

Circuit Court for Caroline County
Case No. C-05-CV-15-000039

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2207

September Term, 2017

CHARLENE A. FERENSIC

v.

ANDY R. HAWKINS

Graeff,
Arthur,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 4, 2019

*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.

Charlene Ferensic, appellant, appeals from a December 21, 2017 order, issued by the Circuit Court for Caroline County, entering a money judgment against her in the amount of \$70,000. Her sole claim on appeal, however, is that the court abused its discretion in not holding a hearing on her “Motion to Revise Judgment,” which she filed more than ten days after the December 21 judgment was entered on the docket, and after Ms. Ferensic had filed her notice of appeal. Because Ms. Ferensic did not file a separate a notice of appeal from the denial of the motion to revise judgment and does not raise any claims regarding the December 21 judgment, we affirm.

Ms. Ferensic and Andy Hawkins, appellee, were involved in a romantic relationship and co-owned a home as tenants in common. When the relationship soured, Mr. Hawkins moved out of the home and filed a Complaint for Sale in Lieu of Partition. Ms. Ferensic filed an answer, claiming that Mr. Hawkins owed her approximately \$172,000 for damage to the property and for pet care costs. She therefore requested the court to award her full ownership of the property and \$92,265.90, the difference between Mr. Hawkins’s interest in the property and the amount of her claimed damages.

In September 2017, the parties presented a settlement agreement to the court, wherein Ms. Ferensic agreed to pay \$70,000 to Mr. Hawkins, with the first \$50,000 to be paid within one month and, in exchange, Mr. Hawkins agreed to transfer his interest in the property to Ms. Ferensic. The court adopted the agreement, directed counsel for the parties to submit an order setting forth the agreement, and granted the parties’ joint motion to dismiss the case without prejudice. On October 18, 2017, the court signed an order incorporating the settlement agreement.

On November 4, 2017, Ms. Ferensic filed a “Motion to Strike Court Order,” claiming that her attorney had not explained the settlement agreement to her and that she would not have entered into it had she fully understood its terms. Mr. Hawkins filed an opposition, wherein he requested the court to enter a judgment against Ms. Ferensic because she had not timely paid him the first \$50,000 as required under the settlement agreement. On December 21, 2017, the court denied Ms. Ferensic’s motion to strike and entered a judgment against her in the amount of \$70,000.

On January 19, 2018, Ms. Ferensic filed a timely notice of appeal from the December 21 judgment. Three days later, she filed a “Motion to Revise Judgment,” asserting that the December 21 judgment was “procured by fraud, mistake, or irregularity” because her attorney had exceeded his authority in entering into the settlement agreement. In mid-February the court denied that motion without a hearing. Ms. Ferensic did not file another notice of appeal.

Ms. Ferensic’s sole contention on appeal is that the circuit court abused its discretion in denying her “Motion to Revise Judgment” without holding a hearing. However, she filed that motion more than ten days after the December 21st judgment was entered on the docket, and two days after she filed her notice appealing that judgment. Therefore, although her notice of appeal conferred appellate jurisdiction over the December 21 judgment, it was ineffective as to the February 16, 2018, order denying her “Motion to Revise Judgment.” Consequently, we do not have jurisdiction to review the only claim Ms. Ferensic has raised in this appeal. *See Brethren Mut. Ins. Co. v. Suchoza*, 212 Md. App. 43, 68 (2013) (“It is clear that a notice of appeal must be filed within 30 days after

the entry of the trial court’s ruling on a motion filed more than 10 days after entry of a judgment for this Court to have jurisdiction to review such ruling.”). Because Ms. Ferensic does not raise any claims regarding the December 21 judgment, the only judgment that is properly before us, we affirm.

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