

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 144

September Term, 2024

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RESHMA ALI, *et al.*

v.

JAMES E. CLARKE, *et al.*

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Arthur,  
Friedman,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: December 10, 2024

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

In August 2017, appellees,<sup>1</sup> acting as substitute trustees, filed an Order to Docket in the Circuit Court for Montgomery County, seeking to foreclose on real property owned by Reshma and Khwaja Ali, appellants. The property was sold at a foreclosure auction on September 6, 2022. In February 2024, appellees filed a line requesting the clerk to enter into the record an order from the Bankruptcy Court which had terminated an automatic stay in the case that had previously been entered. Appellants filed a response, claiming that relief from the automatic stay had been granted to the wrong party because the noteholder that was named in the “Assignment of Deed of Trust” was “The CIT Mortgage Loan Trust 2007-1,” whereas the name of the noteholder in the Bankruptcy Court’s order was “The CIT Mortgage Loan Trust, 2007-1 Asset-Backed Certificates, Series 2007-1.” Appellants also filed a “Motion to Dismiss Report of Sale,” claiming that there was a similar discrepancy between the name of the party listed in Assignment of the Deed of Trust and the name of the party listed in the Report of Sale.

Appellees filed a “Motion to Strike Defendant’s Response to Line,” on the grounds that a response to a line was an improper filing that was not authorized by the Maryland Rules and that any issues with the Bankruptcy Court’s order should have been raised in the Bankruptcy Court. Appellees also filed an opposition to the Motion to Dismiss the Report of Sale. The court denied the motion to dismiss and granted the motion to strike without a hearing. This appeal followed.

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<sup>1</sup> Appellees are James E. Clarke, Christine M. Drexel, Renee Dyson, Brian Thomas, Shannon Menapace, and Hugh J. Green.

With limited exceptions that do not apply here, an appeal may be taken only from a final judgment. Md. Code Ann., Courts and Judicial Proceedings § 12-301 (2006, 2013 Repl. Vol.).<sup>2</sup> However, neither the denial of appellants’ motion to dismiss the report of sale nor the grant of appellees’ motion to strike were final judgments. See *McLaughlin v. Ward*, 240 Md. App. 76, 83 (2019) (“[i]n a foreclosure case, a court does not enter a final judgment at least until it has ratified the foreclosure sale”).<sup>3</sup> Rather, the final judgment in a foreclosure case occurs when the court enters an order ratifying the sale. *Id.* Consequently, the appeal must be dismissed.

**APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANTS.**

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<sup>2</sup> To be sure, the denial of a motion to stay or dismiss a foreclosure action is an appealable interlocutory order. However, we decline to construe a motion challenging the report of sale as a motion to stay or dismiss pursuant to Maryland Rule 14-211 as it was filed after the sale and did not challenge the validity of the lien or the lien instrument or the right of appellees to foreclose. Rather, it was an attempt to raise an exception to the foreclosure sale. And even if it were construed as having been filed pursuant to Rule 14-211, the court did not err in denying it as it was both untimely and failed to raise a valid defense to the foreclosure action.

<sup>3</sup> Although Sections (d) and (e) of Maryland Rule 8-602 contain limited savings provisions for premature appeals, neither of those provisions apply in this case.