

Circuit Court for Prince George's County  
Case No. CAEF15-04614

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1715

September Term, 2016

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PASIANA FRANCISCA ARRINGTON

v.

EDWARD S. COHN ET AL.  
SUBSTITUTE TRUSTEES

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Woodward, C.J.,  
Leahy,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: November 3, 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 this appeal from a foreclosure action in the Circuit Court for Prince George’s County, Pasiana Francisca Arrington, appellant, challenges the court’s granting of a judgment for possession. For the reasons that follow, we shall affirm the judgment.

In October 2009, Arrington obtained from Walter Jackson Mortgage Corporation a loan secured by a deed of trust on his residence. Arrington executed a promissory note in which he promised to pay the amount of the loan, plus interest, to the lender. In the deed of trust, Arrington irrevocably granted and conveyed the property to a trustee, in trust, with power of sale. Ownership of the note was subsequently transferred to Lakeview Loan Servicing, LLC (“Lakeview”).

In July 2014, Arrington defaulted on the terms of the note. On March 4, 2015, appellees<sup>1</sup> were appointed as substitute trustees under the deed of trust. The following day, a foreclosure specialist “authorized to act on behalf of the secured party” filed a final loss mitigation affidavit. On March 17, 2015, appellees filed the order to docket the foreclosure action. On May 13, 2015, the parties participated in a foreclosure mediation. The mediator subsequently filed with the court a notification of status, in which she certified that “no agreement was reached.”

On June 9, 2015, Arrington filed a motion to stay the sale of the property and dismiss the foreclosure action, in which he contended that appellees had “not shown that Lakeview has the standing to foreclose,” and had “failed to state a claim upon which relief may be granted.” On June 23, 2015, the property was sold to Lakeview. On August 9, 2015, the

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<sup>1</sup>Appellees are Edward S. Cohn, Stephen N. Goldberg, Richard E. Solomon, Richard J. Rogers, and Randall J. Rolls.

court denied the motion to stay and dismiss on the grounds that it “[d]oes not state a valid defense or present meritorious argument,” was “not timely filed” and “not excused for good cause,” and “[f]ails to state [a] factual and legal basis.” Arrington did not appeal from this judgment. In March 2016, the court ratified and confirmed the sale of the property. Again, Arrington did not appeal from this judgment. In September 2016, the court entered a judgment for possession in favor of Lakeview. Arrington now appeals from this judgment.

Arrington contends that, for various reasons, the court abused its discretion in denying the motion to stay and dismiss. Assuming, *arguendo*, that his appeal is timely,<sup>2</sup> we find no abuse of discretion.

Rule 14-211(a)(2) states that, if postfile mediation is held, a motion to stay and dismiss “shall be filed no later than 15 days after the last to occur” of “the date the final loss mitigation affidavit is filed” or “the date the postfile mediation was held.” Rule 14-211(a)(3)(F) states that, “if the motion was not filed within the time set forth in subsection (a)(2) of this Rule,” the motion shall “state with particularity the reasons why the motion was not filed timely.”

Here, the final loss mitigation affidavit was filed on March 5, 2015, and mediation was held on May 13, 2015. Although Arrington was required to file the motion to stay and

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<sup>2</sup>Appellees contend that Arrington’s “appeal was not timely noted,” because he failed to “file an interlocutory appeal” of the denial of the motion to stay and dismiss “within thirty days of its entry.” But, Md. Code (1974, 2013 Repl. Vol.), § 12-303 of the Courts and Judicial Proceedings Article (“CJP”) states that a “party *may* appeal from [certain] interlocutory orders entered by a circuit court in a civil case,” including an order “[f]or the sale, conveyance, or delivery of real . . . property . . . , or the refusal to rescind or discharge such an order.” CJP § 12-303(3)(v) (emphasis added). Neither party cites any authority that Arrington was *required* to file an interlocutory appeal.

dismiss by May 28, 2015, he did not file the motion until June 9, 2015, and did not state with particularity the reasons why the motion was not filed timely. Hence, the motion was untimely, and the court did not abuse its discretion in denying the motion.

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