

Circuit Court for Baltimore County
Case No. C-03-FM-21-002819

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2202

September Term, 2022

BRANDON MASON

v.

SARAH HERRICK

Friedman,
Shaw,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 6, 2023

*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.

*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.

Brandon Mason, appellant, appeals from an order issued by the Circuit Court for Baltimore County requiring him to pay child support to Sarah Herrick, appellee. On appeal, he contends that the court erred in calculating his yearly income and in requiring him to pay child support arrearages for a time period during which he “had custody and [the] kids lived with [him].” For the reasons that follow, we shall affirm.

Appellant filed a complaint for custody and appellee filed a counter-complaint for custody and to establish child support. Following a hearing on appellee’s child support claim, the magistrate issued a report recommending that appellant be ordered to pay appellee \$1,034.00 per month in child support, effective and back dated to July 22, 2021. The magistrate also recommended that appellant be given a credit of \$7,450.00 for child support he had already paid. Appellant did not file exceptions and thereafter, the court entered an order adopting the magistrate’s recommendations.¹ This appeal followed.

Both of appellant’s claims on appeal address factual findings by the magistrate, specifically with respect to his yearly income and whether his children were in fact living with him during the time that he was ordered to pay child support arrearages. However, Maryland Rule 9-208(f) specifies that “[a]ny matter not specifically set forth in the exceptions is waived unless the court finds that justice requires otherwise.” And this Court has previously held that “if [an] appellant’s sole basis for appeal was that the [Magistrate]’s factual findings, such as they are, were clearly erroneous, [the] failure to file exceptions [is] fatal to such an argument.” *Miller v. Bosley*, 113 Md. App. 381, 393 (1997) (“In short,

¹ The court entered a separate custody order in November 2022, which is not the subject of this appeal.

in all cases lacking timely exceptions, any claim that the [Magistrate]’s findings of fact were clearly erroneous is waived.”).

Appellant did not file exceptions to the magistrate’s report and recommendations regarding child support. And he does not contend that he did not receive that report, or that he was otherwise prevented from filing timely exceptions. Consequently, appellant’s claims regarding the magistrate’s fact-finding are not properly before us, and we must affirm the judgment of the circuit court

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