

Circuit Court for Prince George's County
Case No. CAEF17-18660

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 669

September Term, 2020

PHYLLIS ALLISON

v.

BROCK & SCOTT, PLLC

Wells,
Gould,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 7, 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.

Phyllis Allison, appellant, appeals from an order issued by the Circuit Court for Prince George’s County ratifying the foreclosure sale of her real property. For the reasons that follow, we shall dismiss the appeal.

The Court of Appeals has held that in a foreclosure action, “if [a] property is sold to a *bona fide* purchaser in the absence of a supersedeas bond,” a subsequent “appeal becomes moot” because “a reversal on appeal would have no effect.” *Mirjafari v. Cohn*, 412 Md. 475, 484 (2010) (internal citation and quotations omitted) (italics added). “The general rule requiring the filing of a *supersedeas* bond or alternative security has but two exceptions: (1) the occasion of unfairness or collusion between the purchaser and the trustee, and (2) when a mortgagee or its affiliate purchases the disputed property at the foreclosure sale.” *Id.* at 485.

The record does not demonstrate that Ms. Allison posted a *supersedeas* bond upon the filing of the present appeal, or that the circuit court held a hearing to fix the bond amount. Additionally, neither of the exceptions to the rule requiring a *supersedeas* bond or other security apply. Here, the property was purchased by Hamid Karaghani for the sum of \$310,000. Mr. Karaghani was not the mortgagee. Ms. Allison does not allege, nor is there anything in the record demonstrating, that Mr. Karaghani was affiliated with the mortgagee or that he colluded with the trustee in purchasing the property. In fact, the record contains a certification from Mr. Karaghani, made under the penalty of perjury, stating that he was not acting as an agent for someone else, that there were no other interested principals, and that he did not discourage anyone else from bidding on the

property. Consequently, in the absence of a *supersedeas* bond, the present appeal is moot and must be dismissed.

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