Circuit Court for Montgomery County
Case No.: 423530V

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2200

September Term, 2024

ROBERT L. STEPHENSON

v.

WILLIAM M. SAVAGE, *et al.*

Wells, C.J.,
Leahy,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 7, 2025

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

In July 2016, the appellees, acting as Substitute Trustees,[1] filed an Order to Docket in the Circuit Court for Montgomery County to foreclose on real property owned by appellant Robert L. Stephenson. Stephenson moved to stay or dismiss the foreclosure action in November 2016. After the circuit court denied his motion, Stephenson appealed, and this Court affirmed. *Stephenson v. Devan*, No. 2218, Sept. Term, 2016, slip op. at 1 (filed May 15, 2018) (unreported).

Eight years of start-and-stop proceedings followed, interrupted by Stephenson's repetitious declarations of bankruptcy, but the property was ultimately sold at a foreclosure auction on July 10, 2024. After the sale had already taken place, the Substitute Trustees sent to Stephenson, on July 19, an erroneous Notice of Cancellation of Trustee's Sale. Two months later, Stephenson filed a "Motion to Dismiss this Case and the Opposition to All Motions Filed by the Trustee(s) and the Creditor (Wells Fargo) for Reckless Disregards to this Court and the Federal Court's Rules, Procedures and Laws that All Parties Must Adhere To." On October 11, 2024, the circuit court denied the motion without a hearing and, in a separate order, ratified the sale.

Then, on November 7, 2024, Stephenson filed a "Motion for Post-sale Exception to the Foreclosure Sale, Opposition/Reconsideration of Ratification of Sale and for a Stay of Action Pending Appeal." The circuit court denied the motion on December 16, 2024. Stephenson noted this appeal on January 14, 2025.

[1] Substitute Trustees are William M. Savage and Gregory Britto.

We must first address the scope of our review. The sale here was ratified on October 11, 2024. The ratification order is a final judgment for purposes of appeal, even though it does not conclude all proceedings in the circuit court. *See Huertas v. Ward*, 248 Md. App. 187, 205–06 (2020). Under Maryland Rule 8-202(a), a notice of appeal must "be filed within 30 days after entry of the judgment or order from which the appeal is taken." This deadline may be tolled only by filing a revisory motion within 10 days of the judgment. *Pickett v. Noba, Inc.*, 122 Md. App. 566, 570 (1998). Here, Stephenson filed his revisory motion 28 days after the ratification. It therefore did not toll the time to appeal from the underlying judgment. To appeal from the merits of the ratification, Stephenson had until November 12, 2024, to file his notice of appeal.[2] He did not do so. Because his notice of appeal was filed more than 30 days after the circuit court ratified the sale, we cannot consider the merits of the underlying judgment.

Stephenson did, however, file his notice of appeal within 30 days of the circuit court's denial of his revisory motion. True, this is an appealable order. *See Est. of Vess*, 234 Md. App. 173, 204 (2017). But even so, "an appeal from the denial of a motion asking the court to exercise its revisory power is not necessarily the same as an appeal from the judgment itself." *Id.* (cleaned up). The scope of our review in such cases 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."

[2] Thirty days from October 11, 2024, was November 10—a Sunday. The next day was Veterans Day—a holiday. *See* Md. Rule 1-202(l)(9). The deadline would therefore have moved to the following Tuesday—November 12. Md. Rule 1-203(a)(1).

Id. See also Stuples v. Baltimore 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").

On appeal, Stephenson presents three arguments. He first contends that the circuit court should not have ratified the sale after the Substitute Trustees "cancelled the sale within the time frame to exercise the right of recission." Nothing in the record suggests that any party exercised any "right of recission." On the contrary, two days before the Substitute Trustees mistakenly sent to Stephenson the Notice of Cancellation, they filed in the circuit court a "Report of Sale with Affidavit of Fairness Pursuant to Rule 14-305(a)." In any event, post-sale exceptions—and, by extension, a motion to reconsider ratification—may challenge only procedural irregularities at the sale. *See Greenbriar Condo. v. Brooks*, 387 Md. 683, 688 (2005). "Irregularities that may justify setting aside a sale include deficiencies in the advertisement of sale, conduct that inhibited bidding on the property, or an unconscionable sale price." *Huertas*, 248 Md. App. at 203. An errant Notice of Cancellation that was sent *after* the sale and did not prevent Stephenson from challenging the sale is not an irregularity within the meaning of Rule 14-305. Thus, this argument lacks merit.

Stephenson next attacks the sale price. In his view, the property was sold for substantially less that the fair market value. We first note that "[o]ne does not expect a price to be produced at a forced sale to be commensurate with fair market value." *McCartney v. Frost*, 282 Md. 631, 640 (1978). Further, the only evidence of the property's value that Stephenson produced was his own estimate given to the Bankruptcy Court. Yet even accepting his estimate as accurate, the property was sold for about 25% of its fair market value. Our appellate courts have affirmed foreclosure sales with similar disparities between the homeowner's asserted fair market value and the final sale price. *See, e.g.*, *Butler v. Daum*, 245 Md. 447, 452 (1967) (affirming sale at 30% of homeowner's asserted fair market value); *De Tamble v. Adkins*, 210 Md. 414, 420–21 (1956) (affirming sale at 15% of homeowner's asserted fair market value). The price, therefore, does not "shock the conscience of the [C]ourt[.]" *Silver Spring Dev. Corp. v. Guertler*, 257 Md. 291, 297 (1970). Accordingly, this argument also lacks merit.

Stephenson's final argument generally alleges that the Substitute Trustees violated various federal laws, all of which appear related to the Substitute Trustees' right to foreclose. Challenges to the validity of the lien or the right to foreclose are not proper as exceptions to a foreclosure sale under Rule 14-305(e); they must, instead, be raised in a pre-sale motion to stay or dismiss under Rule 14-211(a). *See Thomas v. Nadel*, 427 Md. 441, 443–44 (2012). Thus, this argument was not cognizable as a post-sale exception and did not justify reconsideration. Therefore, the circuit court did not abuse its discretion in denying Stephenson's revisory motion.

JUDGMENT OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.