Circuit Court for Prince George's County Case No. CAL22-22334

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 662

September Term, 2024

ERIK ROBERTSON, et al.

v.

CHRISTINA ISSAR, et al.

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

JJ.

Opinion by Albright, J.

Filed: August 8, 2025

^{*}This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

This appeal concerns the dismissal of a claim for accounting and the denial of Rule 1-341 sanctions by the Circuit Court for Prince George's County. Appellee Christina Issar is the personal representative of the Estate of Benjamin Robertson, and was married to Benjamin Robertson at the time of his death. Appellant Erik Robertson is Benjamin Robertson's son from a former marriage. Prior to Benjamin Robertson's death, he and Erik Robertson owned Robertson Investments, LLC ("Robertson Investments"). Appellee Onyx Properties, LLC ("Onyx Properties") is another company Benjamin Robertson owned when he passed.

Below, Erik Robertson and Robertson Investments (both Appellants here) lodged a variety of claims against Ms. Issar and Onyx Properties arising out of Benjamin Robertson's conveyance of two properties from Robertson Investments to himself and then to Onyx Properties. Although Appellees consented to the granting of some relief against them and in favor of Appellants, Appellants appeal the dismissal of their accounting claim and the denial of their sanctions motion.

Appellants present two questions for our review, which we rephrase as:

1. Did the circuit court err in dismissing the action for accounting?

¹ Appellants phrased their questions as follows:

^{1.} Whether the lower court erred in dismissing the action for accounting and holding that an accounting must be resolved through discovery.

^{2.} Whether the lower court erred in denying sanctions where Appellees' defense of the claims relating to the conveyance of land was frivolous and nonmeritorious.

2. Did the circuit court err or abuse its discretion in denying Rule 1-341 sanctions?

For the reasons below, we answer both questions in the negative. Accordingly, we affirm the judgment of the circuit court.

BACKGROUND

I. Appellants' Complaint

Benjamin Robertson died on February 14, 2022. Ms. Issar was appointed personal representative of his Estate on March 30, 2022. Appellants filed the Complaint that generated this appeal on July 27, 2022. Against the Estate, Appellants brought claims for breach of contract, breach of fiduciary duty, fraud, and fraudulent conveyance. The fraudulent conveyance count also named Ms. Issar in her individual capacity and Onyx Properties.² Finally, Appellants also brought an action for accounting against the Estate and Onyx Properties.

The factual premise of Appellants' Complaint was a 2019 real estate transaction involving two parcels of land on Croom Road in Brandywine, Maryland. Before 2019, the parcels were owned by Robertson Investments. In 2019, Benjamin Robertson conveyed the parcels to himself without consideration. In the deeds, Benjamin Robertson represented, falsely, that he was the sole member of Robertson Investments, and that

² The fraudulent conveyance count listed the following defendants: "Christina Issar as Personal Representative; Onyx Properties, LLC, Christina Issar[.]" Appellants claimed that "Benjamin Robertson and Christina Issar, as members of Onyx Properties, LLC, knew that the conveyance of the parcels of land from Robertson Investments, LLC to Benjamin Robertson was fraudulent[.]"

Robertson Investments had dissolved. Benjamin Robertson then conveyed the parcels to Onyx Properties. Appellants alleged that Ms. Issar "holds membership interests in Onyx Properties."

Appellants alleged that these conveyances were concealed from Erik Robertson until after Benjamin Robertson's death and that "[n]o event of dissolution occurred prior to Benjamin Robertson's conveyance of the parcels to himself"; in fact, "the company remains active and in good standing to date." Appellants claimed that Erik Robertson has made numerous requests to the Estate and its attorney for the books and records of Robertson Investments but that his requests have been denied.

First, with respect to their claim for breach of contract against the Estate,

Appellants alleged that Benjamin Robertson's transfer of the properties without the

knowledge or consent of Erik Robertson breached the operating agreement's implied

duty of good faith and loyalty, breaches that caused monetary damages to Appellants.

Second, with respect to their claim for fraudulent conveyance against the Estate, Ms. Issar, and Onyx Properties, Appellants alleged that Benjamin Robertson's transfer of the property was for the benefit of himself or Ms. Issar, and "was fraudulent and done solely as part of a scheme to result in the insolvency of Robertson Investments, LLC."

