

Circuit Court for Baltimore County
Case No. C-03-FM-20-000813

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1824

September Term, 2024

LATOYA FRANCIS-WILLIAMS

v.

CRAIG WILLIAMS

Nazarian,
Albright,
Beachley, Donald E.,**
(Senior Judge, Specially Assigned)

JJ.

Opinion by Albright, J.

Filed: July 16, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

** Beachley, J., now retired, participated in the hearing and conference of this case while an active member of the Court. He participated in the adoption of this opinion after being recalled pursuant to Maryland Constitution, Article IV, Section 3A.

This appeal arises out of a 2022 Judgment of Absolute Divorce granted to Ms. Latoya Francis-Williams, Appellant, against Mr. Craig Williams, Appellee. The judgment required Ms. Francis-Williams to sell or refinance the couple’s shared property at 61 Bellchase Court (“the Marital Home”) within six months, at which time she was required to pay a marital award to Mr. Williams. Two years later, after neither a sale nor refinancing of the marital home had occurred, Mr. Williams petitioned that Ms. Francis-Williams be found in contempt. At first, the Circuit Court for Baltimore County declined to do so. But when Mr. Williams asked the court “to clarify” its decision, with a motion filed after the relevant revisory period, the court found Ms. Francis-Williams in contempt and awarded Mr. Williams attorney’s fees, among other things. This appeal followed.

Ms. Francis-Williams raises two questions for our review,¹ which we rephrase as follows:

- I. Did the trial court err in finding Ms. Francis-Williams in contempt?
- II. Did the trial court err in denying Ms. Francis-Williams’s Motion to Vacate?

¹ Ms. Francis-Williams presented her questions as:

1. Whether the trial court committed reversible err in finding plaintiff in contempt of court order after first denying Appellee’s petition for contempt, having no additional hearing, and taking no additional evidence on the matter?
2. Whether the trial court committed reversible err in denying Appellant’s motion to vacate the Court’s 10.15.24 order and opposition to motion for reconsideration?

For the reasons below, we answer these questions “yes” and reverse the judgment of the circuit court.

BACKGROUND

Divorce Proceedings

On February 11, 2020, Mr. Williams filed a Complaint for Absolute Divorce against Ms. Francis-Williams. Ms. Francis-Williams filed an Answer and a Counter-Complaint for Limited and/or Absolute Divorce. Following a three-day bench trial, the Circuit Court for Baltimore County granted Ms. Francis-Williams a judgment of absolute divorce (“JAD”) on June 8, 2022. As part of the JAD, the court ordered:

ORDERED that in accordance with the findings made by the Court at trial, within six months of the date of this Order, the marital home at 61 Bellchase Court shall be refinanced by Mother, who will satisfy the existing lien on the property, at which time ownership of the property will transfer to her. Father is relieved of any obligation for the lien, and [is] not responsible for any expenses associated with the property. Should Mother fail to refinance the home within six months, it will be sold; and it is further

ORDERED, that Mother pay to Father marital award in the amount of twenty-nine thousand, one hundred seventy-three dollars (\$29,173.00) upon the successful refinance or sale of the home at Bellchase Court[.]

Contempt Proceedings Following Judgment of Absolute Divorce

In April of 2024, almost two years after the JAD was entered, Mr. Williams filed a petition for contempt. The petition alleged that Ms. Francis-Williams had failed to comply with the court order to sell or refinance the marital home within six months, which in turn meant that the marital award had not been paid. Further, the petition alleged that Ms. Francis-Williams had failed to “timely comply with required mortgage payments, resulting in a debt to [Mr. Williams] of \$3,768.08.” In response, Ms. Francis-

Williams filed a response in opposition, which contended that an attempt had been made to refinance the home, but that Mr. Williams had failed to appear to provide his signature—a requisite for successful refinancing of their joint home. Ms. Francis-Williams further denied that there had been any failure to comply with mortgage payments.

