(2)(A) provides that “a motion by a borrower to stay the sale and dismiss the [foreclosure] action shall be filed no later than 15 days after the last to occur of: (i) the date the final loss mitigation affidavit is filed; . . . [or] the date the postfile mediation was held.” Any motion that is untimely must “state with particularity the reasons why it was not timely filed.” Md. Rule 14-211 (a)(3). If the court concludes that the motion was not timely filed and does not show “good cause” to excuse noncompliance with Rule 14-211(a)(2)(A) it “*shall* deny the motion[.]” Md. Rule 14-211(b)(1)(A) (emphasis added).

In the instant case, the parties participated in post-file mediation on February 18, 2015. Chavis did not file her “Emergency Motion to Stay Sale of Property and Dismiss

Foreclosure Action Explosion at 906 Jackson Valley Ct. Attempted Murder” until September 19, 2016, over one year later. Therefore, it was untimely filed.

In the motion, Chavis generally asserted that her late filing should be excused because she had recently been able to hire an attorney and intended on “fully maintaining her defense.” However, the circuit court found that this did not establish “good cause” for her failure to comply with Rule 14–211(a)(2)(A). On appeal, Chavis does not contend that her motion was timely or that the circuit court’s finding regarding the absence of “good cause” constituted an abuse of discretion. Therefore she has abandoned the issue. But, even assuming the issue were properly before us, we do not believe that the lower court abused its discretion in finding that Chavis failed to establish good cause, given the length of the delay in her filing the motion and the fact that Chavis did not specify why her lack of counsel had prevented her filing the motion at an earlier time. Consequently, the circuit court did not err in denying Chavis’s motion to stay and/or dismiss the foreclosure action.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT**