

Circuit Court for Baltimore City
Case No: 24-C-18-000545

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 810

September Term, 2019

JMD SERVICES, LLC

v.

LMG 17, LLC

Nazarian,
Gould,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: August 5, 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.

This appeal arises out of tax sale foreclosure proceedings in the Circuit Court for Baltimore City involving real property owned by JMD Services, LLC (“JMD Services”), appellant. On August 27, 2018, LMG 17, LLC (“LMG 17”), appellee, obtained a judgment foreclosing JMD Services’ right to redeem the real property from tax sale. Within ten days of the judgment, JMD Services filed a motion to vacate the circuit court’s judgment, contending that it had “paid the legal fees and costs of the tax sale foreclosure” and “had redeemed the [p]roperty on August 28, 2018” as evidenced in a cash deposit slip issued by the City of Baltimore.

In its written opposition thereto, LMG 17 notified the court that although JMD Services had paid the tax sale lien, it had not paid “the remaining outstanding taxes due.” In response, JMD Services filed a “Motion to Deposit Funds in Registry of the Court.” While JMD Services reasserted that the property “was properly redeemed from tax sale on August 28, 2018,” it, nonetheless, deposited \$4,400 into an attorney escrow account in an attempt to comply with the condition precedent set forth in *Canaj* for challenging the judgment foreclosing the right of redemption. *See Canaj v. Baker and Division Phase III*, 391 Md. 374 (2006) (“[I]n order to challenge the foreclosure of the equity of redemption in a tax sale, the taxes and other relevant charges acknowledged to be due, either prior to the challenge or simultaneously with it, must, as a condition precedent, be paid.”). Further, JMD Services requested that the court determine “the unpaid redemption amount, if any” and “enter an [o]rder [r]equesting that the Clerk of the Court deposit [the] funds...into the Registry of the Court.”

On March 22, 2019, the circuit court entered an order denying JMD Services’ motion to vacate and motion to deposit funds into the court registry. On April 12, 2019, JMD Services filed a motion for reconsideration, which was denied by the circuit court on May 22, 2019. JMD Services noted the present appeal on June 21, 2019.

On appeal, JMD Services requests this Court to consider whether the circuit court erred “when it concluded that the [JMD Services] failed to meet the condition precedent required by *Canaj* prior to moving to vacate the judgment in this case.” In response, LMG 17 contends that the appeal should be dismissed as untimely filed and that the circuit court did not err as contended. For the following reasons, we shall dismiss the appeal as untimely filed.

Pursuant to Maryland Rule 8-202, a notice of appeal must be filed “within 30 days after entry of the judgment or order from which the appeal is taken.” When a timely post-judgment motion to alter and amend is filed pursuant to Maryland Rule 2-534, within ten days of the judgment, the 30-day deadline is tolled and the notice of appeal must be filed within 30 days of either a notice withdrawing the motion or an order disposing of the motion. See Md. Rule 8-202(c).

In the present appeal, the circuit court entered judgment foreclosing JMD Services’ right of redemption on August 27, 2018. JMD Services filed its first revisory motion, the motion to vacate, within ten days of that order, effectively tolling the deadline for the filing of a notice of appeal until the motion was resolved. The motion was resolved in an order entered by the circuit court on March 22, 2019 denying the motion to vacate. JMD

Services, therefore, had until April 22, 2019 to file a notice of appeal to challenge the judgment foreclosing its right of redemption and the denial of its motion to vacate.

However, instead of filing a notice of appeal before April 22, 2019, JMD Services filed a motion for reconsideration, its second revisory motion, on April 12, 2019. This second revisory motion did not toll the deadline for filing a notice of appeal as to the judgment foreclosing JMD Services’ right of redemption. *See Leese v. Department of Labor, Licensing and Regulation*, 115 Md. App. 442, 445 (1997) (noting that a party cannot obtain additional extensions of the deadline to appeal by filing a series of successive motions to alter or amend the previous motion’s denial).

Consequently, the June 21, 2019 notice of appeal was not timely as to the judgment foreclosing JMD Services’ right of redemption. Although it was timely as to the denial of the second revisory motion, “the denial of [a] second motion to revise is not appealable because it is not a final judgment.” *Pickett v. Noba, Inc.*, 114 Md. App. 552, 560 (1997) (noting that a “second motion to revise filed more than thirty days after the entry of judgment, even though within thirty days after the denial of the first motion, cannot be granted”).

For the foregoing reasons, pursuant to Maryland Rule 8-602(b)(2), we shall dismiss the present appeal as untimely filed.

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