Circuit Court for Baltimore County
Case No. C16-3258

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 2406

September Term, 2017

LAWRENCE W. KNOTT

v.

EDWARD S. COHN, *et al*.

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

JJ.

PER CURIAM

Filed: February 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.

In 2016, appellees, acting as substitute trustees,[1] filed an Order to Docket in the Circuit Court for Baltimore County, seeking to foreclose on real property owned by Lawrence W. Knott, appellant. Mr. Knott's home was sold at a foreclosure sale on August 31, 2017. The circuit court has not yet ratified the sale.

On October 23, 2017, Mr. Knott filed a pleading entitled "Objections to Foreclosure Sale," claiming that the foreclosure sale should be vacated because he had executed a loan modification agreement with his lender prior to the sale. Appellees filed a response, asserting that the loan modification agreement had been rescinded because Mr. Knott had not timely sent the lender the required down payment. The circuit court denied Mr. Knott's "Objections to Foreclosure Sale" on November 27, 2017. Mr. Knott then filed a motion for reconsideration, asserting that the court was required to hold a hearing on his "Objections to Foreclosure Sale" pursuant to Maryland Rule 14-305(d). After the court denied Mr. Knott's motion for reconsideration, he filed a notice of appeal from that order and from the order denying his "Objection to Foreclosure Sale." On appeal, he raises a single issue: whether the court violated his due process rights when it denied his "Objection to Foreclosure Sale" without a hearing. Because the circuit court has not entered a final judgment in the foreclosure case, and no exception to the final judgment rule applies, we dismiss the appeal.

[1] Appellees are Edward S. Cohn, Stephen N. Goldberg, Richard E. Solomon, Richard J. Rogers, Randall J. Rolls, Michael McKeefery, and Christianna Kersey.

Generally, a party only has the right to appeal from a final judgment. *See Addison v. Lochearn Nursing Home, LLC*, 411 Md. 251, 267 (2009) ("[T]here is a long-standing bedrock rule of appellate jurisdiction . . . that, unless otherwise provided by law, the right to seek appellate review . . . ordinarily must await the entry of a final judgment that disposes of all claims against all parties.) "[A] ruling of the circuit court, to constitute a final judgment, must be an unqualified, final disposition of the matter in controversy, which decides and concludes the rights of the parties involved or denies a party the means of further prosecuting or defending rights and interests in the subject matter of the proceeding." *American Bank Holdings, Inc. v. Kavanagh*, 436 Md. 457, 463 (2013) (internal quotation marks and citations omitted).

A foreclosure sale is not final until the court enters an order ratifying the sale because, until such an order is entered, the defendant has the continuing ability to assert his or her rights in the foreclosure process. *See Baltimore Home Alliance, LLC v. Geesing*, 218 Md. App. 375, 383 n.5 (2014) (stating that "the court must act to ratify the sale before the foreclosure sale is complete . . . ."); *Ed Jacobsen, Jr., Inc. v. Barrick*, 252 Md. 507, 511 (1969) (noting that the validity of a foreclosure sale is *res judicata* after "the final ratification of the sale of property"). Although the circuit court denied Mr. Knott's "Objection to the Sale," it has not ratified the sale. Consequently, there is no final judgment in this case.

Moreover, no exception to the final judgment rule applies. The court's order is not immediately appealable as an interlocutory order because it does not fall within any of the

exceptions set forth in § 12-303 of the Courts and Judicial Proceedings Article.[2] Also the requirements of the collateral order doctrine have not been met because the denial of Mr. Knott's motion can be effectively reviewed following the entry of a final judgment ratifying the sale. *See Maryland Bd. of Physicians v. Grier*, 451 Md. 526, 546 (2017) (noting that the collateral order doctrine is a "narrow exception" to the final judgment rule that requires the interlocutory order being appealed to satisfy four requirements, including that "the issue would be effectively unreviewable if the appeal had to await the entry of a final judgment"). Finally, Mr. Knott cannot invoke the benefit of any of the provisions in the Maryland Rules that save certain premature appeals. Rule 8-602(d) does not apply, because Mr. Knott did not note an appeal after the court had announced a ruling that would terminate the action, but before the ruling was entered on the docket. Also Rule 8-602(e) does not apply, because the circuit could not have certified its ruling as a final judgment under Rule 2-602(b).

Based on the foregoing, we conclude that Mr. Knott has taken a premature appeal before the entry of a final judgment. Because the appeal is not otherwise permitted by law, we lack jurisdiction and must dismiss the appeal.

APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANT.

[2] Section 12-303(c)(3)(iii) of the Courts and Judicial Proceedings Article allows a party to appeal from an interlocutory order "[r]efusing to grant an injunction." However, we do not construe Mr. Knott's "Objection to Foreclosure Sale" as a motion to stay because he did not request injunctive relief, he filed the motion after the foreclosure sale had occurred, and he referred to his objections as "exceptions" to the sale in his motion for reconsideration.