

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1650

September Term, 2015

GEORGE E. MCDERMOTT, *et ux.*

v.

KENNETH J. MACFADYEN, *et al.*

Krauser, C.J.,
Graeff,
Nazarian,

JJ.

PER CURIAM

Filed: December 12, 2016

*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 2010, the circuit court for Prince George’s County issued an order ratifying the foreclosure sale of property owned by George McDermott, appellant, to Branch Banking and Trust Company (BB&T). That ratification order was affirmed on appeal. *See McDermott v. MacFadyen*, No. 736, Sept. Term, 2011 (Md. App. May 23, 2013). McDermott subsequently filed numerous pleadings in the circuit court attacking the validity of the foreclosure sale, which ultimately led the court to issue an order in July 2014 that required McDermott to “seek leave of Court before making further filings in this case.”

On September 14, 2015, the circuit court issued two orders in McDermott’s foreclosure case. The first order struck a notice of appeal that McDermott had filed on June 26, 2015, because he had not sought leave of the court before filing it, in violation of its July 2014 order. The second order was a consent order signed by appellees that substituted M&T Bank as the purchaser of record and relieved BB&T of any obligations it had under the terms of the foreclosure sale.

McDermott filed this appeal from both orders and presents numerous claims, most of which relate to alleged irregularities in the foreclosure proceedings and subsequent ratification of the sale. None of these claims, however, were decided by the trial court in the September 14th orders that are the subject of this appeal and, accordingly, they are not preserved for appeal. *See* Md. Rule 8-131 (a) (noting this court will not decide an issue “unless it plainly appears by the record to have been raised in or decided by the trial court”). Moreover, because McDermott does not argue that the trial court erred in either striking his July 26th notice of appeal or in substituting M&T Bank as the purchaser of record, the only matters that were actually decided by the trial court, we shall not address those issues

on appeal. *See Burson v. Capps*, 440 Md. 328, 340 n.18 (2014) (“[A]rguments not presented in a brief or not presented with particularity will not be considered on appeal.” (citation and quotation marks omitted)).¹

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**

¹ McDermott filed a reply brief wherein he generally asserts that the circuit court “had no jurisdiction” to enter the September 14th order striking his notice of appeal. However, even if we were to find that McDermott raised this claim with sufficient particularity, we would decline to address it as it was not raised in his initial brief. *See Bryant v. Bryant*, 220 Md. App. 145, 173 (2014) (“The purpose of a reply brief is to *reply* within the boundaries established by first, the appellant’s brief, and then, more narrowly, the appellee’s brief.” (emphasis in original)).