Appellants alleged damages "including the value of the parcels of land in amounts to be determined at trial."

Third, with respect to their claim for fraud against the Estate, Appellants alleged that Benjamin Robertson knowingly made false representations concerning the

management and affairs of the company that Erik Robertson relied upon to his detriment, causing monetary damages.

Fourth, with respect to their claim for breach of fiduciary duty against the Estate, Appellants alleged that Benjamin Robertson breached his duty as a member and manager of Robertson Investments to act in the best interests of the organization "by self dealing and specifically transferring assets of the company to himself, without the knowledge or consent of the other members and without consideration and by subsequently transferring the assets to Onyx Properties, LLC in exchange for membership interests and for the benefit of his partner or wife, Christina Issar." Appellants alleged monetary damages as a result.

Finally, with respect to their claim for accounting against the Estate and Onyx Properties, Appellants alleged that "[s]ums of money and assets of Robertson Investments, LLC have been out of the company without its member's knowledge or approval." Appellants alleged that they "have an inadequate legal remedy in that they cannot determine what party is responsible, in what amount, for its damages." Appellants sought "an order requiring all Defendants to provide a full and complete accounting of all transactions or records relating to the transfer of the Croom Road parcels of land to Benjamin Robertson and Onyx Properties, LLC and others as well as a full and complete accounting of all transactions or records relating to the expenditure, distribution or depletion of any funds or assets held by Robertson Investments, LLC."

In addition to an accounting, Appellants asked the circuit court to void the conveyance of the parcels of land such that the parcels are returned to Robertson Investments and award Appellants compensatory damages, punitive damages, and attorney's fees.

Appellees answered the Complaint. With respect to Appellants' allegation that Benjamin Robertson made false representations in transferring the Croom Road parcels, Appellees were "without sufficient information to affirm or deny the allegations" and, to the extent a response was needed, denied them.³

The parties engaged in significant discovery. Appellees provided, at the request of Appellants, documents and other information about financial accounts and property related to the Estate and Robertson Investments. In September 2023, Appellees noted the deposition of Erik Robertson but it did not occur. In November 2023, Appellees moved to compel his appearance, a motion the circuit court granted in January 2024. Appellees deposed Erik Robertson in February 2024.

Before the parties' scheduled trial date, Appellees filed a motion in limine to exclude evidence of monetary damages. Appellants opposed this motion, arguing that compensatory damages would not be known until after the accounting. Appellees replied to Appellants' opposition, and also submitted a "Bench Memorandum Regarding

³ Appellees also denied that (1) Ms. Issar has ever held a membership interest in Onyx Properties, (2) "that the books and records [of Robertson Investments] have not been produced to Erik Robertson and that access has been denied[,]" and (3) "that [Ms.] Issar has not provided information to Erik Robertson who has access to all necessary information as a Manager." Appellees also raised several affirmative defenses.

Accounting" to the circuit court. Appellees argued that Appellants, having already engaged in discovery, could not proceed further with their claim for accounting because the remedy for accounting is discovery.

II. Circuit Court's Judgment

A jury was selected for the April 3, 2024 trial, but as a result of rulings by the circuit court and a concession by Appellees, the case was not tried. Regarding Appellants' claims for damages, Appellees argued (and the circuit court agreed) that any evidence Appellants might attempt to introduce should be precluded because Appellants had failed to produce it in discovery. Appellants countered that damages would not be known until after an accounting. Appellees responded that Appellants had been free to use the discovery process to obtain information to establish damages but had failed to do so. Appellees added (and the circuit court agreed) that Appellants' failure to produce damages evidence also meant that Appellants' claims for damages failed. Regarding Appellants' accounting claim, Appellees argued (and the circuit court agreed) that it, too, failed because Appellants could have sought the information they wanted through discovery but did not do so.

After the circuit court dismissed Appellants' accounting claim, Appellants agreed that the only relief that remained was return of the two parcels to Robertson Investments and sanctions. Appellees then consented to the return of the Croom Road parcels to Robertson Investments, explaining that they were already in the process of doing so.

Thus, in regard to Appellants' claims for breach of contract, fraudulent conveyance,

fraud, and breach of fiduciary duty, the circuit court ordered that Appellees return the two Croom Road parcels to Robertson Investments. Appellants indicated they were going to file a motion for sanctions, and a hearing on this matter was scheduled for June 6, 2024.

