

Circuit Court for Dorchester County
Case No. C09CV18000251

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1693

September Term, 2019

JUDITH CLARKE

v.

CARRIE M. WARD, ET AL.

Fader, C.J.,
Zic,
Moylan, Charles E.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Fader, C.J.

Filed: December 22, 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.

The appellees, substitute trustees¹ appointed to conduct a foreclosure sale, initiated an action to foreclose on residential property in Cambridge of which Judith Clarke, the appellant, is the record owner (the “Property”). Ms. Clarke filed a motion to dismiss or stay the foreclosure proceedings in which she argued that the action was barred by Maryland’s general three-year statute of limitations applicable to civil actions at law. The circuit court denied the motion, and Ms. Clarke appealed. We will affirm the circuit court for reasons stated in our recent decision in *Daughtry v. Nadel*, ___ Md. App. ___, No. 1814, Sept. Term 2019, 2020 WL 7392787 (Dec. 16, 2020).

BACKGROUND

In May 2007, Ms. Clarke took out a mortgage loan, which was secured by a deed of trust. On September 2, 2012, Ms. Clarke defaulted on the mortgage. On November 20, 2018, the substitute trustees initiated this action by filing an order to docket the foreclosure in the Circuit Court for Dorchester County.

Ms. Clarke filed a motion to stay or dismiss the foreclosure sale in June 2019. Among other defenses not relevant to this appeal, Ms. Clarke argued that the foreclosure action was barred by Maryland’s three-year statute of limitations, codified in § 5-101 of the Courts and Judicial Proceedings Article (Repl. 2020), because it was filed more than three years after her initial default. The substitute trustees opposed the motion, which the

¹ The substitute trustees are identified as Carrie M. Ward, Howard N. Bierman, Jacob Geesing, Pratima Lele, Joshua Coleman, Richard R. Goldsmith, Jr., Elizabeth C. Jones, Nicholas Derdock, Andrew J. Brenner, Angela M. Dawkins, Wayne Anthony Holman, Megh Milan Mittra, Michael Leeb, Christopher Robert Selig, Philip Shriver, and David W. Simpson, Jr.

circuit court denied after a hearing on the ground that no statute of limitations applies to foreclosure proceedings in Maryland. This timely appeal followed.

DISCUSSION

Ms. Clarke contends that the foreclosure action is barred by the statute of limitations. She argues that because § 5-102(c)(2) of the Courts and Judicial Proceedings Article exempts actions on a “deed of trust, mortgage, or promissory note that has been signed under seal and secures or is secured by residential property” from the 12-year statute of limitations Maryland imposes on specialties, it thereby subjects foreclosure actions to the three-year limitations period in § 5-101. We rejected that same argument in *Daughtry*, 2020 WL 7392787, at *7-13. For the reasons stated in our opinion in *Daughtry*, we hold that no statute of limitations applies to foreclosure actions and that the circuit court therefore did not err in denying Ms. Clarke’s motion. We will affirm.

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