

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1001

September Term, 2024

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STEVEN C. PIRZCHALSKI

v.

RICHARD E. SOLOMON, *et al.*

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Wells, C.J.,  
Graeff,  
Kehoe, Christopher B.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: December 31, 2024

\*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.

On May 3, 2023, appellees,<sup>1</sup> acting as substitute trustees, filed an Order to Docket in the Circuit Court for Talbot County, seeking to foreclose on real property owned by Steven C. Prizchalski, appellant. The property was sold at a foreclosure auction to the secured party for \$1,581,795.10. The court ratified the sale on June 21, 2024. This appeal followed.

On appeal, appellant contends that “mistake, irregularity, and fraud affect[ed] the ratification order” because: (1) appellees “made assertions that were not true in their filings, specifically and most importantly that no payments were made since 2016[,]” and (2) appellees “completely disregarded previous service provider payments made and bankruptcy trustee payments made in their filings.” However, these claims were never raised in the circuit court. In fact, appellant did not file a motion to stay or dismiss the foreclosure action pursuant to Maryland Rule 14-211, exceptions to the sale pursuant to Maryland Rule 14-305, or any other pleading in the foreclosure action. Consequently, we will not consider these issues for the first time on appeal. See Maryland Rule 8-131(a) (noting that an appellate court will not ordinarily decide an issue “unless it plainly appears by the record to have been raised in or decided by the trial court”).

Seemingly acknowledging his failure to raise any challenges to the foreclosure action in the circuit court, appellant further contends that he received “ineptness or malpractice of representation” because his attorney “did not file any responses to appellee’s filings, alleging there was nothing to file.” To be sure, any claim of attorney malpractice

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<sup>1</sup> Appellees are Richard E. Solomon, Kathleen Young, Richard J. Rogers, Michael McKeefery, Christianna Kersey, Kevin Hildebeidel, and Kyle E. Blackstone.

is serious. But even if we assume appellant’s contentions to be true, “one of the most fundamental tenets of appellate review” is that “[o]nly a judge can commit error. Lawyers do not commit error.” *DeLuca v. State*, 78 Md. App. 395, 397 (1989). In other words, “[a]ppellate courts look only to the rulings made by a trial judge, or to his [or her] failure to act when action was required, to find reversible error.” *Braun v. Ford Motor Co.*, 32 Md. App. 545, 548 (1976). Moreover, appellant cannot raise a claim of ineffective assistance of counsel because he does not have a constitutional or statutory right to the effective assistance of counsel in this case. Although appellant may have other remedies available to him, in the absence of any claim of preserved error by the trial court, we shall affirm the judgment.

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