On May 17, 2024, the circuit court entered judgment in favor of Appellants on their claims for breach of contract, fraudulent conveyance, fraud, and breach of fiduciary duty "with respect to the claims of the conveyance only" of the two Croom Road parcels of land.⁴ The circuit court ordered "that the claims for monetary relief in Counts I through IV [i.e., the claims for breach of contract, fraudulent conveyance, fraud and breach of fiduciary duty] are DISMISSED and this Judgment is final as the Court has disposed of all the claims in the above-captioned matter[.]" The circuit court ordered that Appellees produce warranty deeds transferring the Croom Road parcels to Robertson Investments and that Appellees record the transferring deeds. The circuit court dismissed Appellants' claim for accounting. The circuit court reserved on the matter of Appellants' request for attorney's fees pursuant to Rule 1-341 until after a hearing scheduled on the matter.

⁴ The May 17, 2024 judgment was the third such order entered by the circuit court. On April 12 and April 23, 2024, the circuit court entered judgments in favor of Appellants. In its April 23, 2024 order, the circuit court indicated that as to Appellants' claims for breach of contract, fraudulent conveyance, fraud, and breach of fiduciary duty, Appellees "acknowledged liability[,]" among other orders. Following the April 23, 2024 order, Appellees moved for reconsideration and to vacate or alter/amend it. Appellees argued that they had "never conceded any liability or judgment for any of the [Appellants'] causes of actions," but instead argued that they were moot because the relief requested had already occurred. Appellees argued that the April 23, 2024 order incorrectly stated the circuit court's judgment. With its May 17, 2024 judgment, the circuit court granted Appellees' motion, and vacated the circuit court's April 23, 2024 order.

III. Appellants' Rule 1-341 Motion

On April 17, 2024, Appellants filed a motion for sanctions and attorney's fees pursuant to Rule 1-341.⁵ Appellants sought recovery of \$28,442.13 in fees and costs as a sanction for Appellees' "vexatious and frivolous defense of [Appellants'] claims." Appellants only claimed "reimbursement for the fees which are purely associated with claims relating to the property" and did not claim "reimbursement of the fees which are solely related to the claim [for] accounting." Appellants claimed that Ms. Issar knew that the allegations in Appellants' Complaint were true yet did not return the parcels and instead denied the allegations (or claimed that she did not have sufficient information to admit or deny). Appellants pointed to Appellees' motions for summary judgment⁶ as well as other actions during discovery and leading up to trial as further evidence of Appellees' bad faith and unjustified conduct, which resulted in resolution of the matter taking twenty-one months from the filing of the lawsuit.

Appellees opposed Appellants' motion for sanctions. Appellees first argued that sanctions cannot be granted because Erik Robertson "cannot seek his self-paid attorneys' fees or sanctions for relief that was for the benefit of a different party -- Plaintiff Robertson Investments, LLC." Alternatively, Appellees insisted that they had not

⁵ We refer to "Appellants" here to avoid confusion but note that it is unclear whether the motion was brought by Erik Robertson and Robertson Investments, or only Erik Robertson. According to the motion, "Erik Robertson paid the costs of litigation from his own resources."

⁶ We note that Appellees' motions for summary judgment were limited in nature to the propriety of Ms. Issar's being named in her individual capacity as a defendant in Appellants' fraudulent conveyance claim.

proceeded in bad faith or without substantial justification. Appellees explained that Ms. Issar did not have information about the allegations in the Complaint and that it was through discovery that she discovered information related to Appellants' claims such that she agreed to return the Croom Road parcels to Robertson Investments. Appellees also emphasized that, because Appellants' Complaint was "primarily" about monetary damages (rather than the return of the Croom Road parcels) and that Appellants had also sought an accounting, Erik Robertson cannot seek reimbursement of the attorney's fees for forms of relief other than return of the parcels. For example, Appellees pointed out that Appellants sought reimbursement for the drafting of the entire Complaint, which dealt with monetary and accounting relief (and thus was not solely related to the return of the parcels). Finally, Appellees argued that it would be unreasonable to impose sanctions on the Estate or Ms. Issar (in her individual capacity) because she dutifully performed her duty as personal representative to preserve and protect all property of the Estate.

