

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1965

September Term, 2022

LORIANN KNIGHT

v.

JEFFREY FISHER, *et al.*

Graeff,
Beachley,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 28, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

After Loriann Knight, appellant, defaulted on a deed of trust loan on her home, appellees, acting as substitute trustees, filed a foreclosure action in the Circuit Court for Baltimore City.¹ Ms. Knight’s home was ultimately sold at a foreclosure sale and the circuit court ratified the sale on December 3, 2015. Thereafter appellees filed a Motion for Protective Order, wherein they claimed that “[f]rom the inception of the action” appellant had “submitted a series of baseless filings . . . repeatedly raising the same or similar issues,” and that “[n]otwithstanding enrollment of the order of ratification” she was continuing to file similar “baseless challenge[s]” without “an end in sight.” Appellees therefore sought to prohibit appellant from filing any further pleadings challenging the validity of the deed of trust, the validity of the sale, or the ratification of the sale without first obtaining leave from the circuit court. The circuit court granted appellees’ motion, and issued a pre-filing order in July 2016.

In November 2022, appellant filed a “Motion to Revise and Vacate Judgments Under 2-535(a) and 2-535(b) Filed in a Court Void of Jurisdiction.” In that motion, she asserted that the court had never obtained subject matter jurisdiction because the Order to Docket filed by appellees contained “false and fabricated documents,” including the note, the affidavit establishing ownership of the debt, and the deed of appointment of the substitute trustees. The court entered an order striking that motion, finding that appellant had violated the pre-filing order by not obtaining leave of the court prior to filing it. The court further noted that the appellant had raised the same claims in previous filings and that

¹ Appellees are Jeffrey B. Fisher, Caroline Manne, Susan Scanlon, William Smart, Doreen Strothman, Virginia Inzer, and Carletta Grier.

those claims had already been denied. On appeal, appellant claims that the court erred in striking her motion to vacate. For the reasons that follow, we shall affirm.

As an initial matter, the validity of the pre-filing order is not properly before us in this appeal, as appellant never timely appealed its issuance. And it is undisputed that appellant did not seek, much less obtain, the court’s permission before filing the motion to vacate. Consequently, the court did not err in striking appellant’s motion to vacate based on her failure to comply with the pre-filing order, as it was authorized to issue such an order to “control the actions of a vexatious or frivolous litigant.” *Riffin v. Circuit Court for Baltimore County*, 190 Md. App. 11, 29 (2010).

In an attempt to excuse her non-compliance with the pre-filing order, appellant contends that the pre-filing order, and every other order issued by the circuit court in the foreclosure action, were invalid because the circuit court lacked subject matter jurisdiction over the foreclosure action. However, the Maryland Rules of Procedure, which govern the courts of this state, provide that the circuit courts in Maryland have general equity jurisdiction over foreclosures. *See* Md. Rule 14-203; *see also Voge v. Olin*, 69 Md. App. 508, 514 (1986) (“[T]he circuit court has general equity jurisdiction over mortgage foreclosure proceedings and it may invoke all the equitable powers with which it is imbued[.]”). And because the appellant’s property is located in Baltimore City, the Baltimore City Circuit Court had *in rem* jurisdiction over the foreclosure after the Order to Docket was filed. *See* Md. Rule 14-203. Appellant’s arguments regarding the validity of the documents contained in the Order to Docket do not concern the court’s power to decide the case, but rather whether it was appropriate to grant the relief requested by

appellees. *See generally Preissman v. Mayor & City Council of Balt.*, 64 Md. App. 552, 559 (1985). Consequently, there is no merit to her claim that the court lacked subject matter jurisdiction to enter either the pre-filing order or the final judgment ratifying the foreclosure sale.²

**JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**

² We further note that, even if true, appellant’s claim that various documents filed with the Order to Docket were “fabricated,” would not establish the existence of extrinsic fraud within the meaning of Rule 2-535(b).