

Orphans' Court for Baltimore County
Case No. 226722

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2538

September Term, 2024

IN RE: THE ESTATE OF RICHARD WELLS
MOORE, SR.

Graeff,
Beachley,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: September 23, 2025

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

Richard Wells Moore, Sr. died intestate on July 1, 2023. An estate was opened on December 19, 2023, and Richard Wells Moore, Jr., appellee, was appointed as the personal representative. Davis Kissi, appellant, presented a claim against the estate for \$100,000 in the Orphans’ Court for Baltimore County claiming that the decedent had committed legal malpractice when representing him in litigation with his mortgage lender and the Small Business Administration beginning in 2001. Appellant further asserted that the decedent’s malpractice resulted in a judgment being entered against him in 2003, approximately \$5 million in assets being seized from him, and his being convicted and imprisoned for bankruptcy fraud, obstruction of justice, and contempt in 2007.

Appellee filed a notice of disallowance in reference to appellant’s claim on the grounds that it was: (1) was filed beyond the 180-day period required to file claims against the Estate, and (2) barred by the statute of limitations. Appellant then petitioned for allowance. The orphans’ court held a hearing on the petition, and denied the claim as being both untimely presented and barred by the statute of limitations. Appellant now appeals, raising three issues, which reduce to one: whether the orphans’ court erred in denying his claim against the Estate. For the reasons that follow, we shall affirm.¹

On appeal, appellant contends that his claim was timely filed pursuant to Section 8-103(a) of the Estates and Trusts Article, which provides that a claim against an estate must be presented within six months after the decedent’s death or two months after the personal

¹ On August 25, 2025, appellant filed two motions in this Court: (1) an “Affidavit in Opposition to Moore Jr.’s Motion for Summary Judgment,” and (2) an “Affidavit in Support of Motion that the Kissis, the Appellants, Have Never Filed Any Frivolous Lawsuits Anywhere” (the August 25, 2025 motions). We shall deny those motions.

representative delivers or mails proper notice of the need to file a claim, whichever comes first. Specifically, he asserts that he sent a notice of claim to appellee two days after the decedent’s death, and thereafter sent appellee “five letters indicating a willingness to settle” but that appellee “returned all those letters by the U.S. Postmaster, and pretended we didn’t exist.” Appellee counters that any claims or letters sent by appellant within six months of the decedent’s death were not sent to him, but rather to “an office address, from which the decedent moved in 2016.” He further asserts that, even if the notice of claim was timely filed, it was also barred by the statute of limitations.²

We need not resolve appellant’s contention that his claim was filed within six months after the decedent’s death, because he does not address on appeal the alternative grounds that the court relied on to deny his claim, specifically that it was barred by the statute of limitations. In *Bailiff v. Woolman*, 169 Md. App. 646 (2006), this Court held that when the appellant failed to challenge one of the two grounds for the circuit court’s decision in his brief, he waived any claim of error with respect to that issue. *Id.* at 653. We further held that, having waived the issue, affirmance was required if the unraised ground “provided an adequate and independent basis for the circuit court’s decision[.]” *Id.* at 654. Here, appellant’s brief does not address the orphans’ court’s findings regarding the statute of limitations. And because Section 8-102(a) specifically provides that a “claim which was barred by a statute of limitations at the time of the death of the decedent may not be allowed or paid[.]” the court’s reliance on that

² Appellee has also moved for sanctions against appellant, claiming that appellant has a history of filing frivolous lawsuits, that appellant has made numerous unfounded accusations of perjury and drug use against him, and that the instant appeal is frivolous in that appellant’s claim was clearly barred by the statute of limitations. We shall deny that motion.

ground served as an adequate and independent basis for its ruling. Consequently, we affirm the judgment of the circuit court for that reason alone.

But even if appellant had addressed the statute of limitations issue, we would still affirm. In Maryland, a three-year statute of limitations applies to legal malpractice actions. Cts. and Jud. Proc. Art. § 5-101; *Supik v. Bodie, Nagle, Dolina, Smith & Hobbs, P.A.*, 152 Md. App. 698, 712 (2003). And “the general rule is that the running of limitations against a cause of action begins upon the occurrence of the alleged wrong, unless there is a legislative or judicial exception which applies.” *Poole v. Coakley & Williams Constr., Inc.*, 423 Md. 91, 131 (2011). Here, all of the wrongs that appellant alleged were committed by the decedent occurred more than three years prior to his death. And appellant did not allege at any point that the decedent or anyone else prevented him from discovering the facts underlying his claims in a timely manner. Consequently, appellant’s claim was barred by the statute of limitations, and the court did not err finding that it had been properly disallowed.

**APPELLANT’S AUGUST 25, 2025
MOTIONS DENIED. APPELLEE’S
MOTION FOR SANCTIONS DENIED.
JUDGMENT OF THE ORPHANS’
COURT FOR BALTIMORE COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**