

Circuit Court for Baltimore City
Case No.: 24-O-18-001514

UNREPORTED*

IN THE APPELLATE COURT
OF MARYLAND

No. 2508

September Term, 2024

KARIN MARIE KENDRICK

v.

JAMES E. CLARKE

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

JJ.

PER CURIAM

Filed: December 3, 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.

Appellant Karin Marie Kendrick appeals from an order by the Circuit Court for Baltimore City ratifying the foreclosure sale of her real property. For the reasons below, we shall dismiss the appeal.¹

In a foreclosure action, “if [a] property is sold to a *bona fide* purchaser in the absence of a *supersedeas* bond[,]” a subsequent “appeal becomes moot” because “a reversal on appeal would have no effect.” *Mirjafari v. Cohn*, 412 Md. 475, 484 (2010) (cleaned up). “The general rule requiring the filing of a *supersedeas* bond or alternative security has but two exceptions: (1) the occasion of unfairness or collusion between the purchaser and the trustee, and (2) when a mortgagee or its affiliate purchases the disputed property at the foreclosure sale.” *Id.* at 485.

The record does not show that Kendrick posted a *supersedeas* bond upon noting this appeal. Additionally, neither of the exceptions to the rule requiring a *supersedeas* bond or other security applies. Here, the property was purchased by Fidelity Assets, LLC, for \$141,000. Fidelity Assets was not the mortgagee. And Kendrick does not allege, nor is there anything in the record demonstrating, that Fidelity Assets was affiliated with the mortgagee or that it colluded with the Substitute Trustee in purchasing the property.² In

¹ In his brief, filed in this Court, the Appellee Substitute Trustee points out that the property was conveyed to the third-party purchaser by deed recorded June 10, 2025, but he does not move to dismiss the appeal. Even so, we have the power and duty to dismiss moot appeals on our own initiative. *See* Md. Rule 8-602(a) & (c)(8). *See also Wheeler v. State*, 160 Md. App. 566, 573 (2005) (“Appellate courts generally do not decide academic or moot questions.”).

² In her briefs, Kendrick seems to argue that the Substitute Trustee or perhaps the mortgagee are not *bona fide* purchasers. This is confusing because, as noted, neither the (continued)

fact, the record contains an affidavit from Fidelity Assets, made under the penalty of perjury, stating that there were no other interested principals and that it did not discourage anyone else from bidding on the property. Consequently, in the absence of a *supersedeas* bond, this appeal is moot and must be dismissed.

APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANT.

Substitute Trustee nor the Lender purchased the property. In any event, as best we can tell, Kendrick’s sole argument on this issue is that the purchaser was on notice of her challenge to the sale. Even if aimed at Fidelity Assets—the actual purchaser—this argument would still fail. A third-party purchaser does not lose *bona fide* status “even though the purchaser may know that a claim is being asserted against ratification.” *Mirjafari*, 412 Md. at 484 (cleaned up).