

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1803

September Term, 2021

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IRIS MCCLAIN

v.

WILLIAM SAVAGE C/O LOGS LEGAL  
GROUP, LLP

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Graeff,  
Zic,  
Eyler, James. R.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 30, 2022

\*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 this foreclosure case, Iris McClain, appellant, appeals from an order entered by the Circuit Court for Prince George’s County denying her “Motion to Dismiss Foreclosure Action and/or Stay/Cease & Desist Foreclosure” (motion to stay or dismiss). On appeal, she contends that the court erred in denying the motion to stay or dismiss on the grounds that it was untimely. For the reasons that follow, we shall affirm.

In 2013, the substitute trustees filed an Order to Docket in the Circuit Court for Prince George’s County, seeking to foreclose on real property owned by appellant. The final loss mitigation affidavit was filed in 2014 and appellant did not request foreclosure mediation. Starting in 2015, appellant filed a series of bankruptcy petitions, the most recent of which was filed in 2020. At present, her property has not been sold at a foreclosure auction. In December 2021, appellant filed the motion to stay or dismiss, claiming that the substitute trustees lacked standing to foreclose because her loan servicer had failed to conduct a face-to-face interview with her prior to the Order to Docket being filed, as required by 24 C.F.R. § 203.64(b). She also claimed that attorneys for the substitute trustees had filed a “Motion to Defer Status Conference” in January 2020 that incorrectly stated that a status conference had been scheduled for January 23, 2020. The court denied the motion to stay or dismiss without a hearing, finding that it was untimely and failed to set forth good cause to excuse the untimeliness.

Maryland Rule 14-211(a)(2)(A) provides, in relevant part, that, if post-file mediation is not requested then any motion to stay the sale and dismiss the foreclosure action must be filed no later than fifteen days after the filing of the final loss mitigation

affidavit. Because the final loss mitigation affidavit was filed in 2014, appellant’s December 2021 motion to stay or dismiss was filed almost seven years late.

Appellant nevertheless contends that she established good cause for her failure to file the motion in a timely manner. We disagree. Although the court may excuse the untimely filing of a motion to dismiss for good cause, it may only do so if the motion “state[s] with particularity the reasons why the motion was not filed timely.” Md. Rule 14-211(a)(3)(F). However, appellant’s motion to stay or dismiss did not specifically indicate why it was untimely. In fact, the motion did not mention the fact that it was untimely at all. On appeal, appellant offers several justifications to excuse the untimely filing. First, she contends that she did not learn about the loan servicer’s failure to have a face-to-face meeting until January 2020, when the substitute trustees filed their motion to defer status conference. However, even if this were true, that does not explain why she waited almost one year after the filing of that motion to file her motion to stay.

She also asserts that she had recently learned that a judge who had presided in a civil lawsuit against her loan servicer in Federal Court should have recused herself. But we can discern no reason why this is connected to the issue that she raised in her motion to stay or dismiss or how this prevented her from filing that motion in a timely manner.

Finally, appellant generally alleges that the substitute trustees engaged in “concealment” and “cover-up” to prevent her from filing her motion. However, this claim, in addition to not being raised with particularity, is not properly before us as it was not raised in the circuit court. *See* Md. Rule 8-131(a) (noting that we will ordinarily “not decide

any other issue unless it plainly appears by the record to have been raised in or decided by the trial court”).

Because appellant’s motion to stay or dismiss was untimely and failed to demonstrate good cause for it not having been timely filed, the court did not err in denying the motion. In fact, it was required to do so. *See* Md. Rule 14-211(b)(1)(A) (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” (emphasis added)).

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