The court held a hearing on Mr. Williams’s petition for contempt on June 24, 2024, at which time the court decided to defer its ruling, giving Ms. Francis-Williams thirty days to refinance or sell the Marital Home. The court further stated that if no settlement of the property occurred within thirty days, the court would instead order a trustee to initiate the sale. Further, the court stated that it would “order that [Ms. Francis-Williams], from those proceeds, pay the amount -- the marital award. It was a little over \$29,000. . . . Plus an additional \$3,768.08 for the mortgage on the month of August of 2023. That will come out of the proceeds of the sale.”

On July 11, 2024, Ms. Francis-Williams successfully refinanced the Marital Home. From the proceeds, Ms. Francis-Williams provided a check for \$29,173.00 to Mr. Williams, through counsel, before notifying the court of the update in status on July 24, 2024. Mr. Williams responded by filing his own status report to the court, in which he took issue with the fact that Ms. Francis-Williams had not provided repayment of the \$3,768.08 he alleged was owed to him for a mortgage payment in August of 2023. Mr. Williams re-emphasized his request for Ms. Francis-Williams to be held in contempt for failing to comply with the court’s order. Ms. Francis-Williams filed a response to Mr.

Williams’s status report, contending that the court had only ordered the \$3,768.08 to be paid upon *sale* of the marital home, not upon refinancing, and that she was therefore in compliance with the order. On August 2, 2024, in response to the Mr. Williams’s status report, the court denied the request to find Ms. Francis-Williams in contempt.

Following the denial, Mr. Williams filed a “Motion for Clarification.” The motion requested that the court clarify that the \$3,768.08 mortgage payment was owed to him by Ms. Francis-Williams and reaffirmed his request that Ms. Francis-Williams be held in contempt for failing to provide that payment. Ms. Francis-Williams filed nothing in response. On October 15, 2024, the court, in response to Mr. Williams’s Motion for Clarification, ordered:

that Defendant Francis-Williams shall pay Plaintiff the proceeds from the refinance of the marital home in addition to the sum of \$3,768.08, which represents the amount paid by Plaintiff for the August 8, 2023[] mortgage payment[;]

. . . that Defendant Francis-Williams is found to be in contempt of this court’s Order[;]

. . . that Defendant Francis-Williams shall pay Plaintiffs attorney’s Circuit Court for Baltimore County fees for her willful contempt of court.

Ms. Francis-Williams then filed a motion to vacate the October 15 contempt order, asserting that Mr. Williams’s Motion for Clarification was untimely under Rule 2-534 and that because the court had denied Mr. Williams’s request for contempt on August 2, Mr. Williams’s Motion for Clarification was actually a motion for reconsideration under a different name. Ms. Francis-Williams further contended that the motion lacked merit, had been filed simply to harass her, and requested that attorney’s fees be awarded to her because of the frivolous motion. The court denied Ms. Francis-Williams’s motion to

vacate, finding that she should have raised the asserted claims in response to Mr. Williams’s Motion for Clarification, to which she filed no response. The court also found that Mr. Williams’s motion was not a motion for reconsideration and denied Ms. Francis-Williams’s request for attorney’s fees. This appeal followed.

STANDARD OF REVIEW

In reviewing findings of contempt by the trial court, this court applies distinct standards of review for factual findings and legal conclusions. For the former, “[a]n appellate court may reverse a finding of civil contempt only upon a showing that a finding of fact upon which the contempt was imposed was clearly erroneous or that the court abused its discretion in finding particular behavior to be contemptuous.” *Gertz v. Md. Dep’t of Env’t*, 199 Md. App. 413, 424 (2011) (cleaned up). “But where the order involves an interpretation and application of statutory and case law, we must determine whether the circuit court’s conclusions are legally correct under a de novo standard.” *Kowalczyk v. Bresler*, 231 Md. App. 203, 209 (2016) (cleaned up).

