Circuit Court for Baltimore County
Case No. C-03-FM-21-002611

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2250

September Term, 2022

SCOTT HARMAN

v.

PATRICIA HARMAN

Leahy,
Reed,
Ripken,

JJ.

Opinion by Reed, J.

Filed: November 7, 2025

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Patricia Harman, Appellee, filed a Complaint for Absolute Divorce on April 20, 2022, against Scott Harman, Appellant.[1] The divorce case was heard in a trial before the Honorable Vicki Ballou-Watts in the Circuit Court for Baltimore County on October 17, 18, and 19, 2022. The parties disagreed on the property classification of an account with Summit Investment Advisors, Inc. After the trial, the court granted the parties a divorce and declared that the Summit Account was marital property.

In bringing his appeal, Appellant presents two questions for appellate review:

I. Whether the trial court erred in finding that the Summit Account was marital property and thus subject to a monetary award?

II. Whether the trial court erred in denying the Appellant's Motion to Alter or Amend Judgment of Absolute Divorce?

For the following reasons, we affirm the judgment of the Circuit Court for Baltimore County.

FACTUAL & PROCEDURAL BACKGROUND

The parties, Appellant and Appellee, were married in a religious ceremony on September 13, 1986, in Harford County, Maryland. The parties had three children together who all reached the age of majority. The parties began living apart on April 3, 2021. Appellee moved out of the marriage domicile into her mother's condominium.

On May 28, 2021, Appellee filed a Complaint for Limited Divorce in the Circuit Court for Baltimore County. Later, Appellee amended her Complaint to a Complaint for

[1] Originally, Appellee filed a Complaint for Limited Divorce on May 28, 2021. After the parties had been separated for the requisite amount of time, Appellee amended her Complaint to a Complaint for Absolute Divorce.

Absolute Divorce on April 20, 2022, based on one year of separation between the parties. The divorce case was heard in a trial before the Honorable Vicki Ballou-Watts in the Circuit Court for Baltimore County on October 17, 18, and 19, 2022.

Prior to trial, the parties filed a joint statement concerning marital and non-marital property. The parties were able to agree on the property classification of many assets but had a few disputes. One dispute was over an account with Summit Investment Advisors, Inc. (the "Summit Account"). The parties agreed the account was valued at $363,382.59 in September 2022. In Appellant's answers to Interrogatories, Appellant did not identify any property held in any trust, estate, or bank accounts as non-marital property. In his deposition and in his testimony at trial, Appellant did not produce any documentation related to or identifying his interest in any trust. However, Appellant later argued that the Summit Account was not marital property because it was not commingled, and Appellee disagreed.

On January 15, 2020, before the parties' divorce case, Appellant's father, Ronald E. Harman, passed away. A few weeks after his funeral, Appellant's brother, Todd Harman, informed Appellant of an inheritance from his father. Todd Harman was appointed as the Personal Representative of the Estate of Ronald E. Harman on July 7, 2020. Appellant stated that he received about $730,000 as an inheritance from his father.

Appellant testified that he put the largest check and other checks from his inheritance in a First National Bank account in his name alone. Appellant asserted that he moved these funds into the Summit Account in June 2023. Appellant testified that his brother dealt with their father's estate, specifically with an investment broker and later a trustee. Appellant said that the funds from the account were disbursed through various checks. Appellant specifically identified three checks that he put in the Heritage Account from his inheritance. These checks were sent "from an account holder of Morgan Stanley" to Appellant. The first check was for $500,000.00, dated July 25, 2020. The second check was for $715.03, dated the same day. This check was not entered into evidence. The final check was for $63,523.61, dated October 28, 2020.

Appellee questioned Appellant about documentation related to the inheritance and specifically the trust. Appellant did not produce documentation at his deposition or at trial about the trust. Appellee asked Appellant, "So you had no documentation that you've produced either at your deposition or here today pursuant to subpoenas that were issued to you that would show your ability to show the tracing of the monies, right?" to which Appellant replied, "Correct." Further, Appellant asserted his Fifth Amendment right against self-incrimination when Appellee asked him about his tax returns.

