

Circuit Court for Queen Anne's County
Case No. 17-C-16-020490

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 973

September Term, 2020

SHIRLEY HIRSHAUER

v.

AQ HOLDINGS, LLC

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

JJ.

PER CURIAM

Filed: November 1, 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 2016, AQ Holdings, LLC, appellee, filed a civil action against Shirley Hirshauer, appellant, in the Circuit Court for Queen Anne’s County seeking to force a sale, or in the alternative, a partition of real property that it had purchased at a judicial sale. On May 19, 2016, the court entered an order removing the case to the Circuit Court for Kent County.

On October 13, 2020, Ms. Hirshauer filed a notice of appeal in the Circuit Court for Queen Anne’s County. The clerk sent a Notice of Deficiency (the notice) to Ms. Hirshauer noting that the case in which she had requested “to file a Notice of Appeal [had] been closed since the Order of Removal was entered on May 19, 2016.” The notice also instructed Ms. Hirshauer to advise the court if it was “in fact [her] intention to file a Notice of Appeal within this case” and that if she needed “to file the matter in the Circuit Court of Kent County [to] please contact that court[.]” After Ms. Hirshauer failed to respond to the notice, the circuit court entered an order on October 30, 2020 striking her Notice of Appeal. Ms. Hirshauer then filed a second Notice of Appeal on November 2, 2020. This Court subsequently issued an order holding that the appeal could only proceed “as an appeal from the October 30, 2020 order striking the first notice of appeal.”

In her brief, Ms. Hirshauer does not set forth any arguments addressing why the court erred in striking her October 30 notice of appeal, the only issue that is properly before us. Therefore, we need not consider that issue on appeal. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (citation omitted)). But even if she had raised the issue, we would find no error. Maryland Rule 8-202(a) provides that a party must file his or her notice of appeal “within 30 days after entry of the judgment or order from which the appeal is taken.”

Although not jurisdictional, this requirement is a “binding rule on appellants.” *Rosales v. State*, 463 Md. 552, 568 (2019). Because the October 30 notice of appeal was filed more than four years after the last order that was entered by the Circuit Court for Queen Anne’s County, it was untimely. Consequently, the circuit court did not err in striking the notice of appeal.

**JUDGMENT OF THE CIRCUIT COURT
FOR QUEEN ANNE’S COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**