DISCUSSION

I. Parties’ Contentions

On appeal, Ms. Francis-Williams makes several arguments with regards to both the merits and the procedural validity of the contempt proceedings. Ms. Francis-Williams first argues that because she provided payment of the marital award to Mr. Williams, there is no evidence of noncompliance in the record, let alone the willful noncompliance required to find contempt. Ms. Francis-Williams also contends that Mr. Williams’s

Motion for Clarification, which directly preceded the finding of contempt, was untimely under Rule 2-534. Further, Ms. Francis-Williams, asserting due process violations, argues that the court improperly issued a finding and sanctions for contempt in response to Mr. Williams's Motion for Clarification without a proper show cause order or hearing, in violation of Rule 15-206.

In response, Mr. Williams contends that there was willful noncompliance by Ms. Francis-Williams in failing to provide repayment of the \$3,768.08 mortgage payment. He also challenges the preservation of the due process violations raised by Ms. Francis-Williams and contends that we should not reach these issues on appeal where they were not raised or decided below. In the alternative, Mr. Williams argues that, if the due process issues had been preserved, there was no violation because Ms. Francis-Williams had knowledge of the various contempt proceedings that had been taking place in the several years since the JAD was entered.

II. Timeliness of Mr. Williams's Motion for Clarification

We first address Ms. Francis-Williams's arguments regarding the untimeliness of Mr. Williams's Motion for Clarification. We need not reach the merits of the finding of contempt, for the untimeliness of the relevant motion alone necessitates reversal.

As stated in Section 1-202 of the Courts and Judicial Proceedings Article, contempt proceedings are governed by Title 15, Chapter 200 of the Maryland Rules. There are several forms of contempt, which can be civil or criminal and direct or constructive. Civil contempt, as opposed to criminal, is "intended to preserve and enforce

the right of private parties to a suit and to compel obedience to orders and decrees primarily made to benefit such parties.” *Breona C. v. Rodney D.*, 253 Md. App. 67, 73 (2021) (cleaned up). Further, constructive contempt, as opposed to direct, is that “which do[es] not occur in the presence of the court, or near it, . . . but at some other place out of the presence of the court and beyond a place where the contempt would directly interfere with the proper functioning of the court.” *Id.* (cleaned up).

The parties both agree that this matter deals with constructive civil contempt, which is governed by Rules 15-206 and 15-207. Rule 15-206 provides requirements as to the content of an order or petition for contempt and the requisite notice to be provided to the individual accused of contempt. Specifically,

Unless the court finds that a petition for contempt is frivolous on its face, the court shall enter an order providing for (i) a prehearing conference, or (ii) a hearing, or (iii) both. The scheduled hearing date shall allow a reasonable time for the preparation of a defense and may not be less than 20 days after the prehearing conference. An order issued on a petition or on the court’s own initiative shall state:

- (A) the time within which any answer by the alleged contemnor shall be filed, which, absent good cause, may not be less than ten days after service of the order;
- (B) the time and place at which the alleged contemnor shall appear in person for (i) a prehearing conference, or (ii) a hearing, or (iii) both and, if a hearing is scheduled, whether it is before a magistrate pursuant to Rule 9-208(a)(1)(G) or before a judge; and
- (C) if incarceration to compel compliance with the court’s order is sought, a notice to the alleged contemnor[.]

Md. Rule 15-206(c)(2).

Here, Mr. Williams’s September 17, 2024 Motion for Clarification was untimely when considered in the context of the rules relevant to the relief sought. Given that the

court denied Mr. Williams’s Petition for Contempt on August 2, 2024, the Motion for Clarification, which sought a finding of contempt on the same bases, was, in substance, a request that the court alter, amend, or revise its judgment denying the request to hold Ms. Francis-Williams in contempt. *In re Nicole B.*, 410 Md. 33, 65 (2009) (holding that, in reviewing pleadings, “courts must ordinarily look beyond labels . . . and make determinations based on . . . substance”).