The estate documents for Ronald Harman were entered into evidence. In these documents, Appellant was listed as an heir of the decedent. Cheri Dorsey signed the Estate Petition and other legal documents related to the estate. The gross estate of Ronald Harmon was worth $233,759.13, with a net residue of $222,485.75 distributed to Todd Harman, who was the Trustee of the Ronald E. Harman Revocable Trust. This estate was to pour over into the Ronald E. Harman Revocable Trust. Appellant testified that his brother showed him the trust balance, and, at one time, the balance was 1.3 million dollars, though Appellant then said, "I don't know if that's accurate."

Judge Ballou-Watts ruled from the bench on November 29, 2022. She granted the parties' divorce. Regarding the Summit Account, Judge Ballou-Watts did not find Appellant's claim that the account was non-marital property to be credible because Appellant "did not produce any document from the alleged trust reflecting the disbursements to him." The trial court noted that Appellant introduced checks into evidence, but concluded they were not proven to be from the trust proceeds or even that the original amount received from the trust was proven to be from Appellant's inheritance. In making this credibility determination, the trial court also noted that there was a discrepancy between the amount Appellant claimed was in the estate, about 1.3 million dollars, and the amount of the gross estate reflected in the underlying documents, $233,759.13. The trial court concluded the Summit Account was marital property.

Upon reviewing the monetary award factors, the trial court concluded that Appellee's non-retirement marital property was valued at $202,925.00 and Appellant's non-retirement marital property, including the Summit Account, was valued at $578,109.00. The trial court explained that if this were divided equally, each party would receive $390,517.00. "By title however this would leave [Appellee] with a deficit of $309,517 minus $202,925." Therefore, to account for the difference, the trial court granted Appellee a monetary award of $187,592.00.

The court ruled on January 5, 2023. After this ruling, Appellant filed a motion to alter or amend judgment and a motion for a new trial. The motion argued that the Summit

Account funds were non-marital in nature.[2] Appellant argued that the trial record was sufficient to support his claim and attached further exhibits to support this argument. These exhibits included an affidavit from Cheri H. Dorsey, Esq., who represented the Ronald E. Harman Revocable Trust. The affidavit stated that the funds from the checks were payments from the trust. Appellant also attached additional documentation supporting the source of payments.

Appellee filed a response, arguing that she met her burden of proof on the Summit Account being marital property, and that Appellant failed to provide proof otherwise. Appellee argued that a post-trial motion does not give a losing party boundless discretion to make new arguments and there was already a complete trial on the matter.

The court denied the motion to alter or amend judgment on February 15, 2023. Appellant then filed this timely appeal on February 22, 2023.

STANDARD OF REVIEW

When an action is tried without a jury, this Court reviews the lower court on both the law and the evidence. Md. Rule 8-131(c). This Court will not set aside the trial court's judgment "unless clearly erroneous, and will give due regard to the opportunity of the trial court to judge the credibility of the witnesses." *Id.* This standard means that this Court "may not substitute our judgment for that of the fact finder, even if we might have reached a different result, absent an abuse of discretion." *Nouri v. Dadgar*, 245 Md. App. 324, 342

[2] In this motion, the Appellant also argued he should have received a monetary award for half of the Appellee's retirement funds. He does not raise that argument on appeal so we will not address it further.

(2020) (quoting *Gordon v. Gordon*, 174 Md. App. 583, 626 (2007)) (internal quotations omitted). "[U]nder an abuse of discretion standard . . . appellate courts will accord great deference to the findings and judgments of trial judges, sitting in their equitable capacity, when conducting divorce proceedings." *Id.* (quoting *Karmand v. Karmand*, 145 Md. App. 317, 326 (2002)) (internal quotations omitted).

