

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1680

September Term, 2015

DARREL L. LONGEST

v.

CARRIE M. WARD, *et al.*,
SUBSTITUTE TRUSTEES

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 9, 2017

*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 2010, Darrel L. Longest, appellant, defaulted on his home mortgage, and, in 2012, foreclosure proceedings commenced in the Circuit Court for Montgomery County. After the court dismissed the action because appellees failed to file certain paperwork, a second foreclosure action was filed, and, in 2015, the property was sold at auction. Thereafter, appellees filed an auditor’s report, and appellant filed exceptions to that report. The court denied appellant’s exceptions without a hearing and ratified the report.

In this appeal, appellant claims that the court erred in ratifying the auditor’s report because the report, which outlined appellant’s outstanding debt obligation, purportedly included interest accumulated from the date of default through the end of the first foreclosure action. Citing the “clean hands doctrine,” appellant maintains that appellees should not be entitled to this interest because they failed to participate in mediation to appellant’s satisfaction during the first foreclosure action. He further maintains that the auditor’s report erroneously included attorney’s fees and costs related to the first foreclosure action. Finally, appellant claims that the court erred in denying his exceptions without a hearing. Finding no error, we affirm.

First, appellant’s reliance on the clean hands doctrine is misplaced. “The clean hands doctrine states that ‘courts of equity will not lend their aid to anyone seeking their active interposition, who has been guilty of fraudulent, illegal, or inequitable conduct in the matter with relation to which he seeks assistance.’” *Wells Fargo Home Mortg., Inc. v. Neal*, 398 Md. 705, 729-30 (2007) (internal citations omitted). “The doctrine does not mandate that those seeking equitable relief must have exhibited unblemished conduct in every transaction to which they have ever been a party, but rather that the particular matter

for which the litigant seeks equitable relief must not be marred by any fraudulent, illegal, or inequitable conduct.” *Id.* In short, there must be “a nexus between the misconduct and the transaction, because “[w]hat is material is not that the plaintiff’s hands are dirty, but that he dirties them in acquiring the right he now asserts.”” *Hicks v. Gilbert*, 134 Md. App. 394, 400-01 (2000) (internal citations omitted).

Here, the “misconduct” alleged by appellant – that appellees did not exhibit good faith during mediation – had no bearing on appellant’s contractual obligation to repay, with interest, the debt owed. In other words, the right of appellees to recoup what appellant agreed to repay had already been acquired by appellees when the contract was executed and long before the alleged misconduct occurred. Because there was no nexus between the alleged misconduct and the right asserted, the clean hands doctrine is inapplicable.

Appellant’s remaining claims are also unavailing. No evidence was presented that the attorney’s fees and costs included in the auditor’s report was in any way related to the first foreclosure action. Thus, appellant’s claim of error is unsupported by the record. As for appellant’s claim that the court erred in failing to hold a hearing on his exceptions, we note that appellant did not request one. Accordingly, the court did not err in ruling on appellant’s exceptions without a hearing. *See* Maryland Rule 2-543(h) (“The court may decide exceptions without a hearing unless a hearing is requested with the exceptions[.]”).

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