

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2482

September Term, 2024

ELICIA Y. PAISLEY

v.

NICOLE LIPINSKI, *et al.*

Reed,
Shaw,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: November 21, 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 this foreclosure case, Elicia Paisley, appellant, attempts to appeal from two orders issued by the Circuit Court for Montgomery County: (1) an order denying several of her motions to stay or dismiss the foreclosure sale, and (2) an order denying her motion to revise that order (motion to revise). Although appellant raises numerous issues on appeal, we hold that the only order properly before us in this appeal is the order denying her motion to revise. Therefore, the only issue we shall consider is whether the court abused its discretion in denying that motion. For the reasons that follow, we shall affirm.¹

In September 2023, appellees, the substitute trustees,² filed an Order to Docket foreclosure in the Circuit Court for Montgomery County seeking to foreclose on real property owned by appellant and Sean Wilbon.³ An affidavit was filed by the process server averring that Mr. Wilbon was personally served with the Order to Docket on September 16, 2023, and that Ms. Paisley was served by a posting of the Order to Docket on the front door of the property, and by first-class mail, after two unsuccessful attempts at obtaining personal service. The final loss mitigation affidavit was filed on January 10, 2024, and appellant did not request foreclosure mediation. The property was ultimately sold at a foreclosure auction on April 30, 2024, for the sum of \$84,000.

¹ Appellant has filed three motions to correct the record, two on August 6, 2025, and one on September 15, 2025. We shall deny those motions.

² Appellees are Nicole Lipinski and Sydney E. Roberson.

³ Although appellant also submitted her brief on behalf of Mr. Wilbon, she is the only appellant in this case, as Mr. Wilbon did not sign the notice of appeal. *See Floyd v. Mayor and City Council of Baltimore*, 179 Md. App. 394, 427 (2008) (“The failure of the *pro se* individuals listed as appellants to sign the notice of appeal disqualifies them as appellants.”), *aff’d* 407 Md. 461 (2009).

Following the sale, appellant filed numerous motions including: (1) a May 21, 2024, “Exception to Report of Sale;” (2) a June 5, 2024, “Motion for Dismissal of Sale;” (3) a June 10, 2024, “Motion to Dismiss Foreclosure and then Quiet Title;” (4) a July 1, 2024, “Amended Motion to Dismiss Foreclosure and then Quiet Title;” and (5) a September 6, 2024, “Motion to Dismiss Foreclosure Case and Sale with Prejudice.” These motions contained various allegations regarding the validity of the underlying foreclosure sale including that: (1) service of the Order to Docket and the notice of sale was defective; (2) there were “inaccurate and Misrepresented Payment Records;” (3) “Regulation Z [was] violated;” (4) Mr. Wilbon had not signed the 2005 note securing the Deed of Trust; (5) the foreclosure action was barred by the statute of limitations; and (6) appellees had violated the Truth in Lending Act. The court held a hearing on the motions on September 25, 2024. At that hearing, appellant admitted that she and Mr. Wilbon had been served with the Order to Docket. But she stated that they did not take further action because they believed it to be a “scam” since it did not contain a court docket number. Appellant also denied receiving a copy of the final loss mitigation affidavit, and alleged that the only other document sent to her by appellees was the notice of sale, which she did not receive until April 24, 2024, six days prior to the scheduled date of the foreclosure sale.

On December 17, 2024, the court entered an order denying the motions to dismiss, finding that they were untimely filed pursuant to Maryland Rule 14-211, and that there was no “good cause to excuse the non-compliance because the parties were properly served and notified of the pending action.” Specifically, the court noted that, at the hearing, “the Defendants[] admitted that they received the documents, including the foreclosure

documents served in September 2023, but they thought it was a scam and not a real action, so they ignored the notice.” The court further noted that appellant had admitted receiving notice of the sale six days before the sale occurred, but “took no action with the courts” to stay the sale until almost one month after it occurred.

Appellant filed a motion to revise on January 2, 2025. In that motion, she did not contest that the motions to stay or dismiss the sale were not timely filed pursuant to Rule 14-211. She did, however, generally question appellees’ “mailing practices,” reiterate her claim that they had not received the loss mitigation affidavit, and “object to the hearsay statement of a process server whose compensation is tied to the success of their service[.]” The court denied the motion for reconsideration on January 27, 2025. Appellant filed her notice of appeal on February 26, 2025.

Generally, parties may appeal only upon the entry of a final judgment. *See* Cts. & Jud. Proc. Art. § 12-301. And at the time appellant filed her notice of appeal, no final judgment had been entered in this case because the court had not yet ratified the foreclosure sale. *See Huertas v. Ward*, 248 Md. App. 187, 205 (2020) (holding that an order ratifying a foreclosure sale constitutes the “final judgment as to any rights in the real property”). To be sure, an order denying a motion to stay or dismiss filed in a foreclosure case is appealable on an interlocutory basis as an order refusing to grant an injunction. *Id.* at 202. But like an appeal from a final judgment, an appeal from such an interlocutory order must be filed within 30 days from the date that order is entered. *In re Guardianship of Zealand W.*, 220 Md. App. 66, 78-79 (2014).