On June 6, 2024, the circuit court held a hearing on Appellants' motion for sanctions. Appellants argued that Appellees acted in bad faith and without substantial justification in defending against the Complaint because Appellees either knew or should have known based on reasonable investigation that the Croom Road parcels were fraudulently conveyed by Benjamin Robertson and belonged to Robertson Investments. Appellants explained that because Appellees knew or should have known that Robertson Investments had not dissolved, it would have been immediately clear that the parcels

were fraudulently conveyed because the deed conveying them says on its face that it is a dissolution deed.

In their defense, Appellees argued that at the time the Complaint was filed, they did not know what parcels of land were at issue because the Complaint was filed before the Estate inventoried its assets. Appellees explained that Ms. Issar, as personal representative, investigated the conveyance of the parcels through discovery, including through a deposition of Erik Robertson in February 2024. However, it was not until March 2024 that Appellees concluded that there was no discernable explanation for Benjamin Robertson's conveyance of the two parcels, at which time Appellees initiated the process of returning the property to Robertson Investments. Appellees also explained that, with respect to the summary judgment motions Appellants in their motion argued were in bad faith, these were in fact only partial motions for summary judgment devoted to whether Ms. Issar, who was not a member of Onyx Properties as the Complaint alleged, could be held liable in her personal capacity. Finally, Appellees emphasized that it was inappropriate for Appellants to seek attorney's fees beyond those incurred to secure return of the two parcels because Appellants' other claims failed.

The circuit court denied Appellants' motion for sanctions on June 13, 2024. The circuit court's three-page written opinion summarized the parties' arguments and the applicable law. The circuit court explained that, after reviewing the procedural history of the case and the parties' arguments, "the Court does not find this case to be a rare or

exceptional instance justifying the extraordinary remedy provided in Rule 1-341." Appellants timely noted this appeal.

DISCUSSION

I. Appellants' Accounting Claim

We review the circuit court's decision to dismiss Appellants' claim for accounting de novo. *See Golub ex rel. Golub v. Cohen* ("*Golub*"), 138 Md. App. 508, 516 (2001) (explaining that when the trial court's decision raises a purely legal issue, the appellate court's review is expansive). Appellants contend that the circuit court did not determine whether Appellants had the right to an accounting. We disagree and affirm the circuit court's dismissal of the accounting claim.

An accounting "require[s] a person in possession of financial records to produce them, demonstrate how money was expended, and return pilfered funds in his or her possession." 1 Am. Jur. 2d Accounts and Accounting, § 50. The function of claims for accounting has largely been superseded by modern rules of discovery; however, an accounting may still be maintained when the remedies at law are inadequate. *Alts*. *Unlimited, Inc. v. New Balt. City Bd. of Sch. Comm'rs*, 155 Md. App. 415, 508, 510 (2004) (explaining that remedial inadequacy exists where there are mutual accounts between the plaintiff and defendant, where the accounts are all on one side but there are "circumstances of great complication" in the way of adequate remedy at law, or where a fiduciary relationship exists between the parties and a duty rests upon the defendant to render an account"). "A suit for accounting is generally tried in two stages; the first stage

concerns whether there is any right to an accounting, and only if it is determined that there is such a right does the proceeding move on to the second stage, which comprises the actual accounting." *Golub*, 138 Md. App. at 516 (quoting 1 Am. Jur. 2d Accounts and Accounting, § 66). The party seeking an accounting must first establish, by a preponderance of the evidence, that they have the right to an accounting. *Id.* at 520 (quoting 1 Am. Jur. 2d Accounts and Accounting, § 66). Because the relief sought in an accounting is access to information, discovery is the remedy provided to plaintiffs who prove they are entitled to an accounting. *Id.* at 523.

Both parties here cite to *Golub* to explain their respective positions. In *Golub*, this Court held that the trial court did not err in ruling that the appellant could not obtain discovery relating to his counterclaim for an accounting until after he proved that he was entitled to that accounting. *Id.* at 511. There, the appellant's accounting claim, an equitable claim, was the only claim in appellant's counterclaim. *Id.* at 522. We noted that multicount complaints may be treated differently. *Id.* at 521–22.

