

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 836

September Term, 2023

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HAIZUANNA ZANO

v.

JOHN E. DRISCOLL, III, *et al.*

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Nazarian,  
Beachley,  
Wright, Alexander, Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: February 10, 2025

\*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

In 2017, appellees,<sup>1</sup> acting as substitute trustees, filed an Order to Docket in the Circuit Court for Charles County, seeking to foreclose on real property owned by Haizuanna Zano, appellant. The property was sold at a foreclosure auction, and the circuit court issued a final judgment ratifying the sale in November 2021. Appellant appealed, and the circuit court granted her motion to stay the foreclosure proceedings pending that appeal. Several days after the stay was issued the auditor filed his report, but no action was taken by the court to ratify that report or to rule on appellant’s subsequently filed exceptions.

This Court ultimately affirmed the judgment ratifying the foreclosure sale. *See Zano v. Driscoll*, No. 1427, Sept. Term, 2021 (filed Oct. 18, 2022). After the mandate was issued, appellant filed a petition for writ of certiorari in the Supreme Court of Maryland. She also filed a new motion to stay the foreclosure proceedings pending the Supreme Court’s ruling on that petition, which the circuit court denied.

On January 3, 2023, the substitute trustees recorded a trustee’s deed in the land records for Charles County, transferring ownership of the property to the foreclosure purchaser. Thereafter, appellant filed a “Motion for Reconsideration of Motion to Stay” (second motion to stay) and a “Motion to Strike Trustee’s Deed” (motion to strike). In the motion to strike, appellant claimed that the trustee’s deed should be stricken because (1) the sale had not been ratified, (2) the circuit court had previously granted her motion to

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<sup>1</sup> Appellees are John E. Driscoll, III, Amy C. Czekala, Edward Farnsworth, Jr., Arnold Hillman, Robert A. Jones, and Sara K. Turner.

stay pending appeal, and (3) her exceptions to the auditor’s report had not yet been resolved. The Supreme Court of Maryland denied appellant’s petition for writ of certiorari on February 28, 2023. Following a May 23, 2023, hearing, the court entered an order denying appellant’s motion to strike and denying her second motion to stay as moot. This appeal followed.

Initially we note that appellant has already appealed from the court’s order ratifying the foreclosure sale. And we affirmed that judgment. Moreover, at the time appellant filed her notice of appeal in this case, the circuit court had not entered an order ratifying the auditor’s report.<sup>2</sup> Consequently, neither the validity of the order ratifying the foreclosure sale, nor the validity of the order ratifying the auditor’s report are before us in this appeal. Rather, the only order that is properly before us is the court’s order which denied appellant’s motion to strike and second motion to stay.

Having clarified the scope of this appeal, we next turn to the issues raised by appellant. Appellant’s first contention is that the court erred in ratifying the foreclosure sale because she was never offered an opportunity to engage in mediation. We need not consider this claim, however, as it was not raised in either her motion to strike or her second motion to stay. Moreover, even had she raised the issue in one of those motions, it would

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<sup>2</sup> After appellant filed the notice of appeal in this case, the court ratified the auditor’s report. But appellant did not file a new notice of appeal from that order. And although Sections (d) and (e) of Maryland Rule 8-602 contain limited savings provisions for premature appeals, neither of those provisions apply in this case.

be barred by the doctrine of res judicata as the circuit court had already ratified the foreclosure sale at the time those motions were filed. *See Jones v. Rosenberg*, 178 Md. App. 54, 72 (2008) (noting that the final ratification of the foreclosure sale “is *res judicata* as to the validity of such sale”); *see also Manigan v. Burson*, 160 Md. App. 114, 120 (2004) (“Ordinarily, upon the court’s ratification of a foreclosure sale objections to the propriety of the foreclosure sale will no longer be entertained.”).

Appellant also asserts that the court erred in not striking the auditor’s report because, she claims, it was both untimely, and filed after the court had stayed the foreclosure action. But again, any issues related to the court’s denial of appellant’s motion to strike the auditor’s report, and subsequent ratification of the auditor’s report, are not before us in this appeal. Thus, we shall not consider them.

As to the only order that is properly before the Court, appellant does not raise any claims with respect to the denial of her second motion to stay. Nevertheless, we agree with the circuit court that the relief requested in that motion became moot after the Supreme Court of Maryland denied appellant’s petition for writ of certiorari.

Finally, appellant does not raise any specific issues regarding the denial of her motion to strike the trustee’s deed, other than briefly asserting that the deed was improperly recorded. In any event, we discern no error or abuse of discretion in the court’s denial of that motion. When the trustees recorded the deed, the foreclosure sale had been ratified and the circuit court’s order staying the foreclosure proceedings was no longer in place. Because the purchase price for the property had been paid, appellees were therefore required to convey legal title to the purchaser. *Empire Props., LLC v. Hardy*, 386 Md. 628,

647 (2005) (noting that legal title “vests in a foreclosure sale purchaser after ratification of the sale by a court and payment of the purchase money” (emphasis omitted)). Moreover, the fact that the auditor’s report had not yet been ratified did not prevent appellees from transferring title to the property as the “process of referring the case to an auditor and resolving any exceptions to the auditor’s report is collateral to the foreclosure proceeding, and thus it does not affect the finality of an order ratifying the foreclosure sale.” *Huertas v. Ward*, 248 Md. App. 187, 206 (2020).

Because appellant has not demonstrated that the circuit court erred in denying her second motion to stay or her motion to strike, we shall affirm.

**JUDGMENT OF THE CIRCUIT  
COURT FOR CHARLES COUNTY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**