

Circuit Court for Baltimore City
Case No. 24-O-13-004935

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2264

September Term, 2019

LORIANN KNIGHT

v.

JEFFREY B. FISHER, *et al.*

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

JJ.

PER CURIAM

Filed: February 10, 2021

*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 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. The court entered an order awarding possession of the property to the foreclosure purchaser in September 2018.

In December 2019, Ms. Knight filed in the foreclosure case a “Motion to Void the Judgments of the Circuit Court Due to Fraud on the Court, Quiet Title to Property Due to Fraud, Request Hearing and Jury Trial to Assess Damages and Dismiss the Foreclosure Case with Prejudice” (motion to void judgment). That motion essentially claimed that various judges had either erred in denying certain motions that she had filed throughout the foreclosure proceedings or in failing to rule on those motions altogether. Although she did not file a timely appeal from the ratification order, she claimed that the judgment should be voided, and the foreclosure case dismissed, because she was a layperson who did not understand that the rulings were wrong and because the erroneous rulings were proof of fraud on the part of the court. In addition to seeking to void the ratification order, the motion also set forth 29 new “claims,” including claims of quiet title, fraud, and wrongful foreclosure against appellees and claims of fraud, concealment, intentional infliction of emotional distress, gross negligence, abuse of process, and violations of 42 U.S.C 1983. The court denied the motion without a hearing. On appeal, Ms. Knight raises two issues,

¹ Appellees are Jeffrey B. Fisher, Doreen A. Strothman, Virginia S. Inzer, Thomas C. Valkenet, and Carletta M. Grier.

which reduce to one: whether the court abused its discretion in denying the motion to void the judgments. For the reasons that follow, we shall affirm.

The circuit court ratified the sale of Ms. Knight’s home approximately four years prior to her filing the motion to void judgment. And “an order ratifying a foreclosure sale is a final judgment as to any rights in the real property[.]” *See Huertas v. Ward*, 248 Md. App. 187, 205 (2020). “Thus, after final ratification of [a] foreclosure sale, the trial court [is] authorized to review the validity of the sale only upon a finding of fraud, mistake or irregularity” pursuant to Maryland Rule 2-535(b). *Bank of New York Mellon v. Nagaraj*, 220 Md. App. 698, 708 (2014) (citation omitted). For the purposes of Rule 2-535(b), mistake constitutes a “jurisdictional error, such as where the [c]ourt lacks the power to enter judgment.” *Pelletier v. Burson*, 213 Md. App. 284, 291 (2013) (citation omitted). Irregularity refers to “a nonconformity of process or procedure,” and not a mere departure from truth or accuracy that could have been challenged by the defendant at trial. *Davis v. Attorney Gen.*, 187 Md. App. 110, 125 (2009). And fraud entails extrinsic fraud committed on the court that “prevents the adversarial system from working at all,” rather than intrinsic fraud that occurred during the trial. *Das v. Das*, 133 Md. App. 1, 18-19 (2000).

Here, none of the contentions raised in Ms. Knight’s motion to void judgment demonstrate the existence of any fraud, mistake or irregularity that would have warranted the circuit court setting aside the final judgment dismissing her complaint. *See generally Peay v. Barnett*, 236 Md. App. 306, 321 (2018) (“Maryland courts have narrowly defined and strictly applied the terms fraud, mistake, [and] irregularity, in order to ensure finality of judgments.” (citation omitted)). Instead the motion raised issues with various orders

issued by the circuit court that could have been addressed on direct appeal. The fact that Ms. Knight disagrees with those rulings is not proof that they were fraudulent, and certainly does not establish the existence of extrinsic fraud within the meaning of Rule 2-535(b). Moreover, her lack of knowledge regarding the appeal process is not a valid reason to excuse her failure to file a timely notice of appeal or for waiting almost four years after the ratification order was entered to file her motion.

Finally, because a final judgment has been entered in the foreclosure action as it relates to Ms. Knight's rights in the real property, it was procedurally improper for her to attempt to file a counterclaim against appellees or a third-party complaint against the judges who ruled against by way of a Rule 2-535(b) motion. For all these reasons, the court did not err in denying her motion to void judgment.

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