DISCUSSION

Property Status of the Summit Account

A. Parties' Contentions

Appellant argues that the trial court erred in concluding that the funds in the Summit Account were marital property. Appellant argues that because the funds were inherited from his late father, they should have been classified as non-marital property rather than marital property, and thus should not have been subject to the monetary award granted at trial. Appellant contends he presented sufficient evidence to show that the Summit Account funds came from his inheritance through three checks that were deposited into the Heritage Account before being transferred to the Summit Account and argues there was no evidence presented at trial to contradict this argument. Appellant claims that the trial court erred by disregarding his uncontradicted testimony and documentary evidence supporting the existence of his father's trust.

Appellant argues that the trial court failed to draw reasonable inferences from the evidence as to why the checks were made. Appellant criticizes Appellee for trying to confuse Appellant during trial with the differences between an estate and a trust. Appellant argues that the trial court failed to recognize that Appellant's late father created a trust that was funded by the net residue of his estate.

Appellee argues the trial court's ruling was proper because Appellant failed to directly trace the Summit Account funds to a non-marital source. Appellee contends that the evidence of Appellant's father's estate does not adequately account for the funds in the Summit Account that Appellant claims as non-marital property. Appellee rejects that the trial court could have properly inferred that the funds came from a trust because it required too many unreasonable inferences. Appellee argues that the trial court's ruling was proper because Appellant did not present sufficient evidence to persuade the trial court that the funds came from a non-marital source. Additionally, Appellee argues that the trial court properly determined that Appellant's claims were not credible based on his testimony and therefore the evidence he presented was similarly not credible.

B. Standard of Review

The trial court's determination of whether an asset is marital or non-marital property is a question of fact, which we review under the clearly erroneous standard. *Wasyluszko v. Wasyluszko*, 250 Md. App. 263, 269 (2021) (quoting *Collins v. Collins*, 144 Md. App. 395, 408–09 (2002)). Under the clearly erroneous standard, we will not disturb the trial court's factual findings "[i]f any competent material evidence exists in support of the trial court's factual findings." *Figgins v. Cochrane,* 403 Md. 392, 409 (2008) (quoting *Schade v. Maryland State Bd. of Elections*, 401 Md. 1, 33 (2007) (citations omitted)).

C. Analysis

If parties in a divorce action dispute whether property is marital property, then the trial court shall make that determination when granting an absolute divorce. Md. Code, Fam. Law § 8-203(a). Marital property is defined as "the property, however titled, acquired by 1 or both parties during the marriage." Md. Code, Fam. Law § 8-201(e)(1). Marital property does not include property: "(i) acquired before the marriage; (ii) acquired by inheritance or gift from a third party; (iii) excluded by valid agreement; or (iv) directly traceable to any of these sources." *Id.* at § 8-201(e)(3). "'Directly traceable' is not synonymous with 'attributable.'" *Melrod v. Melrod*, 83 Md. App. 180, 187 (1990). "Property that is initially non-marital can become marital[.]" *Innerbichler v. Innerbichler*, 132 Md. App. 207, 227 (2000). "If a property interest cannot be traced to a nonmarital source, it is considered marital property." *Id.* (citing *Noffsinger v. Noffsinger*, 95 Md. App. 265, 281 (1993), *cert. denied*, 331 Md. 197 (1993)); *see also Melrod*, 83 Md. App. at 187 (stating similarly that an "inability to trace property acquired during the marriage directly to a non-marital source simply means that all property so acquired was marital property").

Here, the property in dispute was an account with Summit Investment Advisors, Inc. that both parties agreed was worth $363,382.59. The parties disagreed over whether the account's funds were commingled and therefore whether the property could be properly traced to a non-marital source. The funds originated from three checks paid into Appellant's account with Heritage Financial Consultants, LLC. The first two checks were for $500,000.00 and $715.03 and were both dated July 25, 2020. The final check was for $63,523.61, dated October 28, 2020. In July of 2022, Appellant transferred the entire remaining account from Heritage Financial Consultants, LLC to the Summit Account. Appellant argued that the three checks came from his late father's inheritance and therefore were non-marital property. Money acquired by inheritance is non-marital property, but

Appellant bears the burden of proof for whether the Summit Account being contested at trial was directly traceable to that source.

