

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2358

September Term, 2016

LATRICIA HARDY

v.

BLADENWOODS CONDOMINIUM, INC.

Woodward, C.J.,
Eyler, Deborah S.,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 7, 2018

*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 5, 2015, attorneys for Bladenwoods Condominium, Inc. (“Bladenwoods” or appellee) filed an order to docket foreclosure in the Circuit Court for Prince George’s County for 5211 Newton Street, Unit T2, Bladensburg, Maryland 20710 (“the property”) against co-owners Patricia White and LaTricia Hardy, appellant, for failure to pay condominium assessments.¹ Hardy responded on May 20, 2016, with a motion to stay the foreclosure proceedings, pursuant to Rule 14-211. On June 8, 2016, Bladenwoods filed a motion for an extension of time to respond to Hardy’s motion, and on July 26, 2016, Bladenwoods filed an opposition as to the motion to stay. Hardy, meanwhile, filed a “Motion to Vacate Judgement, Leins [sic], Foreclosure Proceedings and Attorney Fees.” On December 23, 2016, the court entered three orders that 1) granted Bladenwoods’s motion for an extension, 2) denied Hardy’s motion to stay, and 3) denied Hardy’s motion to vacate.

On appeal, Hardy contends that the court erred in granting Bladenwoods’s motion for an extension of time to file its response to her motion to stay. Furthermore, she alleges that the court erred in denying her motions because Bladenwoods’s responses to them were untimely. For the reasons stated below, we affirm.

First, Hardy contends that the court erred in granting Bladenwoods’s motion for an extension to file its opposition to the motion to stay because it was untimely. Rule 2-311(b) provides that responses to motions, with exceptions inapplicable to this case, “shall [be] file[d] . . . within 15 days after being served . . . with the motion[.]” Hardy filed her motion to

¹ White did not note an appeal and has not filed a brief in this Court.

stay the proceedings on May 20, 2016. Additionally, because Hardy served Bladenwoods by mail, they had an additional three days to respond. *See* Rule 1-203(c). Accordingly, Bladenwoods’s June 8, 2016 motion for an extension was timely.

Moreover, whether to grant or deny extensions of time is within the discretion of the court. *See* Rule 1-204(a) (“When these rules or an order of court require or allow an act to be done at or within a specified time, the court, on motion of any party and for cause shown, may (1) shorten the period remaining, (2) extend the period if the motion is filed before the expiration of the period originally prescribed or extended by a previous order, or (3) on motion filed after the expiration of the specified period, permit the act to be done if the failure to act was the result of excusable neglect.”). *See also* *Town of New Market v. Frederick Cnty.*, 71 Md. App. 514, 518-19 (1987). A court abuses its discretion where the decision “‘is well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.’” *Smith v. State*, 232 Md. App. 583, 599 (2017) (quoting *Norwood v. State*, 222 Md. App. 620, 643 (2015)). In the motion, Bladenwoods stated that they needed additional time to review financial documentation from prior counsel. We perceive no abuse of discretion in the court’s grant of Bladenwoods’s motion.

Hardy also maintains that the court was biased against her because the court struck the date Bladenwoods wrote in its proposed order (June 28, 2016) for an extension of time and replaced it with July 28, 2016. It is common practice, however, for courts to modify the proposed orders of litigants as necessary, and it was not favoritism toward Bladenwoods’s attorneys in this instance.

Finally, Hardy argues that the court erred in denying her motions because Bladenwoods had failed to file timely responses to them. The court did not err in denying her motions, however, because her motions were untimely, and they did not comply with the Maryland Rules. Rule 14-211 permits a borrower, owner, or other interested party to file a motion to stay a foreclosure proceeding. Rule 14-211(a)(2)(B) provides that for property that is not owner-occupied residential property, such as in this case, a motion to stay “shall be filed within 15 days after service pursuant to Rule 14-209 of an order to docket or complaint to foreclose.” Bladenwoods properly served Hardy on April 13, 2016. Accordingly, neither her May 20, 2016 motion to stay, nor her July 22, 2016 motion to vacate were timely. Moreover, neither motion was supported by affidavit, as required by Rule 14-211(a)(3)(A).

Pursuant to Rule 14-211(b)(1), the court was required to deny Hardy’s motions, with or without a hearing, once it determined that the motions were not timely and did not demonstrate good cause for excusing the timing requirements of the rule.

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