In their Complaint, Appellants alleged that they had "an inadequate legal remedy in that they cannot determine what party is responsible, in what amount, for its damages." On appeal, Appellants continue to insist that the remedies at law were inadequate. We disagree. Here, unlike *Golub*, Appellants' Complaint included four other counts in addition to an accounting claim. As the circuit court explained, Appellants were free to use the discovery process to obtain information pertaining to Robertson Investments and to establish the damages Appellants allegedly suffered. In fact, Appellants engaged in

Appellants felt that Appellees' responses were inadequate, they could have sought to compel the production of this information. Appellants have not identified any information that they were unable to obtain through discovery. There is no basis for Appellants' assertion that they are entitled to an accounting as a remedy. Accordingly, we affirm the circuit court's dismissal of Appellants' claim.

II. Denial of Rule 1-341(a) Attorney's Fees

On appeal, Appellants argue that the circuit court abused its discretion in denying their motion for attorney's fees under Rule 1-341(a). Specifically, Appellants contend that Ms. Issar sought (1) "to deplete Erik Robertson's personal assets and the cash of the Estate by multiplying the litigation and paying the Appellees' legal fees from the assets of the Estate[;]" (2) "to retain the property which was the subject of the suit and its value for Onyx Properties, LLC, the company she would inherit under the will;" (3) "to delay [Erik] Robertson and Robertson Investment's access to their property[;]" and (4) "had even filed an action to partition and/or sell the property where [Erik] Robertson, his mother and Benjamin Robertson's wife during the majority of [Ms.] Issar's personal relationship with Benjamin Robertson, resided." Appellants also contend that the circuit court erred by not making any findings in regard to denying Appellants' sanctions motion.

To the extent that Appellants failed to raise these arguments below, we decline to address them because they are not preserved for appellate review. But for jurisdictional challenges,

[o]rdinarily, an appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court, but the Court may decide such an issue if necessary or desirable to guide the trial court or to avoid the expense and delay of another appeal.

Md. Rule 8-131(a). Fairly read, Appellants' Rule 1-341 motion did not raise the second and fourth arguments above. Accordingly, and because Appellants offer no reason for why a decision on these arguments would be necessary or desirable despite lack of preservation, we will not address these arguments.

Regarding Appellants' first and third arguments, we start with the law as it pertains to an award of attorney's fees for proceeding in bad faith or without substantial justification. Rule 1-341(a) provides:

In any civil action, if the court finds that the conduct of any party in maintaining or defending any proceeding was in bad faith or without substantial justification, the court, on motion by an adverse party, may require the offending party or the attorney advising the conduct or both of them to pay to the adverse party the costs of the proceeding and the reasonable expenses, including reasonable attorneys' fees, incurred by the adverse party in opposing it.

Md. Rule 1-341(a). The purpose of this rule is not to punish. *In re Chaires*, 249 B.R. 101, 105 (Bankr. D. Md. 2000) (citing *U.S. Health, Inc. v. State*, 87 Md. App. 116, 130–31 (1991)). Instead, it "provides for recovery of expenses incurred in opposing the unjustified or bad faith maintenance or defense of a proceeding." *Id.* at 105 (quoting *U.S. Health, Inc.*, 87 Md. App. at 131–32). In this regard, an award of Rule 1-341 sanctions is

more compensatory. *Id.* (citing *St. Luke Evangelical Lutheran Church, Inc. v. Smith*, 318 Md. 337, 361 n.4 (1990)). To warrant an award of sanctions under Rule 1-341, intentional misconduct is required. *Talley v. Talley*, 317 Md. 428, 438 (1989).

Ultimately, awarding attorney's fees under Rule 1-341 is "an 'extraordinary remedy,' which should be exercised only in rare and exceptional cases." *Garcia v. Foulger Pratt Dev., Inc.*, 155 Md. App. 634, 678 (2003). "Rule 1-341 sanctions should be imposed only when there is a clear, serious abuse of judicial process." *Bennett v. Ashcraft & Gerel, LLP*, 259 Md. App. 403, 459 (2023), *cert. denied*, 487 Md. 51 (2024) (quoting *Black v. Fox Hills N. Cmty. Ass'n*, 90 Md. App. 75, 84 (1992)). "[A] court has the discretion to refuse sanctions, even if there is a finding of bad faith." *Garcia*, 155 Md. App. at 677.