Appellant argues that Appellee provided no evidence at trial to contradict his assertions that the money he put in the Heritage Account came from an inheritance from his late father's estate. However, this argument misapplies the burden of proof for marital property. Appellant bears the burden to show that this money he acquired during the marriage was non-marital property. It is true that "the burden of proof as to the classification of property as marital or non-marital rests upon the party who asserts a marital interest in the property, and that party must present evidence as to the identity and value of the property." *Murray v. Murray*, 190 Md. App. 553, 570 (2010) (citing *Pickett v. Haislip*, 73 Md. App. 89, 97 (1987), *cert. denied*, 311 Md. 719 (1998)); *see also Malin v. Mininberg*, 153 Md. App. 358, 428 (2003) ("The party who claims a marital interest in property has the burden of proof as to that claim."). "Conversely, '[t]he party seeking to demonstrate that particular property acquired during the marriage is nonmarital must trace the property to a nonmarital source.'" *Innerbichler*, 132 Md. App. 227 (quoting *Noffsinger*, 95 Md. App. at 283).

Here, Appellee first had the burden to show that the Summit Account was acquired during the marriage and could therefore be classified as marital property. Appellee met that burden because the three checks at issue were written in July and October of 2020, which was after the parties married, in 1986, and before the marriage ended on November 29, 2022, when their absolute divorce was granted. Thus, the burden of proof then shifted back to Appellant to show that the property fell within an exception to be classified as non-marital property, i.e. that the property could be directly traced to Appellant's father's inheritance.

Appellant was able to show that in July of 2022, the remaining money in the Heritage Account was transferred into the Summit Account. Appellant testified that these funds totaled $363,382.59. Next, Appellant was required to prove that the money that went into the Heritage Account came from his late father's inheritance. Appellant claimed he received $730,000 in funds from his inheritance. Appellant pointed to three checks deposited into the Heritage Account, totaling $565,238.64. These checks were sent "from an account holder of Morgan Stanley" to Appellant. The first check was for $500,000 dated July 25, 2020. The memo on the trust says "Ohio Nat'l Annuity Distribution Per Trust." The second check was for $715.03, dated the same day as the first check. Appellant testified that he believed the second check was an IRS tax return check from his father's estate. The third and final check was for $63,523.61, dated October 28, 2020. Appellant entered cancelled checks for the first and third check into evidence but produced no check for the second check. These checks were addressed to "Scott E. Harman c/o Cheri Dorsey, Sessa & Dorsey LLC . . ."

Appellant testified that the discrepancy between the $363,382.59 in the Summit Account, the $565,238.64 originally deposited in the Heritage Account that was subsequently transferred into the Summit account, and the $730,000 he claimed to inherit from his father's estate could be attributed to him using some of the money to live, buying "the Mustang," paying taxes, and losing some of the money in a downturn in the market.

The estate documents for Ronald Harman were also entered into evidence. In these documents, Appellant was listed as an heir of the decedent. Cheri Dorsey signed the Estate Petition and other legal documents related to the estate. The gross estate of Ronald Harman was worth $233,759.13, with a net residue of $222,485.75 distributed to Todd Harman, who was the Trustee of the Ronald E. Harman Revocable Trust. This estate was to pour over into the Ronald E. Harman Revocable Trust.

There is a discrepancy between the $222,485.75 net residue in Appellant's father's estate that was in evidence and the $730,000 Appellant claimed to have inherited from his father. Furthermore, Appellant testified that he believed there was 1.3 million dollars in his father's revocable trust, but Appellant entered no documents related to that trust into evidence. Such documents could have verified the amounts and proven disbursements to Appellant.

Appellant was a beneficiary of the revocable trust. Maryland statutes allow a trustee to request "a report of the trust property, liabilities, receipts, and disbursements, including the source and amount of the compensation of the trustee, a listing of the trust assets, and, if feasible, the respective market values of the trust assets." Md. Code, Est. & Trusts § 14.5-813(c). Appellant testified that his brother, the trustee for the revocable trust, would show him "what the account balances were and what could be distributed at the time." Therefore, at the time of the trial, documentation of this trust was available to Appellant to show a distribution from the trust as the source of the funds. The trial court also pointed out that Appellant's brother lived locally but was not brought to testify at the trial "to explain what [Appellant's] interest is or was."

