

Circuit Court for Baltimore City
Case No. 24-C-21-000619

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2152

September Term, 2024

2015 REO LLC

v.

ROBERT R. HARVEY, *et al.*

Nazarian,
Shaw,
Eyler, Deborah S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Nazarian, J.

Filed: March 25, 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).

This tax sale case arrives here on a complicated and uncertain posture. 2015 REO, LLC (“REO”) seeks to appeal from two orders of the Circuit Court for Baltimore City: the *first* denied a motion to reconsider an order that vacated a judgment foreclosing the property owner’s right of redemption and the *second* vacated an order that had granted a motion to reconsider a prior court order denying alternative service. The court issued these orders on December 13, 2024. The practical result of these orders was that the court determined that REO hasn’t served the property owner, the Estate of Robert R. Harvey (the “Estate”), and vacated an earlier order that had foreclosed the Estate’s right of redemption and had entered judgment for REO. The legal result of these orders is that there is no final appealable judgment. And as a result, we dismiss the appeal.

I. BACKGROUND

On February 8, 2021, Redwood TSF, LLC (“Redwood”) filed a Complaint to Foreclose the Equity of Redemption for Non-payment of Taxes (the “Complaint”) on a property located at 1220 East Madison Street in Baltimore City (the “Property”). The Complaint listed both Robert R. Harvey and the Estate, located in Louisiana, as defendants. On June 10, 2022, Redwood assigned the Tax Sale Certificate to REO, and REO entered the litigation as a substitute plaintiff.

In the course of attempting to effect service, REO discovered that Mr. Harvey had passed away in 2010. REO focused then on serving the Estate. According to REO, it attempted unsuccessfully to serve the Estate by way of personal service and certified mail under Maryland Rule 2-121(a) and through publication under Maryland Rule 2-122(a)(2).

REO then filed a motion for alternative service. In the Affidavit of Due Diligence attached to its motion, REO alleged that Louisiana is a “closed record” state, which limits access to birth and death certificates, and that this limitation prevented it from discovering whether there was an estate. The circuit court denied the motion on the grounds that REO had not attempted to verify with the Clerk of the Court in Plaquemines Parish, Louisiana, Mr. Harvey’s last place of residence; whether he had opened an estate; and whether the court had appointed a personal representative/administrator.

REO filed a motion to reconsider, alleging that it had attempted to verify whether the court had opened an estate and appointed a personal representative/administrator and hadn’t found either. Based on those representations, the circuit court granted REO’s motion and deemed its efforts to serve the Estate sufficient. At the same time, the court entered a Judgment Foreclosing Right of Redemption (the “Judgment of Foreclosure”) that vested fee simple title to the Property in REO. The court entered both orders on June 20, 2023.

On March 8, 2024, Mr. Harvey’s son (also named Robert Harvey) moved to vacate both the order granting alternative service and the order entering the Judgment of Foreclosure. He alleged that the court in Plaquemines Parish had opened an estate after Mr. Harvey’s death and appointed Linda Roche Harvey (Mr. Harvey’s sister) as the personal representative of the Estate. He said that information about the existence of the Estate was accessible by way of a simple phone call to the Clerk of the Court in Plaquemines Parish and that estates are a matter of public record in Louisiana. In response, the circuit court granted his motion to vacate the Judgment of Foreclosure. And in response to that order,

REO filed a motion to reconsider.

On December 13, 2024, the circuit court entered the two orders at issue in this appeal. *First*, the court entered an Order Denying Plaintiff’s Motion for Reconsideration of Order Vacating Judgment. As the title suggests, that order declined to reverse the court’s earlier decision to un-foreclose the Estate’s right of redemption, leaving that issue re-unresolved. And to that end, the order directed REO to file within thirty days new redemption figures that comply with Md. Code (2001, 2019 Repl. Vol.), § 14-843 of the Tax-Property Article (“TP”). *Second*, the court entered an Order Vacating Order Granting Plaintiff’s Motion to Reconsider Order Denying Motion for Alternative Service on Defendant the Estate of Robert R. Harvey.¹ That order, entered *sua sponte*, vacated the court’s earlier order that had permitted alternative service on the Estate. As a result of these two orders, (1) the Estate remained unserved, (2) REO needed to effect service on the Estate and not through alternative means, (3) the Estate regained the ability to redeem the Property, and (4) REO had thirty days to file new redemption figures. Put in more stark procedural terms, the case definitively was not over.

