

Circuit Court for Prince George's County
Case No. CAEF-17-29171

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2490

September Term, 2017

TIESHA HENSON, et al.

v.

LAURA H.G. O'SULLIVAN, et al.

Nazarian,
Friedman,
Raker, Irma S.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Friedman, J.

Filed: August 13, 2019

*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.

In October 2017, appellee substitute trustees filed a foreclosure action on the residential property located at 10214 Everley Terrace in Lanham, Maryland. The property was co-owned by appellants Tiesha Henson and Charles Muhammad. A foreclosure sale was scheduled for January 9, 2018. The day before the scheduled sale, Ms. Henson filed a “Motion for a Temporary Restraining Order”¹ seeking to stay the sale of the property. The circuit court denied the motion as untimely and ordered the sale to proceed in the normal course. On appeal, Ms. Henson argues that the circuit court erred in ruling on her motion without holding a hearing. We affirm the order of the circuit court.

We review a circuit court’s denial of injunctive relief in a foreclosure action for an abuse of discretion. *Svrcek v. Rosenberg*, 203 Md. App. 705, 720 (2012). Under the Maryland Rules, a motion to stay a foreclosure sale must be filed no later than 15 days after the filing of the final loss mitigation affidavit. MD. RULE 14-211(a)(2)(A)(i). The circuit court may extend the time for filing, or excuse non-compliance with the deadline, if good cause is shown. MD. RULE 14-211(a)(2)(C).

Here, the final loss mitigation affidavit was filed on November 17, 2017, making the deadline to file a motion to stay the foreclosure proceedings December 4, 2017. Ms. Henson’s filing on January 8, 2018 was therefore well beyond the 15-day deadline. Moreover, the motion did not offer any explanation for why it was not filed in a timely

¹ Although Ms. Henson filed her motion under Maryland Rule 15-504 as a request for a temporary restraining order, the circuit court found that it was more properly addressed under Maryland Rule 14-211, which specifically applies to requests to stay the sale of a piece of property in a foreclosure action. We agree with that assessment.

manner. When a motion is untimely and does not show good cause to excuse the untimeliness, the Maryland rules provide that the “court shall deny the motion, with or without a hearing.” MD. RULE 14-211(b)(1). Thus, it was not an abuse of the circuit court’s discretion to deny the motion without a hearing.²

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

² Together with her “Motion for a Temporary Restraining Order,” Ms. Henson filed a “Motion to Dismiss for Lack of Jurisdiction over Defendant,” challenging the validity of the affidavit of service filed in conjunction with the foreclosure. In the Order issued by the circuit court, the court found that Ms. Henson had failed to overcome the presumption that service was valid. *See Pickett v. Sears, Roebuck & Co.*, 365 Md. 67, 84 (2001). Due to our resolution of this matter on procedural grounds, we do not reach the merits of Ms. Henson’s claim.