As previously stated, whether property is classified as marital or non-marital property depends on a party's ability to sufficiently trace the property. For example, in *Wasyluszko*, 250 Md. App. 263, the trial court determined that various accounts held by the appellant were entirely marital property even though the appellant presented evidence that portions of the accounts were directly traceable to pre-marital contributions. *Id.* at 268. Because the appellant "produced documentation showing every contribution, dividend, and capital gain accumulated" in a 403(b) account and the number of shares never decreased below the pre-marital amount, the appellant showed that there was directly traceable non-marital property. *Id.* at 272. By contrast, in *Long v. Long*, 129 Md. App. 554 (2000), the appellant had a model train collection worth hundreds of thousands of dollars. *Id.* at 559–60. However, the appellant "could produce no records, receipts, log books, inventories, or even specific recollections of his purchases" to determine which items were pre-marital property. *Id.* The trial court said that the trains were commingled "to the point that direct tracing is impossible" and found that the entire collection was marital property. *Id.* at 564. This Court did not disturb that finding on appeal. *Id.* at 576–77.

The circumstances in this case were closer to *Long* than *Wasyluszko*. In *Wasyluszko*, detailed documentation was presented that allowed the court to analyze whether portions of accounts retained a non-marital character or were commingled. *Wasyluszko*, 250 Md. App. 263. Here, Appellant failed to provide sufficient information or documentation at trial to allow the trial court to trace the money from Ronald Harman's estate or trust to the Summit Account. While Appellant showed two of the three checks that were deposited into the Heritage Account, insufficient information was provided about the source of the money sent through those checks. Since Appellant "could produce no records[,]" the trial court determined that the Summit Account was marital property.

Further, the trial court did not find Appellant's testimony to be credible on the issue of the source of the Summit Account funds. The trial court said it did not find the claim that the account was directly traceable to the estate and trust to be credible because Appellant "did not produce any document from the alleged trust reflecting the disbursements to him." The court noted that the checks Appellant entered into evidence "did not indicate that they were from that trust or those trust proceeds." The court highlighted the difference between the size of the gross estate, $233,759.13, and the $733,000 dollars Appellant claimed he received from the trust, as discussed above. Lastly, the court said, "[t]he biggest difficulty in determining [Appellant's] present economic circumstances has been his pleading the Fifth and refusing to testify or produce supporting documents regarding his income taxes and his earnings."

We do not hold that the trial court erred in making its determination on Appellant's credibility on this claim. Notably, sitting as an appellate court, we must "give due regard to the opportunity of the trial court to judge the credibility of the witnesses." Md. Rule 8-131(c). "When weighing the credibility of witnesses and resolving conflicts in the evidence, 'the fact-finder has the discretion to decide which evidence to credit and which to reject.'" *Qun Lin v. Cruz*, 247 Md. App. 606, 629 (2020) (quoting *Hollingsworth & Vose Co. v. Connor*, 136 Md. App. 91, 136 (2000)).

During Appellant's testimony at trial, Appellee asked multiple questions about the documentation of the trust. Appellant said he did not have that documentation at the deposition and did not produce any documentation at trial. This included any documentation "that would show [Appellant's] ability to show the tracing of the monies," any documentation "of the trust document," or any documentation "regarding any payments from the trust." Given the lack of documentation to support his testimony about the trust, the trial court was permitted to find his answers about the trust as the source of the money to be not credible.

