

Circuit Court for Baltimore City
Case No. 24-O-12-000471

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2621

September Term, 2017

WILLIAM L. ROBINSON, JR.

v.

THOMAS P. DORE

Friedman,
Beachley,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 2, 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 2012, appellees, acting as substitute trustees,¹ filed an Order to Docket in the Circuit Court for Baltimore City, seeking to foreclose on real property owned by William Robinson, appellant. Mr. Robinson’s home was eventually sold at a foreclosure auction and the circuit court ratified the sale on October 21, 2015.

Mr. Robinson appealed to this Court, claiming that the circuit court erred in ratifying the sale because appellees had published the first notice advertising the sale of the property during the pendency of a previously issued stay. We affirmed, holding that Mr. Robinson had waived his claim by not raising it in a Rule 14-211 motion prior to the sale and that, even if his claim had not been waived, any irregularity in the sale was harmless. *Robinson v. Dore*, No. 2620, Sept. Term 2015 (filed April 6, 2017) (per curiam).

The case was then referred to an auditor and the auditor filed her report in the circuit court on January 10, 2018. Mr. Robinson filed a “Request for Non-ratification of Auditor’s Report,” stating that the “balance due and unpaid mortgage claimed by Mortgagee as filed (\$527,061.04) . . . is challenged.” The court ratified the auditor’s report and denied Mr. Robinson’s exceptions, finding that they had not been set forth with particularity. Mr. Robinson now appeals, raising three issues: (1) whether the circuit court erred in denying his exceptions to the ratification of the foreclosure sale; (2) whether the advertising of the foreclosure sale of his property during the pendency of a stay constituted an irregularity in the proceedings; and (3) whether the circuit court erred in ratifying the auditor’s report.

¹ Appellees are Thomas P. Dore, Mark. S. Devan, Gerard F. Miles, Shannon Menapace, and Erin Gloth.

Because Mr. Robinson's first two claims are barred by the law of the case doctrine and his third claim is not argued with particularity, we affirm.

Although Mr. Robinson is appealing from the ratification of the auditor's report, the first two issues that he raises address the court's ratification of the foreclosure sale. However, in this Court's prior unreported opinion, we held that the circuit court did not err in overruling Mr. Robinson's exceptions to the foreclosure sale and in ratifying that sale. In fact, we specifically rejected Mr. Robinson's claim that the sale should be set aside because the first notice of sale was published during the pendency of the circuit court's stay. Consequently, Mr. Robinson's challenges to the ratification of the foreclosure sale in this appeal are barred by the law of the case doctrine. *See Baltimore County v. Baltimore County Fraternal Order of Police, Lodge No. 4*, 220 Md. App. 596, 659 (2014) (noting that "neither the questions decided [by the appellate courts] nor the ones that could have been raised and decided are available to be raised in a subsequent appeal" (citation omitted)).

Mr. Robinson also asserts that the court erred in ratifying the auditor's report. However, his brief contains no background facts about the auditor's report and his only argument in support of this claim consists of the following conclusory statements: "Wells Fargo has admitted it made accounting mistakes which revealed appellant had actually made payments to Wells Fargo in 2007 amounting to over \$36,000 (06-17010 NVA). In September 2014, Wells Fargo uncovered another \$5000 statistical error (14-10232 NVA)."

Because this claim is not presented with particularity, it is not properly before this Court. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (citation omitted)).

In any event, this claim lacks merit. Mr. Robinson’s sole exception to the auditor’s report was that the “balance due and unpaid mortgage claimed by Mortgagee as filed (\$527,061.04) . . . is challenged.” However, he did not indicate why the amount due on the mortgage was incorrect or submit any documents supporting his claim. Therefore, his exception was not set forth with particularity, as required by Maryland Rule 2-543(g). Moreover, based on our review of the record before us, we cannot discern any error in the auditor’s calculation of the mortgage balance. Consequently, the court did not err in denying Mr. Robinson’s exceptions and ratifying the auditor’s report.

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