

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2571

September Term, 2015

TERRY TRUSTY

v.

CARRIE M. WARD, ET AL.,
SUBSTITUTE TRUSTEES

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: May 5, 2017

*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.

On October 5, 2015, appellees, Carrie Ward, et al., Substitute Trustees,¹ initiated foreclosure proceedings as to a residential property owned by Paul Taylor, Jr. and Cheryl Taylor (“the Taylors”) in the Circuit Court for Baltimore County. A month later, Terry L. Trusty and his wife Ellen, appellants, filed a motion to intervene in the foreclosure proceedings as defendants, either by right or by permission of the court, based on their purported “equitable, leasehold, or contract interest” in the property. Appellants, who then resided at the property, claimed that in 2008, they had entered into a lease agreement and a contract to purchase the property from the Taylors in an arrangement they claim was a “land installment contract.”

Appellants also filed motions for mediation or alternative dispute resolution and to appoint a trustee to “settle” the property in equity, and, after that, a motion to stay the foreclosure sale and/or dismiss the foreclosure action, contending that appellees were not authorized to foreclose on the property. After the circuit court denied all of their motions, appellants noted this appeal. For the reasons that follow, we affirm.

Rule 2-214 (a) provides:

Upon timely motion, a person shall be permitted to intervene in an action: (1) when the person has an unconditional right to intervene as a matter of law; or (2) when the person claims an interest relating to the property or transaction that is the subject of the action, and the person is so situated that the disposition of the action may as a practical matter impair or impede the ability to protect that interest unless it is adequately represented by existing parties.

¹ The Substitute Trustees are: Carrie M. Ward, Howard N. Bierman, Jacob Geesing, Pratima Lele, Tayyaba C. Monto, and Joshua Coleman.

A ruling on a motion to intervene as a *matter of right*, premised on any ground other than untimeliness, is, on appeal, subject to de novo review, *Environmental Integrity Project, et al. v. Mirant Ash Management, LLC, et al.*, 197 Md. App. 179, 185 (2010), and a ruling on *permissive* intervention is reviewed for an abuse of discretion. *Id.* at 193.

Appellants failed to provide evidence demonstrating that they had a valid ownership interest in the property. Appellants’ claims of ownership pursuant to a “land installment contract” are not supported by the record. In fact, the contract between appellants and the Taylors, executed in 2008, does not satisfy the elements of a valid land installment contract pursuant to § 10-101 *et seq.* of the Real Property Article of the Maryland Code. Specifically, the contract did not refer to five or more subsequent payments as required by RP §10-103(b)(7), it was never indexed and recorded in the office of the clerk of court of the county where the property is located as required by RP §10-104, and several statutorily mandated notices were not incorporated into the agreement as required by RP §10-103.

Instead, the record reflects that the appellants executed both a contract to purchase the property from the Taylors and a lease to rent until the sale occurred. Although the appellants took possession of the premises and made some payments to the Taylors, the sale never took place and hence there is no deed of trust transferring ownership of the

property to appellants.² Based on the forgoing, the appellants were not entitled to intervene “as a matter of law” in the foreclosure matter. For the same reasons, the circuit court did not abuse its discretion by denying appellants’ motion for permissive intervention. Because appellants failed to establish an interest in the foreclosure proceedings sufficient to give them standing to intervene, the circuit court did not err by denying their remaining motions.

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

² As appellees point out in their brief, in 2012, the District Court of Maryland for Baltimore County entered a judgment of possession against the appellants and in favor of the Taylors. *See* Case No. 080440471642012. This judgment was premised on a finding that appellants were occupants or tenants, rather than owners of the property.