The trial court's credibility determination is further supported by Appellant's assertions of his Fifth Amendment right against self-incrimination. In civil cases like this family law matter, "the Fifth Amendment does not forbid adverse inferences . . . when [parties] refuse to testify in response to probative evidence offered against them." *Kramer v. Levitt*, 79 Md. App. 575, 585 (1989) (quoting *Baxter v. Palmigiano*, 425 US. 308, 318 (1976)); *see also Robinson v. Robinson*, 328 Md. 507, 516 (1992) (stating that "the fact finder in the civil proceeding is entitled to draw an adverse inference against the party" who invoked the Fifth Amendment). Appellant asserted this right when Appellee asked Appellant about his tax returns. As a result of Appellant's assertion of the Fifth Amendment, Appellee was unable to question Appellant about information in his tax returns, including his assets and taxes paid on them. Appellant's invocation of the Fifth Amendment permitted the trial court to draw an inference that the information contained in those tax returns would have been adverse to his interests.[3]

[3] We note that "the adverse party's refusal, taken alone, does not relieve a party of his or her burden of proof on the issue which was the subject of the question." *Long*, 141 Md. App. at 348 (citing *Robinson*, 328 Md. at 516 n.2). As discussed above, Appellant had the burden of proof to show the Summit Account was marital property. The trial court also did not solely rely on the invocation of the Fifth Amendment, but also the Appellant's lack

In *Long*, 141 Md. App. 341, this Court found that the trial court erred by inferring the appellant's income and determining he was voluntarily impoverished after the appellant invoked his Fifth Amendment right related to his tax returns. *Id.* at 350. We held that the trial court was permitted to draw an adverse inference but could not "penalize the exercise of the privilege" without supporting evidence. *Id.* at 349. Here, the trial court was not penalizing the exercise of Appellant's privilege because it did not solely rely on Appellant's invocation of his Fifth Amendment rights to make the finding that the Summit Account was non-marital property. The trial court also relied on Appellant's lack of documentation and other evidence against his credibility to support the conclusion that Appellant did not meet his burden of proof. The court did not use the Fifth Amendment assertion to make any findings that were not supported by the evidence or, as here, the lack of evidence provided by Appellant.

Despite the lack of specific evidence tracing the funds, Appellant argues that the trial court should have drawn certain reasonable inferences about the source of the funds. Specifically, Appellant argues that because the $500,000 check stated that the funds were paid to Appellant and "c/o Cheri H. Dorsey[,] Sessa & Dorsey, LLC[,]" which was the attorney listed as the attorney for Appellant's father's estate, the court should have drawn the inference that "it was being paid in care of Cheri H. Dorsey as she was administering the trust." Appellant also asserts that this same check's memo, which stated "Ohio Nat'l

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of documentation, in coming to its conclusion about Appellant's credibility and the Summit Account's property status, so the trial court did not relieve Appellee of their burden of proof based on Appellant's refusal to testify.

Annuity Distribution Per Trust," supported the inference that this check came from Appellant's father's estate.

As previously provided, the trial court's determination of whether an asset is marital or non-marital property is a question of fact, which under the clearly erroneous standard, this Court will not disturb "[i]f any competent material evidence exists in support of the trial court's factual findings." *Figgins*, 403 Md. at 409 (quoting *Schade*, 401 Md. at 33); *see also Wasyluszko*, 250 Md. App. at 269. Here, the trial court concluded that the evidence, and lack thereof, supported the factual finding that the Summit Account property could not be traced to a nonmarital source, i.e. an inheritance from Appellant's father. Specifically, the trial court relied on the fact that Appellant did not produce any trust documents, that the checks Appellant produced did not indicate that they were from his father's trust, and that there was a discrepancy between the funds in the Summit Account and the amount Appellant claimed to inherit. This Court will not disturb this factual finding, which the trial court reached based on "competent material evidence[,]" that the Summit Account was marital property. *See Figgins*, 403 Md. at 409 (quoting *Schade*, 401 Md. at 33 (citations omitted)).

