

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2350

September Term, 2015

THANH HOANG, *et al.*

v.

CINDY R. DIAMOND, *et al.*,
SUBSTITUTE TRUSTEES

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

JJ.

PER CURIAM

Filed: February 7, 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.

After Minh Vu Hoang and Thanh Hoang, appellants, defaulted on a deed of trust loan on their home, Cindy Diamond, Esquire and Bruce Brown, Esquire, appellees, filed a foreclosure action in the Circuit Court for Montgomery County. The Hoangs' home was ultimately sold, at a foreclosure sale, and the circuit court ratified the sale in October 2012.

In 2015, the Hoangs filed a “Motion to Request for Reopening of the Foreclosure Case and or Vacate the Ratification of Trustee’s Sale” pursuant to Maryland Rule 2-535(b). The circuit court denied that motion without a hearing. In what is now appellants’ seventh appeal to this Court involving the foreclosure sale of their home, they raise four issues that can be reduced to two: (1) whether the circuit court abused its discretion in denying their motion and (2) whether the circuit erred in not holding a hearing. For the reasons that follow, we affirm.

Maryland Rule 2-535(b) provides that “at any time, the court may exercise revisory power and control over [a] judgment in case of fraud, mistake, or irregularity.” *See* Maryland Rule 2-535(b). But, “[t]he existence of fraud, mistake, or irregularity must be shown by clear and convincing evidence.” *Davis v. Attorney Gen.*, 187 Md. App. 110, 1230-124 (2009) (internal quotation marks and citation omitted). In any event, this Court reviews the denial of a request to revise a final judgment under Rule 2-535(b) for abuse of discretion. *Jones v. Rosenberg*, 178 Md. App. 54, 72 (2008).

“Maryland courts have narrowly defined and strictly applied the terms fraud, mistake, [and] irregularity, in order to ensure finality of judgments.” *Thacker v. Hale*, 146 Md. App. 203, 217 (2002). Here, none of the claims raised in the Hoangs’ motion demonstrate the existence of any fraud, mistake, or irregularity, as those terms are used in

Rule 2-535(b), that would have warranted the circuit court setting aside the final judgment ratifying the foreclosure sale. Consequently, the circuit court did not abuse its discretion in denying the Hoang’s motion. Moreover, because the circuit court’s order denying the motion was not dispositive of a claim or defense, no hearing was required under Rule 2-311(f). *See Pelletier v. Burson*, 213 Md. App. 284, 293 (2013) (holding that the circuit court was not required to hold a hearing before denying a Rule 2-535(b) motion because it was not a “dispositive” motion).

**JUDGEMENT OF THE CIRCUIT COURT
FOR MONTGOMERY COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANTS.**