In the instant case, appellant filed her notice of appeal on February 26, 2025. Therefore, the appeal was untimely as to the court’s December 17, 2024, order denying her motions to stay or dismiss the foreclosure action.⁴ Consequently, the only order that was timely appealed, and thus that we may review in this appeal, is the court’s January 27, 2025, order denying her motion to revise.

Where the circuit court denies a motion to revise under Rule 2-535(a), and the party appeals that denial more than thirty days after the entry of the underlying judgment, as occurred here, the propriety of the underlying judgment is not before this Court. *Pickett v. Noba, Inc.*, 114 Md. App. 552, 558-59 (1997). Rather, the scope of appellate review is limited to the issue of “whether the trial court abused its discretion in declining to revise the judgment.” *Bennett v. State Dep’t of Assessments & Tax’n*, 171 Md. App. 197, 203 (2006) (quotation marks and citation omitted). This Court will not reverse a trial court’s decision to decline to exercise its revisory power “unless there is grave reason for doing so.” *Hossainkhail v. Gebrehiwot*, 143 Md. App. 716, 724 (2002). In this context, the issue before the appellate court is not whether the trial court “was right or wrong” in denying the motion to revise, but whether the decision to deny the motion to revise “was *so far wrong*. . . as to constitute a clear abuse of discretion.” *Stuples v. Baltimore City Police Dep’t*, 119 Md. App. 221, 232 (1998) (citation omitted) (emphasis in original). “It is hard to imagine a more deferential standard than this one.” *Estate of Vess*, 234 Md. App. 173, 205 (2017).

⁴ Although appellant filed a motion to revise the December 17, 2024, order, it did not toll the time for her to file her appeal as it was filed more than 10 days after the December 17 order was entered. See Maryland Rule 8-202(c).

Having reviewed the record, we cannot say that the court’s denial of appellant’s motion to revise constituted a clear abuse of discretion. As is pertinent here, a motion to stay or dismiss a foreclosure action under Maryland Rule 14-211 must be filed no later than 15 days after the date the final loss mitigation affidavit is filed with the court. Md. Rule 14-211(a)(2)(A)(i). And the plain language of that Rule requires the circuit court to deny the motion if it finds, based on the record before it, that the motion was not timely filed, and the movant did not show good cause for excusing non-compliance. Md. Rule 14-211(b).

There is no dispute that appellant’s motions to stay or dismiss were not timely filed, as she did not file her first motion to dismiss until May 21, 2024, more than six months after the final loss mitigation affidavit was filed in the circuit court. Thus, the only remaining issue is whether, in denying appellant’s motion to revise, the court abused its discretion in failing to reconsider its previous finding that appellant had not established good cause for excusing non-compliance with the time requirements of Rule 14-211. Although appellant did not use the phrase “good cause,” she essentially claimed that she did not act earlier because she initially believed the Order to Docket was a “scam,” and she did not receive any other documents from appellees until the Notice of Sale was served on her 6 days prior to the foreclosure sale.

But ultimately appellant acknowledged being served with the Order to Docket. And although she believed it was a “scam,” the court found that this belief was not reasonable and that she had not acted diligently in investigating the matter further, a finding that we

cannot say is clearly erroneous.⁵ Moreover, even assuming that appellant had reasonably believed that the Order to Docket was a “scam,” that belief should have been dispelled when she received the Notice of Sale prior to the foreclosure sale. Yet, she still waited more than a month thereafter before she filed her first motion to dismiss.⁶ Under these circumstances, we cannot say that the court clearly abused its discretion in denying the motion to revise. Consequently, we shall affirm the judgment of the circuit court.

**APPELLANT’S MOTIONS TO CORRECT
THE RECORD DENIED. JUDGMENT OF
THE CIRCUIT COURT FOR
MONTGOMERY COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**

⁵ On appeal, appellant asserts that her belief that the Order to Docket was a scam was reasonable because, when she searched for the foreclosure case using the Maryland Judiciary Case Search website, she could not find her case. In support of this claim, she has attached a screenshot from that website purporting to show that her case cannot be located. Although this is not part of the circuit court record, we note that the screenshot appellant relies on is from a “Judgment and Liens” search, which would not show an active court case.

⁶ Appellant asserts that the Notice of Sale was not timely mailed to her. However, Maryland Rule 14-210 states that the Notice of Sale “shall be sent not more than 30 days and not less than ten days before the date of the sale.” Here, the record indicates that the Notice of Sale was mailed on April 15, 2024, and that the foreclosure sale was scheduled for April 30, 2024. It was, therefore, timely.