

Circuit Court for Montgomery County  
Case No. 451232V

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 3055

September Term, 2018

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DEBRA BONILLA-MEAD

v.

LAURA H.G. O’SULLIVAN, *et al.*

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Fader, C.J.,  
Graeff,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: June 9, 2020

\*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 July 16, 2018, appellees, acting as substitute trustees,<sup>1</sup> filed an Order to Docket in the Circuit Court for Montgomery County, seeking to foreclose on real property owned by Debra Bonilla-Mead, appellant. Appellees filed the final loss mitigation affidavit on November 5, 2018. Ms. Bonilla-Mead did not request postfile mediation.

On December 21, 2018, Ms. Bonilla-Mead filed an “Emergency Motion to the Court to Strike and Compel Alleged Plaintiffs/Debt Collectors and Their Agents to Void Their Sham Public Auction/Proceedings on Defendant’s Property Scheduled for 12-26-2018.” In that motion, Ms. Bonilla-Mead made numerous allegations against appellees, including that the foreclosure proceedings were a “sham”; that appellees had “purposefully offered false documents placed in the public record”; that appellees were attempting to deprive her of her property in a “foreign jurisdiction”; that the case was “time barred”; that appellees had failed to furnish the “wet-ink” documents in open court; and that appellees were committing “treason.” The court construed the motion as a motion to stay the foreclosure sale and denied the day it was filed. This appeal followed.

As an initial matter, appellees have moved to dismiss the appeal because: (1) it was not taken from a final judgment, and (2) because, they claim, the issues raised by Ms. Bonilla-Mead are not preserved. We agree that the circuit court had not entered a final judgment in the foreclosure action. However, Ms. Bonilla-Mead indicated in her notice of appeal that she was appealing the court’s order denying her motion to stay the foreclosure

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<sup>1</sup> Appellees are Laura H.G. O’Sullivan, Chastity Brown, Rachel Kiefer, Michael Cantrell and Jessica Horton.

sale. And § 12-303(3)(iii) of the Courts and Judicial Proceedings Article specifically provides that a party may appeal from an interlocutory order refusing to grant an injunction. *See also Fishman v. Murphy ex rel. Estate of Urban*, 433 Md. 534, 540 n.2 (2013) (recognizing that orders denying a motion to stay or dismiss a foreclosure sale are immediately appealable because they contemplate injunctive relief as a remedy). Therefore, the December 21 order was immediately appealable. Moreover, although the failure to preserve an issue for appellate review may result in this Court refusing to address the merits of that issue, it does not necessarily mean that the appeal is subject to dismissal. Consequently, we shall deny the motion to dismiss the appeal.

As to the merits, Ms. Bonilla-Mead raises four issues on appeal. However, because no final judgment had been issued, the only order that is properly before us is the December 21 order denying her motion to stay.<sup>2</sup> Therefore, our review in this case is limited to a single issue: whether the court erred in denying the motion to stay.

In her brief, Ms. Bonilla-Mead makes a number of conclusory assertions regarding the validity of the foreclosure action.<sup>3</sup> However, she does not make any particularized claims of error with respect to the court’s denial of her motion to stay. Consequently, the

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<sup>2</sup> At several points in her brief, Ms. Bonilla-Mead asserts that this is an appeal from her foreclosure case and from a separate civil action that she filed against appellees. Ms. Bonilla-Mead has also filed a notice of appeal in her civil case. However, that appeal was docketed in Case No. 1757, Sept. Term 2019. Because the appeals have not been consolidated, any issues arising from her civil case cannot be raised in this appeal.

<sup>3</sup> We note that most of these claims appear to be based on legal theories advanced by the proponents of the “sovereign citizen” movement, which we have noted “have not, will not, and cannot be accepted as valid.” *Anderson v. O’Sullivan*, 224 Md. App. 501, 512-13 (2015).

only issue that we could consider on appeal, the denial of the motion to stay, is not properly before us. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (citation omitted)).

Nevertheless, we have reviewed the record and discern no error in the court’s denial of the motion to stay. First, the motion was untimely as it was filed more than 15 days after appellees filed the final loss mitigation affidavit. *See* Maryland Rule 14-211(a)(2)(A) (providing that when postfile mediation is not requested, a motion to stay the sale and dismiss the foreclosure action must be filed within fifteen days after the filing of the final loss mitigation affidavit). And there was no basis for the court to extend the time for filing, as the motion did not provide any reasons why it had not been timely filed. *See* Maryland Rule 14-211(a)(3)(F) (stating that an untimely motion to stay or dismiss must “state with particularity the reasons why [it] was not timely filed”). Moreover, even if the motion had been timely filed, it was not made under oath or supported by an affidavit, as required by Rule 14-211(a)(3)(A). Nor were any of Ms. Bonilla-Mead’s alleged defenses to the foreclosure action set forth with particularity. Consequently, the court was required to deny the motion. *See* Rule 14-211(b)(1)(A)-(B) (stating that the “court *shall* deny the motion [to stay or dismiss]” if the motion “was not timely filed and does not show good cause for excusing non-compliance” or if it does “not substantially comply with requirements” of Rule 14-211) (emphasis added)).

**JUDGMENT OF THE CIRCUIT  
COURT FOR MONTGOMERY  
COUNTY AFFIRMED. COSTS TO  
BE PAID BY APPELLANT.**