

Circuit Court for Montgomery County
Case No. 471110-V

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 329

September Term, 2021

GIRMA GIRMAYE, *et al.*

v.

THOMAS HODGE, *et al.*

Graeff,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 1, 2022

*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.

After Girma Girmaye, appellant, defaulted on her Deed of Trust home loan, appellees, the Substitute Trustees,¹ filed an order to docket foreclosure in the Circuit Court for Montgomery County. Ms. Girmaye’s home was sold at a foreclosure auction to Deutsche Bank National Trust Company, as Indenture Trustee Under the Indenture Relating to IMH Assets Corp., Collateralized Asset-Backed Bonds, Series 2005-8 (Deutsche Bank). The circuit court ratified the sale in February 2020. Ms. Girmaye appealed from the ratification order, contending that appellees had lacked standing to foreclose on her home because they brought the foreclosure action using documents provided by Ocwen Loan Servicing, LLC, which, she claimed, was “a non-existing Legal entity, who was forced to dissolve by the Maryland State Regulators.” This Court affirmed, holding that her claim was not preserved as it had not been raised in the circuit court. *See Girmaye v. Hodge, et al.*, No. 2470, Sept. Term 2019 (filed Mar. 9, 2021).

In March 2021, Deutsche Bank filed a motion for judgment of possession of the property. Ms. Girmaye did not file an opposition or response to that motion. After the court granted the motion for judgment of possession, Ms. Girmaye filed the instant appeal, raising the same claim that she raised in her appeal from the ratification order. However, as was the case in her last appeal, Ms. Girmaye’s contention that appellees lacked standing is not preserved for appellate review as it was not raised in the circuit court. Therefore, we will not address it for the first time on appeal. *See* Maryland Rule 8-131(a) (noting that an

¹ Appellees are Thomas Hodge, Melissa Alcocer, Brennan Ferguson, Christine Johnson, Jeana McMurray, and Robert Oliveri.

appellate court will ordinarily not decide any issue “unless it plainly appears by the record to have been raised in or decided by the trial court”).²

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

² Moreover, as we noted in Ms. Girmaye’s first appeal, although the Maryland Commissioner of Financial Regulation previously issued a Cease and Desist Order to Ocwen, the parties executed a Settlement Agreement and Order in February 2018 resolving the charges. Ocwen was not forced to dissolve as part of that agreement. Ocwen did file a Certificate of Cancellation canceling its business registration in Maryland on August 30, 2019. However, that appears to be because Ocwen merged with PHH Mortgage Corporation, a New Jersey corporation, effective June 1, 2019. PHH Mortgage Corporation currently has an active business license in Maryland.