

Circuit Court for Prince George's County
Case No.: CAD20-12893

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2184

September Term, 2022

HENRIETTE ANDERSON

v.

LAWRENCE M. ANDERSON

Nazarian,
Reed,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 2, 2024

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Henriette Anderson, appellant, appeals from a series of orders entered by the Circuit Court for Prince George’s County related to her absolute divorce from Lawrence M. Anderson, appellee,¹ and the subsequent sale of their marital home. For the reasons that follow, we cannot consider one of those orders and, finding no error or abuse of discretion in the others, shall affirm.

BACKGROUND

Henriette and Lawrence divorced in 2021. As part of the judgment of absolute divorce, the circuit court ordered that the marital home be sold and awarded Lawrence a monetary award to be paid from Henriette’s 50% share of the sale’s proceeds. The court announced its ruling on September 17, 2021, but the judgment was not entered until October 5. In the interim, on September 17 and October 1, Henriette filed two revisory motions. Then, after the judgment was entered, but before the court ruled on her revisory motions, Henriette filed a notice of appeal on November 4.

Henriette’s first appeal was docketed in this Court as Case No. 1389, Sept. Term, 2021. While that appeal was proceeding, Henriette filed three more revisory motions in the circuit court on October 29, November 5, and December 8. Eventually, this Court learned that Henriette’s September 17 and October 1 motions had not been ruled on by the circuit

¹ Because the parties share a last name, we will refer to them by their first names. We mean no disrespect by doing so.

court. So, on April 19, 2022, we remanded the case back to the circuit court for it to rule on those motions.²

On May 6, the court denied both motions.³ The record was then returned to this Court, and a new briefing schedule was set. Rather than filing her brief, however, Henriette filed a motion seeking more time to transmit the record to this Court, arguing that she had other pending motions invoking the revisory power of the circuit court. We denied that motion and explained that, because those later motions were filed more than 10 days after entry of the October 5, 2021, judgment of absolute divorce, they did not toll the time to note an appeal and the circuit could not properly rule on them while the appeal was proceeding. On our own initiative, we granted Henriette a final extension of time to file her brief.

But again, rather than filing her brief, Henriette filed another motion seeking to extend the time for transmitting the “complete” record, reiterating her argument about her motions still pending in the circuit court. In that motion, as alternative relief, Henriette requested that her appeal be voluntarily dismissed. On September 23, 2022, we issued an Order again explaining that Henriette’s argument about her motions in the circuit court was

² Because the September 17 and October 1 revisory motions were filed after the circuit court announced its judgment but before entry of the judgment on the docket, they are treated as filed on the same day as, but after, the entry on the docket—October 5. *See* Md. Rules 2-533(a) & 2-534(a). And because they were timely Rule 2-533 and 2-534 motions, the circuit court retained jurisdiction to decide the motions. *See* Md. Rule 8-202(c).

³ On June 17, 2022, the circuit court entered an order correcting a typographical error in the May 6 Order without making any substantive changes.

incorrect, and granting her alternative request to dismiss her appeal. We also cautioned that voluntary dismissal could “result in the forfeiture of [Henriette’s] right to challenge the judgment of absolute divorce as entered on October 5, 2021[,]” and noted that any motion for reconsideration of the dismissal must be filed within 20 days of the entry of the order. No motion was filed, so the mandate issued on October 26, 2022.

Following dismissal of the first appeal, Lawrence filed, in the circuit court, a renewed Motion to Appoint Trustee for Sale of Real Property. The court announced it was granting Lawrence’s motion on December 15, 2022, but the order was not entered until January 25, 2023. In the interim, on December 28, Henriette filed a Motion to Vacate that order. The court denied her motion on January 25, but that order was not entered until February 21. Earlier, on January 10, the court entered three orders denying each of Henriette’s still pending revisory motions—the ones filed on October 29, November 5, and December 12, 2021. Henriette noted this appeal on January 27, 2023.

DISCUSSION

On appeal, Henriette presents three issues for our review, which we have reordered and rephrased. She first contends that the court erred in granting Lawrence a monetary award. She next contends the court erred in denying her three revisory motions. Finally, she contends that the court erred in appointing a trustee for the sale of the marital home.

As Lawrence notes in his brief, to seek review of the judgment of absolute divorce—including the monetary award—Henriette was required to file her notice of appeal “within 30 days after entry of the judgment or order from which the appeal is taken.” Md. Rule 8-202(a). As discussed above, Henriette noted a timely appeal from that order in which she

could have sought review of the monetary award. In the end, however, despite repeated warnings from this Court, she voluntarily dismissed that appeal and, consequently, forfeited her right to challenge the monetary award. Additionally, the notice of appeal here was filed on January 27, 2023, which is more than 30 days after the circuit court denied Henriette’s Rule 2-533 and 2-534 motions. *See* Md. Rule 8-202(c). It is thus untimely as to the circuit court’s order granting Lawrence the monetary award, and, therefore, we will not consider that issue in this appeal.

We next turn to the circuit court’s denial of Henriette’s three revisory motions. To be sure, the denial of a motion asking the court to exercise its revisory power is an appealable order. *See Estate of Vess*, 234 Md. App. 173, 204 (2017). But an appeal from such an order “is not necessarily the same as an appeal from the judgment itself.” *Id.* (cleaned up). In such cases, the scope of our review is “limited to whether the trial judge abused [their] discretion in declining to reconsider the judgment.” *Id.* at 205 (cleaned up). “It is hard to imagine a more deferential standard than this one.” *Id.* Here, each of Henriette’s motions alleged that the trial judge displayed bias against her by crediting Lawrence’s testimony and evidence over hers. There is nothing in the record that shows the trial judge’s decision to credit Lawrence’s testimony was clearly erroneous, and so the court did not abuse its discretion in denying Henriette’s revisory motions. *See Stuples v. Balt. City Police Dep’t*, 119 Md. App. 221, 232 (1998) (explaining that the denial of a motion to revise a judgment should be reversed only if the decision “*was so far wrong—to wit, so egregiously wrong—as to constitute a clear abuse of discretion*” (emphasis in original)).

Finally, we turn to the circuit court’s appointing a trustee for the sale of the marital home. The record reflects that, as part of the initial divorce judgment, the parties were required to cooperate with a realtor to facilitate the sale of the home. Although a listing agreement was signed with an agreed-upon on-market date of September 1, 2022, the home was not listed by that time. The record also reflects that Henriette repeatedly canceled meetings with the realtor after the on-market date had passed. Under Maryland Rule 14-302(b), “[w]hen the [c]ourt orders a sale it may appoint a trustee to make the sale.” Given the repeated failure to cooperate with the realtor to facilitate the sale of the home, the court did not err in appointing a trustee to make the sale.

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