However, under Rules 2-534² and 2-535(a),³ such a motion must be filed within ten or thirty days, respectively,⁴ from the date of the operative order. Here, Mr. Williams’s Motion for Clarification was filed on September 17, 2024—well over a month after the court’s denial on August 2. Because Mr. Williams’s motion was filed outside the

² Rule 2-534 provides,

In an action decided by the court, on motion of any party filed within ten days after entry of judgment, the court may open the judgment to receive additional evidence, may amend its findings or its statement of reasons for the decision, may set forth additional findings or reasons, may enter new findings or new reasons, may amend the judgment, or may enter a new judgment.

³ Rule 2-535(a) provides, “[o]n motion of any party filed within 30 days after entry of judgment, the court may exercise revisory power and control over the judgment and, if the action was tried before the court, may take any action that it could have taken under Rule 2-534.” Although Rule 2-535(b) provides no time limit on the court’s revisory power in cases of “fraud, mistake, or irregularity[.]” Mr. Williams did not allege any of those bases in his motion for clarification.

⁴ Rule 2-534 provides a ten-day limit and applies to motions to alter or amend a judgment, while Rule 2-535 provides a thirty-day limit and applies to the court’s revisory powers. Since the motion here was filed after both of these deadlines, we need not discuss which rule would have applied here.

period of the court’s revisory power, and because Mr. Williams did not allege fraud, mistake, or irregularity, the circuit court had no power to amend its original order declining to hold Ms. Francis-Williams in contempt. *See Thacker v. Hale*, 146 Md. App. 203, 216–17 (2002) (“[A]fter a judgment becomes enrolled, which occurs 30 days after its entry, a court has no authority to revise that judgment unless it determines, in response to a motion under Rule 2-535(b), that the judgment was entered as a result of fraud, mistake, or irregularity.”). Therefore, the court’s later holding of contempt must be reversed.

III. Unpreserved Rule Violations

Mr. Williams also argues that several of the other appellate issues raised by Ms. Francis-Williams are not preserved. Specifically, Mr. Williams contends that the due process arguments that Ms. Francis-Williams raises on appeal were not brought to the attention of the trial court in Ms. Francis-Williams’s Motion to Vacate and are therefore unpreserved for appeal.

We agree with Mr. Williams that these issues are unpreserved for our review. *See* Md. Rule 8-131(a) (“Ordinarily, an appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court.”). However, were we to take up Ms. Francis-Williams’s due process and rule violations arguments, we would find that these issues, too, would require reversal.

Untimely as a Rule 2-534 or 2-535(a) motion, Mr. Williams’s Motion for Clarification, in substance, was a new, separate petition for contempt. *See In re Nicole B.*,

410 Md. at 65. Mr. Williams again sought such a finding against Ms. Francis-Williams, and the circuit court took up that request. But what the court did not do was assure compliance with Rule 15-206's and Rule 15-207's procedural requirements for the handling of contempt petitions. Before finding Ms. Francis-Williams in contempt on October 15, 2024—that is, on the pleading that Mr. Williams labeled a “Motion for Clarification”—there was no order providing for a prehearing conference or hearing, as required by Rule 15-206(c)(2); no information provided to Ms. Francis-Williams as to the time within an answer should have been filed, as required by Rule 15-206(c)(2)(A); and no notice of the time and place at which Ms. Francis-Williams needed to appear before a judge, as required by Rule 15-206(c)(2)(B). Further, the court's order finding Ms. Francis-Williams in contempt failed to specify how the contempt may be purged—as required by Rule 15-207(d)(2).

Mr. Williams's contention that Ms. Francis-Williams's knowledge of the various contempt proceedings somehow cures these failures is unpersuasive. Plainly read, the above rules are not rendered optional for an alleged contemnor with prior knowledge of court proceedings. Accordingly, were we to have taken these issues up on appeal despite the lack of preservation, we could not say that the court's failure to comply with the procedural safeguards put in place by Rules 15-206 and 15-207 was legally correct. Reversal of the contempt order would be required after a review of these issues, as well.

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE COUNTY REVERSED;
COSTS TO BE PAID BY APPELLEE.**