

Circuit Court for Prince George's County
Case No. CAEF18-14802

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 617

September Term, 2019

JENNIFER NEWPORT

v.

LAURA H.G. O'SULLIVAN, *et al.*

Arthur,
Beachley,
Woodward, Patrick L.,
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 2, 2020

*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.

Jennifer Newport, appellant, appeals from an order issued by the Circuit Court for Prince George’s County denying her “Motion to Intervene to File Exceptions to Ratification and or Conformation of Sale and Other Relief” (the motion to intervene) in a foreclosure action involving the sale of property belonging to her ex-husband. For the reasons that follow, we shall dismiss the appeal.

In May 2018, appellees, the substitute trustees,¹ filed an Order to Docket seeking to foreclose on property owned by Virgil S. Newport. Mr. Newport was the only person served with the Order to Docket as he was the sole record owner, sole mortgagor under the terms of the Deed of Trust, and sole obligor under the terms of the Promissory Note. The property was sold at a foreclosure auction on January 22, 2019.

On March 6, 2019, Ms. Newport filed the motion to intervene, claiming that she had a right to intervene in the foreclosure proceeding because the property had been purchased by Mr. Newport while they had been married; she had divorced Mr. Newport in November 2018 and remained in the residence; and she had paid utilities and contributed to the mortgage payments both during and after the marriage. If allowed to intervene, Ms. Newport requested permission to file exceptions, specifically that, when appellees had initiated the foreclosure action they failed to serve her “with any documents pertaining to the foreclosure nor did [they] add [her] as a party.” Ms. Newport further contended that she was never given an opportunity to cure the default and that “as a tenant holding over she should be allowed to purchase the property in an ‘as is’ condition.” The court entered

¹ Appellees are Laura H.G. O’Sullivan and Chastity Brown.

an order denying the motion to intervene on April 12, 2019. It subsequently entered an order ratifying the sale on April 25, 2019. Ms. Newport filed her notice of appeal on May 24, 2019.

Ms. Newport was neither a party to the foreclosure action nor the holder of a subordinate interest in the property subject to the lien and therefore, she was not entitled to file exceptions to the foreclosure sale as a matter of law. *See* Maryland Rule 14-305(d)(1) (setting forth who may file exceptions following a foreclosure sale). Thus, when the court denied her request to intervene “that ruling conclude[d] any interest” she had in the case and she was required to file an appeal “within 30 days of the denial of the motion to intervene.” *HIYAB, Inc. v. Ocean Petroleum, LLC*, 183 Md. App. 1, 11 (2008). However, Ms. Newport did not file her notice of appeal until May 24, 2019, which was more than 30 days after her motion to intervene was denied. And because the notice of appeal was not timely, we shall dismiss the appeal. *See* Maryland Rule 8-202(a)(stating that, subject to certain exceptions not applicable here, a notice of appeal “shall be filed within 30 days after the entry of the judgment or order from which the appeal is taken”).²

**APPEAL DISMISSED. COSTS TO
BE PAID BY APPELLANT.**

² We recognize that the notice of appeal was timely as to the ratification order. However, because Ms. Newport was not a party, she was “not entitled to appeal from the final judgment disposing of the claims of the parties.” *HIYAB*, 183 Md. App. at 11.