Appellant's argument that the trial court had sufficient evidence to show that the checks came from the trust is just one interpretation of the facts, an interpretation the trial court chose not to believe. The inferences that Appellant argues the trial court should have made require many logical steps to reach. For instance, reaching the conclusion that the check's memo stating "Ohio Nat'l Annuity Distribution Per Trust," established that this check came from Appellant's father's trust would have required the factfinder to believe that "Per Trust" meant Appellant's father's trust, rather than some other potential trust. While the trial court could have reached these inferences based on the evidence at trial, it did not, and it was not required to do so. Instead, the trial court reached different factual conclusions, as outlined above, which were based on the trial court's credibility determinations and supported by evidence and thus not clearly erroneous. *See Figgins*, 403 Md. at 409 (quoting *Schade*, 401 Md. at 33 (citations omitted)).

Given the lack of evidence provided by Appellant at trial about the source of the money in the Summit Account, we hold that the trial court was not clearly erroneous in its determination that the Summit Account was marital property, and thus subject to a monetary award.

Denial of the Motion to Alter or Amend Judgment

A. Parties' Contentions

Appellant argues that the trial court abused its discretion by denying Appellant's Motion to Alter or Amend Judgment of Absolute Divorce (the "Motion"). Appellant argues that the evidence presented at trial was sufficient to warrant amending the judgment, and Appellant also points to the additional evidence offered in the Motion to support the Summit Account being non-marital property. Appellant argues that the court's decision was against the logic and effect of the facts before it. Appellant also argues that this issue was clearly litigated during the trial and therefore within the scope of a Motion to Alter or Amend.

Appellee points to the trial court's broad discretion on deciding whether to grant a motion to alter or amend and argues that that discretion was not abused in this case.

Appellee argues that the necessary documents were available to Appellant at the time of trial and Appellant was on notice that he would need them. Appellee contends Appellant is trying to improperly use the Motion to get another day in court, and the trial court properly denied that request.

B. Standard of Review

"In general, the denial of a motion to alter or amend a judgment or for reconsideration is reviewed by appellate courts for abuse of discretion." *Miller v. Mathias*, 428 Md. 419, 438 (2012) (quoting *RRC Northeast, LLC v. BAA Maryland, Inc.*, 413 Md. 638, 673 (2010)). A court abuses its discretion "'where no reasonable person would take the view adopted by the [trial] court' or where the court acts 'without reference to any guiding rules or principles.'" *Johnson v. Francis,* 239 Md. App. 530, 542 (2018) (quoting *Powell v. Breslin,* 430 Md. 52, 62 (2013)). Further, "an abuse of discretion may also be found where the ruling under consideration is 'clearly against the logic and effect of facts and inferences before the court,' or when the ruling is 'violative of fact and logic.'" *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312 (1997) (citations omitted). Additionally, "in appeals from the denial of a post-judgment motion, reversal is warranted in cases where there is both an error and a compelling reason to reconsider the underlying ruling." *Schlotzhauer v. Morton*, 224 Md. App. 72, 85 (2015) (citations omitted).

C. Analysis

Maryland Rule 2-534 states that a circuit court "may open the judgment to receive additional evidence, may amend its findings or its statement of reasons for the decision, may set forth additional findings or reasons, may enter new findings or new reasons, may amend the judgment, or may enter a new judgment." Md. Rules 2-534. The discretion held by a trial judge when denying a Motion to Alter or Amend "is more than broad; it is virtually without limit." *Steinhoff v. Sommerfelt*, 144 Md. App. 463, 484 (2002); *see also Della Ratta v. Dyas*, 183 Md. App. 344, 374 (2008), *aff'd*, 414 Md. 556 (2010) ("The discretion that a court exercises to receive or reject additional evidence after trial is very broad."). The Motion to Alter or Amend "is not a time machine in which to travel back to a recently concluded trial in order to try the case better with hindsight." *Steinhoff*, 144 Md. App. at 484. "The trial judge has boundless discretion not to indulge this all-too-natural desire to raise issues after the fact that could have been raised earlier but were not . . . Losers do not enjoy *carte blanche*, through post-trial motions, to replay the game as a matter of right." *Id.*

We have previously stated that the principal factors for a court to consider on receiving or rejecting additional evidence after trial is "whether the proffered evidence is 'essential' to a party's case or 'supplemental,'" "whether a party will be improperly prejudiced," and "whether the omission was inadvertent." *Della Ratta*, 183 Md. App. at 374 (citing *Cooper v. Sacco*, 357 Md. 622, 638–40 (2000)).

