

Circuit Court for Baltimore City
Case No. 24-C-19-003813

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 613

September Term, 2022

DIANE AUSTIN

v.

LIENGPS 2019, LLC, et al.

Friedman,
Albright,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 3, 2023

*At the November 8, 2022 general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 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.

Diane Austin, appellant, challenges the granting, by the Circuit Court for Baltimore City, of judgment to appellee LIENGPS 2019, LLC (hereinafter “LIENGPS”), foreclosing Ms. Austin’s right of redemption in a property, the court’s striking of a “Motion to Void/Reverse Tax Sale and Reconsider Denial of Judgment” (hereinafter “first motion to void”), the court’s denials of a “10 Day Motion to Reopen Case/Vacate Judgment of Foreclosure and Void Tax Lien Sale” (hereinafter “first motion to reopen”), a second “Motion to Void/Reverse Tax Sale” (hereinafter “second motion to void”), and a “Motion to Consider . . . Corrected Motion to Reopen Case/Vacate Judgment and Void Tax Sale” (hereinafter “second motion to reopen”), and the court’s striking of a “Motion to Reopen Judgment of Foreclosure Pursuant to” Md. Code (1986, 2019 Repl. Vol., 2021 Supp.), § 14-845 of the Tax-Property Article (“TP”) (hereinafter “third motion to reopen”). For the reasons that follow, we shall not reach the court’s granting of judgment to LIENGPS, striking of Ms. Austin’s first motion to void, or denials of Ms. Austin’s second motion to void and first and second motions to reopen. With respect to the court’s striking of Ms. Austin’s third motion to reopen, we shall affirm the judgment of the circuit court.

On July 19, 2019, Stonefield Investment Fund IV, LLC (hereinafter “Stonefield”) filed against Ms. Austin and other parties a “Complaint to Foreclose Rights of Redemption.” In the complaint, Stonefield stated that “[o]n May 13, 2019, the Director of Finance and Collector of State and City Taxes for the City of Baltimore and State of Maryland[] sold the property known as . . . 2901 Baker St[reet] and issued the appropriate Certificate of Tax Sale which was assigned to” Stonefield. Stonefield contended that the “cost of the Certificate was \$6,405.65, of which \$2,175.14 was paid,” that “leasehold title”

in the property was “vested in [Ms.] Austin,” and that “no party in interest has redeemed the delinquent taxes.” Stonefield requested that the court “pass a final Decree foreclosing all rights of redemption of the Defendants” and issue other relief. On December 12, 2019, LIENGPS was substituted for Stonefield.

On June 30, 2020, Ms. Baker filed the first motion to void. On May 25, 2021, the court struck the motion “on the grounds that it is not accompanied by the required certificate of service.” The court also issued a “Judgment Foreclosing Right of Redemption,” in which the court ordered “that judgment be, and it is hereby, entered in favor of [LIENGPS] foreclosing the right of redemption in the property.”

On August 2, 2021, Ms. Austin filed the first motion to reopen, in which she “request[ed] pursuant to . . . Rule 2-535(b)[] and (c) that [the] court . . . reopen the . . . case[,] vacate [the] judgment of foreclosure[,] and void [the] tax lien sale.” On November 2, 2021, Ms. Austin filed the second motion to void. On December 16, 2021, the court denied the first motion to reopen and second motion to void. On January 18, 2022, Ms. Austin filed the second motion to reopen, in which she again requested relief “pursuant to . . . Rule 2-535(b).” On March 10, 2022, Ms. Austin filed the third motion to reopen, in which she requested “[p]ursuant to [TP §] 14-845” that the court “reopen [the] judg[ment] of foreclosure on the grounds of fraud.” On May 26, 2022, the court denied the second motion to reopen, and struck the third motion to reopen on the grounds that it was not signed by Ms. Austin or accompanied by a certificate of service. On June 7, 2022, Ms. Austin filed a notice of appeal.

Ms. Austin now appeals, on numerous grounds, from the aforementioned judgments. LIENGPS requests dismissal of the appeal on the grounds that it is “time-barred” and Ms. Austin “did not pay the amount necessary to redeem her property from tax sale.” Alternatively, LIENGPS requests that the judgments be affirmed.

With respect to the court’s granting of judgment to LIENGPS, striking of Ms. Austin’s first motion to void, and denials of Ms. Austin’s second motion to void and first and second motions to reopen, we shall not reach these judgments and rulings for four reasons. First, Ms. Austin failed to file a notice of appeal from the judgment foreclosing her right of redemption within thirty days of entry of the judgment as required by Rule 8-202(a) (generally, a “notice of appeal shall be filed within 30 days after entry of the judgment or order from which the appeal is taken”). Second, to the extent that the first motion to reopen constituted a motion for new trial or to alter or amend, Ms. Austin failed to file the motion within ten days of entry of the judgment. *See Pickett v. Noba*, 122 Md. App. 566, 570 (1998) (“[i]f parties file a motion for new trial or a motion to alter or amend more than ten days after judgment, the time for filing an appeal will not be stayed” (citations omitted)). Third, Ms. Austin failed to file the first motion to reopen within thirty days of entry of the judgment as required by Rule 2-535(a) (generally, a court, “[o]n motion of any party filed within 30 days after entry of judgment, . . . may exercise revisory power and control over the judgment”). Fourth, the court’s denials of Ms. Austin’s second motion to reopen and second motion to void are “not appealable [or] final judgment[s],” because a “second motion to revise filed more than thirty days after the entry of judgment . . . cannot

be granted.” *Pickett*, 122 Md. App. at 573 (citations omitted). Hence, we shall not reach these judgments.

With respect to Ms. Austin’s third motion to reopen, we conclude that the court did not err in striking the motion. As the court noted, Ms. Austin did not sign the motion as required by Rule 1-311(a) (“[e]very pleading and paper of a party who is not represented by an attorney shall be signed by the party”), and “[i]f a pleading or paper is not signed as required . . . , it may be stricken and the action may proceed as though the pleading or paper had not been filed.” Rule 1-311(c). Also, the motion was not accompanied by a certificate of service as required by Rule 1-323 (“[t]he clerk shall not accept for filing any pleading or other paper requiring service . . . unless it is accompanied by . . . a signed certificate showing the date and manner of making service”). Hence, the court did not err in striking the motion.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**