

Circuit Court for Anne Arundel County  
Case No. 02-C-14-191178

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 668

September Term, 2020

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OLAKUNLE M. MAKINDE, *et al.*

v.

KEITH M. YACKO, *et al.*

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Graeff,  
Ripken,  
Raker, Irma S.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: May 14, 2021

\*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.

In 2014, appellees,<sup>1</sup> acting as substitute trustees, filed an Order to Docket in the Circuit Court for Anne Arundel County seeking to foreclose on real property owned by Olakunle M. Makinde, Doris M. Adeyemi, and Folashade Adeyemi, appellants. Appellants’ property was ultimately sold at a foreclosure sale on February 25, 2020. Thereafter, appellants filed an “Objection to the Sale, Demand for Stay of all Proceedings Force Majeure, Notice of Filing of Mortgage Proof of Satisfaction, and Motion for an Order Vacating the Sale.” Appellants specifically contended that the sale should be vacated because (1) the amount of the sale price was inadequate; (2) they were not notified of the sale; (3) the lender had been paid in full by a private mortgage insurance company; (3) the appellees were “an unregistered trust” that was not licensed to do business in Maryland; and (4) the trust was closed at the time the mortgage was securitized. They also sought a general stay of the foreclosure action because of COVID-19, which they contended was a “force majeure event.” The court treated appellants’ motion as exceptions to the foreclosure sale and denied their exceptions on August 10, 2020. Appellant filed a notice of appeal on September 3, 2020. The court had not ratified the sale of the property.

This Court only has jurisdiction over appeals that are taken from a final judgment. *See* Md. Code (1974, 2013 Repl. Vol.), § 12-301 of the Courts and Judicial Proceedings Article. And because the foreclosure sale has not been ratified, no final judgment has been entered in this case. *See McLaughlin v. Ward*, 240 Md. App. 76, 83 (2019) (“In a foreclosure case, a court does not enter a final judgment at least until it has ratified the

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<sup>1</sup> Appellee Keith M. Yacko, Gene Jung, Jason L. Hamlin, Thomas J. Gartner, and Robert E. Frazier.

foreclosure sale.”). Moreover, no exception to the final judgment rule applies.<sup>2</sup> Consequently, we must dismiss the appeal.

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

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<sup>2</sup> We note that a party may take an immediate appeal from an interlocutory order denying a motion to stay a foreclosure sale filed pursuant to Maryland Rule 14-211 on the grounds that such an order is the equivalent of a refusal to grant an injunction. *See Huertas v. Ward*, 248 Md. App. 187, 202 (2020). However, this exception to the final judgment rule only applies to motions that seek to enjoin a threatened sale. Although appellants’ motion requested a general stay of the proceedings, it was not filed prior to the sale and did not request the court to enjoin appellees from taking any specific actions. Thus, the denial of appellants’ request to stay was not immediately appealable. *See County Comm’rs v. Shrodel*, 320 Md. 202, 213 (1990) (“[A] trial court’s decision on a motion for a . . . stay is ordinarily not appealable” as a grant or denial of an injunction); *Highfield Water Co. v. Wash. Co. San.*, 295 Md. 410, 416-17 (1983) (holding that a refusal to stay proceedings in the same matter ordinarily does not constitute the grant or denial of an injunction).