

Circuit Court for Prince George's County  
Case No. CAEF16-04391

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1065

September Term, 2019

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COMFORT BOATENG, *et al.*

v.

KRISTINE D. BROWN, *et al.*

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Graeff,  
Berger,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: October 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.

In 2016, appellees, acting as substitute trustees,<sup>1</sup> filed an Order to Docket in the Circuit Court for Prince George’s County, seeking to foreclose on real property owned by Comfort and Kofi Boateng, appellants. The Boatengs’ home was sold at a foreclosure sale on September 11, 2018. On May 21, 2019, the Boatengs filed a “Motion to Strike Report of Sale,” claiming that the foreclosure sale had been conducted in violation of an automatic bankruptcy stay pursuant to 11 U.S.C. 362(a). They subsequently filed a new suggestion of bankruptcy seeking to stay the foreclosure action. Appellees filed an opposition and a motion to strike the new suggestion of bankruptcy, asserting that, in May 2018, the United States Bankruptcy Court for the District of Maryland had issued an order in another bankruptcy case filed by the Boatengs which lifted the automatic stay in that case, and ordered an *in rem* provision be created for a period of two years in the event of future filings by the Boatengs “so that the stay of U.S.C. 362(a) shall not attach to the subject property and shall not create an Automatic Stay as to [appellees’] enforcement of its security interest in the subject property.” On August 2, 2019, the court denied the Boatengs’ motion to strike and struck their suggestion of bankruptcy, finding that “pursuant to the May 24, 2018 Bankruptcy Court Order, the automatic stay did not go into effect. Thus [appellees] were allowed to proceed with the sale of the property.”

On appeal, the Boatengs assert that the foreclosure action should have been dismissed because it was barred by the statute of limitations and because appellees lack

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<sup>1</sup> Appellees are Kristine D. Brown, Gregory N. Britto, William M. Savage, and Lila Stitely.

standing to foreclose. However, these contentions were neither raised in the “Motion to Strike Report of Sale” nor addressed by the court in its August 2<sup>nd</sup> order, the only order that is properly before us in this appeal. Consequently, they are not preserved for appellate review. *See* Maryland Rule 8-131(a)(“Ordinarily, the appellate court will not decide any [ ] issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]”). Moreover, because the Boatengs do not contend that the court erred in striking their suggestion of bankruptcy or in finding that the foreclosure sale had not been conducted in violation of a bankruptcy stay, the only issues that were resolved by the court in its August 2<sup>nd</sup> order, we do not consider those claims on appeal. *See Anne Arundel County v. Harwood Civic Ass’n, Inc.*, 442 Md. 595 614 (2015) (“Arguments not presented in a brief or not presented with particularity will not be considered on appeal.” (citation omitted)).

**JUDGMENT OF THE CIRCUIT  
COURT FOR PRINCE GEORGE’S  
COUNTY AFFIRMED. COSTS TO  
BE PAID BY APPELLANTS.**