Nevertheless, REO filed a notice of appeal within thirty days of those orders. So far as we can tell, the Estate has not been served; at oral argument, counsel for Robert Harvey (the son) represented that he was not counsel for the Estate.

II. DISCUSSION

REO asks us, in effect, to reverse the circuit court’s order vacating alternative

¹ REO left this order out of its Record Extract.

service on the Estate, essentially to find the Estate served, and to reinstate the earlier circuit court order foreclosing the Estate’s right of redemption.² Unfortunately, we can’t address any of these issues because there is no appealable final judgment.

Generally, appellate courts can’t review a non-final judgment. *See* Md. Code (1974, 2020 Repl. Vol.), § 12-301 of the Courts and Judicial Proceedings Article (“CJ”). An order that adjudicates less than an entire claim is not a final judgment and cannot be appealed normally. Md. Rule 2-602(a)(1); *see* CJ § 12-303. A judgment is final if it “determine[s] and conclude[s] rights involved, or den[ies] the appellant means of further prosecuting or defending his rights and interests in the subject matter of the proceeding.” *Scheve v. McPherson*, 44 Md. App. 398, 403 (1979) (citation omitted).

Perhaps counterintuitively, an order vacating an unenrolled judgment foreclosing the right of redemption viewed in isolation *is* considered a final judgment because “[e]xcept for fixing the amount necessary for redemption . . . there [is] nothing further for the court

² REO states the Question Presented in its brief as follows:

Did the Circuit Court err in vacating a tax sale foreclosure judgment by improperly finding constructive fraud where Appellant made documented good faith efforts to locate the Defendant’s estate, which the court previously deemed sufficient when granting alternative service, thereby exceeding its judicial authority under Md. Rule 2-535 absent clear and convincing evidence of fraud, mistake, or irregularity?

Robert Harvey (the son of the deceased Mr. Harvey), phrases his Question Presented in the following manner:

Did the Circuit Court abuse its discretion or err as a matter of law in denying Plaintiff’s motion for reconsideration of order vacating judgment?

to do, and no further opportunity for [the tax purchasers] to protest or prosecute their claim.” *Scheve*, 44 Md. App. at 404. We have considered orders that vacated the foreclosure of the right of redemption a final act that resolves the rights of the parties and terminates the controversy because even though the court still must fix the amount necessary for the property owner to redeem the property, the right of redemption could be exercised merely by paying that amount. *See id.*

But in this case, we can’t view the order vacating the foreclosure of the Estate’s right of redemption in isolation because the court didn’t issue it in isolation. The simultaneous order vacating REO’s right to effect alternative service leaves the Estate unserved, and in tax sale foreclosure proceedings, interested parties must be given notice because they retain a right to satisfy the lien and redeem the property. *See Ty Webb, LLC v. Mayor of Balt.*, 251 Md. App. 32, 38–39 (2021). Until the Estate has been served and has an appropriate opportunity to satisfy the lien and redeem the property, the rights of the Estate cannot be considered resolved, as they could be if the Estate had in fact been served. *See id.*; *see Scheve*, 44 Md. App. at 403. “Procedural due process requires that litigants must receive notice, and have the opportunity to be heard.” *Pickett v. Sears, Roebuck & Co.*, 365 Md. 67, 81 (2001) (citation omitted).

So although the circuit court’s order vacating the Judgment of Foreclosure typically would be final enough for our purposes, it’s not final enough here. *See Scheve*, 44 Md. App. at 403. “The purpose of requiring parties to await final judgment before taking an appeal is to avoid ‘piecemeal appeals,’ which may result in disruption and inefficiency.”

Huertas v. Ward, 248 Md. App. 187, 200 (2020) (citing *Monarch Acad. Baltimore Campus, Inc. v. Baltimore City Bd. of Sch. Comm'rs*, 457 Md. 1, 42–43 (2017)). REO now knows that the Estate exists and the identity of the personal representative of the Estate, and it can proceed with service, if it hasn't already, and the litigation over the right of redemption that follows.

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