

Circuit Court for Prince George's County  
Case No. CAD15-37764

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 925

September Term, 2017

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CARL DIXON MAYO

v.

GONZETTA MAYO

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Woodward, C.J.,  
Kehoe,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: June 8, 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.

Carl D. Mayo, appellant, and Gonzetta Mayo, appellee, were married in 1985 and then separated in 2000. In 2015 and 2016, they filed cross-complaints for absolute divorce, in the Circuit Court for Prince George’s County. Appellee also sought equitable distribution of the parties’ marital property. Following a hearing, the circuit court orally announced that it would grant appellant an absolute divorce from appellee and reserve ruling on the issue of marital property distribution. On October 25, 2016, a judgment for absolute divorce was entered on the docket; however, the judgment did not expressly state that the court was reserving ruling on the issue of marital property distribution. Concerned that the judgment, as entered, violated Maryland Rule 2-522(a), appellee filed a timely motion to alter or amend the judgment pursuant to Maryland Rule 2-534. On January 17, 2017, the court granted appellee’s motion to alter or amend the judgment, without a hearing, and issued an amended judgment of absolute divorce.

The same day, the court entered a separate Order and Opinion addressing the issue of marital property distribution (equitable distribution order). Relevant to this appeal, the court determined that real property located at 5625 Monroe Street in Cheverly, Maryland (the Maryland property) was marital property. Nine days after the equitable distribution order was entered, appellee filed a timely motion to alter or amend the judgment, raising several claims that are not pertinent to this appeal. Appellant filed an opposition to that motion on May 31, 2017. The same day the court held a hearing, granted appellee’s motion, and issued an amended equitable distribution order. This appeal followed.

Appellant raises three issues on appeal that we have rephrased for clarity: (1) whether the circuit court erred in granting appellee’s motion to alter or amend the judgment

of absolute divorce without holding a hearing; (2) whether the circuit court erred in granting appellee’s motion to alter or amend the equitable distribution order; and (3) whether the circuit court erred in determining that the Maryland property was marital property. For the reasons that follow, we affirm.

Appellant first asserts that the circuit court erred in granting appellee’s motion to alter or amend the judgment of absolute divorce because it failed to hold a hearing before granting the motion, as required by Maryland Rule 2-311(e). We do not consider this claim, however, because appellant did not file a timely notice of appeal from the amended judgment of absolute divorce. If an order grants a divorce, but reserves marital property issues for a later determination, it is a final and appealable order. *See Parker v. Robbins*, 68 Md. App. 597, 601-02 (1986). Therefore, any challenge to the validity of the judgment of absolute divorce had to be filed within thirty days after the entry of that order. *Davis v. Davis*, 335 Md. 699, 717 (1994). Here, the circuit court granted appellee’s motion to alter or amend the judgment and issued the amended judgment of absolute divorce, which reserved ruling on the marital property issue, on January 17, 2017. Therefore, appellant had thirty days from that date to file a notice of appeal from the order granting appellee’s motion to alter or amend the judgment and the amended judgment of absolute divorce. Because he did not file his notice of appeal until June 7, 2017, approximately five months later, the notice of appeal was only timely as to the equitable distribution order.

Appellant next claims that the “trial court’s denial of [his] opposition to Appellee’s Motion to Alter or Amend the judgment was [not] legally correct,” which we construe as a challenge to the circuit court’s order granting appellee’s motion to alter or amend the

equitable distribution order. However, appellant’s brief does not actually address the merits of the court’s decision to grant that motion. In his “question presented” appellant does cite Maryland Rule 2-311(f), which requires the court to hold a hearing on a motion that is dispositive or a claim or defense if a hearing is requested. However, that rule is not applicable because appellee’s motion to alter or amend the judgment was filed pursuant to Maryland Rule 2-534. *See* Maryland Rule 2-311(f) (“A party desiring a hearing on a motion, *other than a motion filed pursuant to Rule 2-532, 2-533, or 2-534*, shall request the hearing in the motion or response under the heading ‘Request for Hearing.’” (emphasis added)). Moreover, even if the Rule 2-311(f) applied, we would find no error because the court did, in fact, hold a hearing on the motion. Consequently, appellant has failed to demonstrate that the circuit court erred in granting appellee’s motion to alter or amend the equitable distribution order.

Although appellant’s final contention is somewhat unclear, he appears to claim that the circuit court erred in finding that the Maryland property was marital property because appellee had executed a quit claim deed transferring all her rights in the property to him prior to the parties’ separation.<sup>1</sup> However, pursuant to Maryland Rule 8-504(a) an appellate

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<sup>1</sup> Appellant’s actual “question presented” is:

Was the trial court’s denial of [his] deed of the property located at 5625 Monroe Street, Cheverly, Maryland legally correct when the deed states, including the amount of any mortgage or deed of trust outstanding, the said parties of the first part – Gonzetta E. Mayo, do grant and convey unto the party of the second part, Carl D. Mayo, in fee simple as sole owner of property situate in Prince George’s County, State of Maryland and also recorded in the Prince George’s Circuit Court Land Records Husband/Wife to Husband as sole owner?

brief must include facts material to the determination of any question presented and argument in support of the party’s position for each question presented. With respect to this issue, appellant’s brief contains neither. In fact, he does not discuss this allegation of error any further other than mentioning it in the questions presented.

Compliance with Maryland Rule 8-504(a) is mandatory, and non-compliance prevents us from reaching the question presented. Maryland Rule 8-504(c) (“For noncompliance with this Rule, the appellate court may dismiss the appeal or make any other appropriate order with respect to the case . . . .”); *Donati v. State*, 215 Md. App. 686, 743-44 (2014) (“Because appellant has not presented sufficient legal ... argument for this Court to address this claim, we decline to consider it.”). Because of the omission of facts and legal arguments to support appellant’s position, we decline to reach the merits of this claim.

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