

Circuit Court for Baltimore County
Case No. 03-C-14-011507

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2373

September Term, 2019

HARRIETTE ELIZABETH BELL

v.

JOHN E. DRISCOLL, III, *et al.*

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

JJ.

PER CURIAM

Filed: October 5, 2020

*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 Harriette Elizabeth Bell, appellant, defaulted on a deed of trust loan on her home, appellees,¹ acting as substitute trustees, filed a foreclosure action in the Circuit Court for Baltimore County. Ms. Bell’s home was ultimately sold at a foreclosure sale to the Federal National Mortgage Association (Fannie Mae). On February 11, 2016, the circuit court ratified the sale and referred the case to an auditor. Ms. Bell did not appeal from the ratification order. The court granted Fannie Mae’s motion for judgment of possession in July 2016 and denied Ms. Bell’s exceptions to the auditor’s report in July 2018. Ms. Bell appealed both orders and we affirmed in separate opinions. *See Bell v. Driscoll*, No. 1081, Sept. Term, 2018 (filed Dec. 26, 2019); *Bell v. Driscoll*, Nos. 1018 & 1776, Sept. Term, 2016 (filed December 27, 2017).

In December 2019, Ms. Bell filed a “Motion to Vacate Foreclosure Sale Due to Fraud of the Court and Request for Hearing” pursuant to Maryland Rule 2-535(b) (motion to vacate). Although the motion to vacate is difficult to follow, Ms. Bell essentially contended that an unknown judicial officer had committed fraud by altering the court docket while her previous appeal had been pending in this Court. Specifically, she claimed that, at some point between July 18, 2018 and November 27, 2019, (1) the “Doc Seq Numbers [on the docket entries] had been moved from the top to the bottom of each entry” and (2) Docket Entry 71 had been deleted and a new entry containing the same information “had been added between [docket entries] 30/0 and 31/0.” The motion did not specifically indicate how this “fraud” had prevented her from challenging the validity of foreclosure

¹ Appellees are John E. Driscoll, III, Jana M. Gantt, Arnold Hillman, Kimberly Lane, and Deena L. Reynolds.

sale or the auditor’s report, other than generally alleging that it had “tainted the foreclosure proceedings” and “might have deceived the courts into believing facts that were not true.” As relief, Ms. Bell requested that court vacate the foreclosure sale in its entirety. She also requested that the United States Attorney General’s Office investigate the alleged fraud. The court denied the motion to vacate without a hearing. On appeal, Ms. Bell raises four issues, which reduce to two: (1) whether the court erred in denying her motion to vacate without holding a hearing, and (2) whether the court erred in denying her motion to vacate without issuing a written order explaining its decision. For the reasons that follow, we shall affirm.

As an initial matter, Ms. Bell does not specifically address the denial of her motion to vacate on the merits. We nevertheless note that none of the claims raised in her motion, even if true, demonstrate the existence of fraud, mistake, or irregularity, as those terms are used in Rule 2-535(b). *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, to ensure finality of judgments.” (citation omitted)). Moreover, the motion to vacate did not indicate how the alleged “fraud” prejudiced Ms. Bell’s ability to assert her rights in the foreclosure action. Although the motion sought to vacate the court’s order ratifying the foreclosure sale, the docket entries that Ms. Bell claimed were fraudulently altered had nothing to do with the sale. Rather, the allegedly altered docket entries set forth the dates that the auditor’s report had been filed and entered on the docket. Moreover, although Ms. Bell claimed that docket entry 71/0 had been deleted and replaced with a new docket entry “between [docket entries] 30/0 and 31/0,” we fail to see the

significance of these changes as both docket entries ultimately contained the same information.² In short, Ms. Bell’s motion provided no basis for the court to vacate the foreclosure sale.

Turning to Ms. Bell’s procedural claims, we find no error in the court’s decision to deny her motion without a hearing. *See Pelletier v. Burson*, 213 Md. App. 284, 292-93 (2013) (noting that the court is not required to hold a hearing before denying a motion for reconsideration filed more than ten days after the entry of judgment because the denial of such a motion is not dispositive of a claim or defense). We also find no error in the court’s decision not to provide an explanation of its decision. A trial court is not required to “elaborate on the reason” for its decision. *See Attorney Grievance Comm'n v. Jeter*, 365 Md. 279, 288 (2001). And, in reviewing the decisions of the circuit court, appellate courts “presume that trial judges know the law and correctly apply it.” *Id.* For the reasons

² Although it is somewhat unclear, Ms. Bell appears to claim that the alterations to the court docket were fraudulent because “no court actions or changes should have occurred . . . while [her previous appeal] was pending . . . because the court did not have jurisdiction over the matter.” However, “a circuit court is not divested of fundamental jurisdiction to take post-judgment action in a case merely because an appeal is pending from the judgment.” *Jackson v. State*, 358 Md. 612, 620 (2000) (citation omitted). Instead, the appeal simply prohibits the circuit court “from re-examining the decision or order upon which the appeal was based.” *Pulley v. State*, 287 Md. 406, 417 (1980). Even if we assume that the court docket was altered in the manner suggested by Ms. Bell, that would not have interfered with our ability to review the claims raised her prior appeal.

previously set forth, Ms. Bell’s Rule 2-535(b) motion lacked merit. We thus presume that the court denied the motion for those same reasons.

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