We review awards of attorney's fees under Rule 1-341(a) under a two-part standard:

[B]efore imposing sanctions in the form of costs and/or attorney's fees under Rule 1-341, the judge must make two separate findings that are subject to scrutiny under two related standards of appellate review. First, the judge must find that the proceeding was maintained or defended in bad faith and/or without substantial justification. This finding will be affirmed unless it is clearly erroneous or involves an erroneous application of law. Second, the judge must find that the bad faith and/or lack of substantial justification merits the assessment of costs and/or attorney's fees. This finding will be affirmed unless it was an abuse of discretion.

Inlet Assocs. v. Harrison Inn Inlet, Inc., 324 Md. 254, 267–68 (1991). "Where, however, the record does not clearly reflect the meritlessness of the Rule 1–341 motion, the trial

court must make findings as to bad faith and/or substantial justification when denying the motion." *Fowler v. Printers II, Inc.*, 89 Md. App. 448, 487 (1991).

Here, the circuit court concluded that "this case [was not] a rare or exceptional instance justifying the extraordinary remedy provided in Rule 1-341." We discern no abuse of discretion in this decision. Some of the delay on which Appellants grounded their Rule 1-341 motion was caused by Appellants themselves, not Appellees. In April 2023, Erik Robertson petitioned the Orphan's Court for Ms. Issar's removal as Personal Representative of the Estate. Then, in September 2023, because Appellants' petition was still pending in the Orphan's Court, Appellants moved to extend discovery and continue the trial, explaining that "delay . . . might be appropriate" until after the Orphans' Court disposed of their removal petition. Further, Erik Robertson's deposition was delayed from September 2023 to February 2024 and occurred only after Appellees moved to compel it.

Appellants claim that Appellees "multiplied" the litigation, and thereby caused the Estate to pay Ms. Issar's attorney's fees, but we note that Appellants sued Ms. Issar in part in her capacity as the Personal Representative of the Estate. To the extent that Appellants sought monetary damages against Appellees, Appellees prevailed. Appellees' success suggests that their actions in defending against Appellants' claims were "within

⁷ To the extent that Appellants fault Appellees for their pre-suit delay in returning the Croom Road parcels to Robertson Investments, Appellants do not cite any authority, nor are we aware of any, that would support the award of Rule 1-341 sanctions for a litigant's pre-suit conduct.

the realm of legitimate advocacy." *See, e.g., Garcia*, 155 Md. App. at 676 (explaining that, "[f]or there to be substantial justification, the litigant's position must be fairly debatable and within the realm of legitimate advocacy").

Appellants are correct that the circuit court did not make explicit findings on whether Appellees acted in bad faith or without substantial justification in defending Appellants' claims. Such a failure, particularly where a litigant's claims of bad faith or substantially unjustified conduct appear to have merit, and yet the circuit court denies sanctions without explanation, has prompted appellate relief from us in the past. *See, e.g. Fowler*, 89 Md. App. at 487. But, even if the circuit court finds bad faith or substantially unjustified conduct on the part of a litigant, it has the discretion to deny sanctions. *Garcia*, 155 Md. App. at 677.

This case is not like *Fowler*, though. There, following a nine-day bench trial after which the court awarded the plaintiff over \$400,000 in damages, the circuit court—without holding a hearing—issued "a short order" denying plaintiff's motion for sanctions. *Fowler*, 89 Md. App. at 457–58. We "remand[ed] the matter to the circuit court so that it [could] make the required findings of fact." *Id.* at 487. Here, after holding a hearing, the circuit court denied a sanctions motion that had questionable merit and explained the reason for its denial in a three-page written opinion. Because we see no abuse of discretion in the circuit court's ultimate decision, a remand for the circuit court to better explain one step of its reasoning would amount to an exercise of futility and a waste of judicial resources that we will not require. *See Morris v. Goodwin*, 230 Md.

App. 395, 410–11 (2016) (declining to remand for a hearing where, even though the circuit court erred in dismissing appellant's annulment petition without a hearing, appellant's lack of standing to seek an annulment meant that a remand would be an exercise in futility and a waste of judicial resources."). Accordingly, we affirm.

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED; COSTS TO BE PAID BY APPELLANTS.