

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 14

September Term, 2023

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KAMAL MUSTAFA

v.

OMAHA PROPERTY MANAGER, LLC

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Graeff,  
Berger,  
Harrell, Glenn T., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: December 1, 2023

\*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Omaha Property Manager, LLC, appellee, a Delaware LLC (Delaware Omaha), purchased real property in Maryland through a valid foreclosure sale. Several months after Delaware Omaha was incorporated, Kamal Mustafa, appellant, formed at least two LLCs in as many states—Maryland and Illinois—that, although entirely unrelated to Delaware Omaha, are identically named. Using the Maryland LLC (Maryland Omaha), Mr. Mustafa attempted to fraudulently convey the property that Delaware Omaha had purchased to NDF1, LLC, which Mustafa also owned, by filing a “No Consideration Deed” in the Howard County land records.

Upon learning of the attempted fraudulent conveyance, Delaware Omaha filed a quiet-title action in the Circuit Court for Howard County, naming Maryland Omaha, NDF1, LLC, and Mr. Mustafa as defendants. None of the named defendants filed an answer. Following a hearing, the court entered a default judgment against Maryland Omaha and NDF1, finding that the transfer of the property had been fraudulent, voiding the Deed, and finding that appellee was the lawful owner of the property. The order noted that it was resolving “all claims and disputes between Delaware Omaha and Defendants Maryland Omaha and NDF1[,]” but that the claims against Mr. Mustafa remained pending.

After the court entered that order, Mr. Mustafa filed a motion to dismiss, asserting that Delaware Omaha was not a registered business entity in Maryland, and, therefore, it lacked standing to maintain a lawsuit in Maryland. Because Mr. Mustafa had never claimed to have an individual interest in the property, Delaware Omaha filed a notice of voluntary dismissal as to its claims against him pursuant to Maryland Rule 2-506(a). On February 28, 2023, the court dismissed appellee’s claims against Mr. Mustafa without

prejudice, and closed the case. It subsequently denied as moot Mr. Mustafa’s motion to dismiss. Thereafter, Mr. Mustafa filed the instant appeal, raising a single issue: whether the default judgment should be reversed because, he claims, “Delaware Omaha is a non-entity of Maryland and has no legal standing.” For the reasons that follow, we shall affirm.

Initially, we note that the default judgment was entered against Maryland Omaha and NDF1, LLC, not Mr. Mustafa. Neither of those entities, however, are parties to this appeal. And because Mr. Mustafa is not a licensed attorney in Maryland, he may not raise claims on their behalf. Maryland Rule 8-402 (stating that on appeal “a person other than an individual may enter an appearance only by an attorney”). Consequently, we cannot alter the default judgment entered by the circuit court against those corporations. *See Hoang v. Hewitt Ave. Assocs., LLC*, 177 Md. App. 562, 613 (2007) (noting that this court “cannot alter a judgment against a party who did not note an appeal”).

As to Mr. Mustafa individually, his contention that appellee lacked standing to file the quiet-title action is now moot, as Delaware Omaha voluntarily dismissed him as a defendant.<sup>1</sup> Moreover, Mr. Mustafa does not otherwise assert that the court erred in

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<sup>1</sup> In any event, Mr. Mustafa’s claim lacks merit. Mr. Mustafa argues that under § 4A-1007 of the Maryland LLC Act, appellee cannot maintain this lawsuit because it is a foreign LLC doing business in Maryland without being properly registered. But he ignores the statutory definition of “doing business”—and more specifically, its exceptions. Here, appellee has only taken three actions in Maryland related to the at-issue property. First, it acquired title by participating in a foreclosure sale. Under § 4A-1009(a)(6), that is not doing business. Second, it held the property to later sell or rent it. Under § 4A-1009(a)(7), that is also not doing business. And third, Delaware Omaha initiated and maintained this quiet-title action. And, under § 4A-1009(a)(1), that is not doing business. Consequently, appellee was not required to register and had standing to bring this quiet-title action.

permitting the voluntary dismissal, the only order by which he is arguably aggrieved.<sup>2</sup>

Consequently, we shall affirm the judgment of the circuit court.

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

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<sup>2</sup> Notably, such a claim would not be preserved even if it had been raised as appellant did not object in the circuit court to the notice of voluntary dismissal.