Here, Appellant failed to produce sufficient evidence towards his claim that the Summit Account was non-marital property. In the Motion to Alter or Amend, Appellant presented additional evidence to support this argument. This included an affidavit from Cheri Dorsey that stated that the funds received by Appellant were payments from the Ronald E. Harman Revocable Trust. Attached to the affidavit were exhibits showing the checks and payments out of the trust. This included a Morgan Stanley bank statement including the $500,000.00 payment and the $63,523.61 payment to the Appellant. Appellant also included a copy of the Ronald E. Harman Revocable Trust.

The evidence presented by Appellant in the Motion to Alter or Amend was "essential" to Appellant's case to prove that the Summit Account was non-marital property. The documents presented were the evidence that was missing at trial that was needed to trace the funds from the Ronald E. Harman Revocable Trust to the Summit Account. However, Appellee claims that the presentation of this evidence would have been improperly prejudicial because the documents were not disclosed properly in discovery or timely offered.

At trial, Appellant made the same argument as he made in this motion, that the Summit Account was non-marital property. So, this is not a case where a party is attempting to "raise issues after the fact that could have been raised earlier but were not." *Steinhoff*, 144 Md. App. at 484. However, Appellant is raising evidence that could have been raised in trial but was not.

As for whether the omission was inadvertent, it must be determined if these documents were previously available to Appellant. These documents were in fact available to Appellant at the time of trial. This was a trust of which Appellant was a beneficiary, and he had the means to obtain documentation of the trust leading up to trial. There was no evidence presented that Appellant attempted to enter trust documents prior to trial or at trial. Appellant was also specifically asked about these documents and whether he brought them to trial. The omission appears to be purposeful since Appellant was on notice about the importance of these documents to the case, yet did not provide them during the trial until an adverse ruling was made. Additionally, Cheri Dorsey was previously available as a witness but was not brought before the trial court.

"When a party requests that a court reconsider a ruling solely because of new arguments that the party could have raised before the court ruled, the court has almost limitless discretion not to consider those arguments. By contrast, when a party makes a prompt and timely request that a court reconsider a ruling because of a development that the party could not have raised before the court ruled, the court can and should reconsider its decision." *Schlotzhauer*, 224 Md. App. at 85, *aff'd*, 449 Md. 217 (citing *Steinhoff*, 144 Md. App. at 484). This case does not involve a development that the party could not have raised before the court ruled.

While Appellant presented evidence necessary to support his position on the issue of the classification of marital property, we review the trial court's decision to deny a Motion to Alter or Amend a judgment for abuse of discretion. Because of that highly deferential standard, one where the trial court's discretion "is virtually without limit," *Steinhoff*, 144 Md. App. at 484, we cannot say that the trial court abused its discretion in denying Appellant's Motion to Alter or Amend.

We agree with Appellant that this case does not involve Appellant using a Motion to Alter or Amend to present a new issue not raised before the trial court. However, the fact remains that a Motion to Alter or Amend is not an opportunity for Appellant to gain an additional opportunity to relitigate issues that were already addressed in a three-day trial. *See Steinhoff*, 144 Md. App. at 484. After initially presenting evidence to argue that the Summit Account should be classified as non-marital property and losing on this issue, Appellant used the post-trial Motion to present new evidence, which was neither unavailable to Appellant prior to trial, inadvertently omitted at trial, nor newly discovered after trial, in the hopes of receiving a different outcome. The trial court acted within its discretion by not allowing Appellant to re-try this issue with new evidence. *See Della Ratta*, 183 Md. App. at 374 (citing *Cooper*, 357 Md. at 638–40). Appellant should have taken the initial trial as the opportunity to present this evidence.

The trial court did not abuse its discretion in denying Appellant's Motion to Alter or Amend.

CONCLUSION

Accordingly, we affirm the judgment of the Circuit Court for Baltimore County.

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