

Circuit Court for Harford County
Case No.: C-12-CV-19-000153

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 450

September Term, 2024

GRACE G. BOND, *et al.*

v.

SHANNON E. MENAPACE, ESQUIRE

Nazarian,
Arthur,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 25, 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.

In February 2019, the appellee, acting as Substitute Trustee,¹ filed an Order to Docket, in the Circuit Court for Harford County, seeking to foreclose on real property owned by Sarahia Benn, appellant, as personal representative for the Estate of Grace G. Bond. After almost five years of start-and-stop proceedings interrupted by Benn’s repetitious declarations of bankruptcy, the property was ultimately sold at a foreclosure auction on January 31, 2024. Thereafter, Benn filed exceptions to the foreclosure sale, which the circuit court overruled without a hearing. The sale was then ratified, and this appeal followed.

On appeal, Benn raises 36 issues, which we have reduced, rearranged, and rephrased: (1) that the Substitute Trustee’s attorney had a conflict of interest; (2) that the judge was biased against Benn; (3) that the lender violated various state and federal consumer protection laws; (4) that the sale is void because it occurred while the proceedings were stayed due to Benn’s filing for bankruptcy; (5) that the sale violated Benn’s substantive due process rights; and (6) that the foreclosure purchaser has attempted to illegally evict her. Her arguments lack merit.

To begin, Benn’s first three contentions are not preserved for our review. Even if her claims were true and constituted a procedural irregularity at the foreclosure sale, Benn

¹ Substitute Trustee is Shannon Menapace.

never raised these issues in the circuit court.² They are, therefore, not properly before us, and we will not consider them. *See* Md. Rule 8-131(a).

Benn’s next argument, though preserved, lacks merit. The record reflects that Benn filed for bankruptcy in the United States Bankruptcy Court for the District of Maryland on January 30, 2024—the day before the foreclosure sale. She is correct that, ordinarily, her doing so would have implemented an automatic stay, rendering void the later-held sale. *See* 11 U.S.C.A. § 362(a). Indeed, the first foreclosure sale of the property here, held in April 2022, was rescinded because Benn had filed for bankruptcy three days earlier. But the protection of this automatic stay diminishes with repeated use.

With limited exception not here relevant, under 11 U.S.C.A. § 362(c)(4)(A), if a debtor had two or more cases pending within the previous year that were dismissed, “the stay under subsection (a) shall not go into effect upon the filing of [a new bankruptcy] case.” Here, Benn had two bankruptcy cases pending but dismissed in the year preceding January 30, 2024:

- Case No. 23-13612 was dismissed on September 15, 2023; and
- Case No. 23-16715 was dismissed on October 25, 2023.

² The record reflects that, after the circuit court denied her exceptions but before the day before noting this appeal, Benn moved “to dismiss the case due to conflict of interest of opposing counsel.” No order was entered on the motion before Benn noted this appeal, however, so it remains outside the scope of our review. *See* Md. Rule 8-202(a).

Because of these prior cases, the automatic stay under 11 U.S.C.A. § 362(a) did not go into effect upon the filing of Benn’s new bankruptcy case on January 30, 2024.³ *See* 11 U.S.C.A. § 362(c)(4)(A). Consequently, there was no stay in effect at the time of the foreclosure sale.

As for Benn’s due process argument, she contends that the circuit court refused to consider her challenges to the legality of the sale and the Substitute Trustee’s right to foreclose. These are not proper as exceptions to a foreclosure sale under Maryland Rule 14-305(e). *See Thomas v. Nadel*, 427 Md. 441, 443–44 (2012). “[E]xceptions to the sale may challenge only procedural irregularities at the sale[.]” *Id.* at 444 (quotation marks omitted) (quoting *Greenbrier Condo. v. Brooks*, 387 Md. 683, 688 (2005)). Challenges to the validity of the lien or the right to foreclose must, instead, be raised in a pre-sale motion to stay or dismiss under Rule 14-211(a).⁴ Consequently, Benn’s fifth contention was not cognizable as a post-sale exception and was properly overruled.

Finally, Benn argues that the foreclosure purchaser has attempted to unlawfully evict her following the foreclosure sale. As best we can tell, Benn is still living at the property, and the foreclosure purchaser has not yet sought from the circuit court a judgment of possession. In any event, this argument does not challenge any procedural irregularity

³ 11 U.S.C.A. § 362(c)(4)(A)(ii) authorizes, but does not require, a party in interest to request from the bankruptcy court “an order confirming that no stay is in effect[.]”

⁴ The record reflects that Benn moved to stay or dismiss under Rule 14-211(a) more than two years after the date the postfile mediation was held, making the motion untimely under Rule 14-211(a)(2)(A)(iii)(a). The circuit court denied it as such on August 24, 2021. And in any event, in that motion, Benn did not challenge the validity of the lien or the right to foreclose thereby waiving the arguments she now raises. *See* Md. Rule 8-131(a).

at the sale and is therefore not proper as an exception under Rule 14-305(e). *See Thomas*, 427 Md. at 443–44. Thus, we shall affirm the circuit court’s judgment.

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