

Circuit Court for Baltimore City
Case No. 24-C-22-003634

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 339

September Term, 2024

RAJEEV KURICHH

v.

STONEFIELD INVESTMENT FUND IV,
LLC

Shaw,
Kehoe, S.
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

Opinion by Shaw, J.

Filed: April 16, 2025

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

This is an appeal from the denial of motions filed by Appellant, Rajeev Kurichh, to vacate a judgment and to deposit funds into the court’s registry by the Circuit Court for Baltimore City. On January 11, 2024, Appellant’s motions were stricken by the circuit court, and on January 17th, Appellant filed a second motion to revise, which the court denied on March 28th. Appellant noted this appeal as to the court’s January 11th and March 28th orders on April 15th, and he presents one question for our review:

Whether the court erred in striking the Motion to Vacate Judgment Foreclosing the Right of Redemption, Striking Defendant’s Motion to Deposit Funds, denying the Motion to Deposit Funds, and denying the Motion to Vacate Orders Striking Defendant’s Motion to Vacate Judgment Foreclosing Right of Redemption, Striking Defendant’s Motion to Deposit Funds and Denying Defendant’s Motion to Deposit Funds, which rulings were entered as a result of the omission of the owner of the ground rent and the trustees of an unreleased deed of trust from the original Certificate of Service which Certificate was promptly Supplemented by the Appellant/Defendant?

For reasons that follow, Appellant’s appeal shall be dismissed as this Court lacks jurisdiction.

BACKGROUND

On May 17, 2021, Appellee, Stonefield Investment Fund IV, LLC, purchased a property located at 1133 Sargeant Street in Baltimore City at a tax sale. Appellee then filed a Complaint to Foreclose the Right of Redemption on August 19, 2022, in the Circuit Court for Baltimore City. The complaint named Appellant, Rajeev Kurichh; Lexington National Insurance Corporation; Lisa R. Slater and Brian J. Frank; Turf, LLC; the Mayor and City Council of Baltimore; and the State of Maryland as parties to the action. Ms. Slater and

Mr. Frank were Trustees for Lexington National Insurance Corporation’s Deed of Trust on the property and Turf, LLC, had the right to ground rent.

On August 29, 2023, the circuit court entered a Judgment Foreclosing the Right of Redemption, which vested Appellee with a leasehold title to the property. Twenty-four days after the judgment, on September 22, 2023,¹ Appellant filed a Motion to Vacate the Judgment pursuant to Maryland Rule 2-535 and a Motion to Deposit Funds into the Court Registry in connection with the motion to vacate. Appellant argued in the motion to vacate that it was “filed within thirty days . . . of the judgment foreclosing the right of redemption” and “[b]ecause the judgment is not final in fairness this Court should permit the Defendant to redeem.” He served a copy of the motions on Appellee’s counsel, the City of Baltimore, and the State of Maryland. He did not serve Lexington National Insurance Corporation, Lisa R. Slater and Brian J. Frank as Trustees, or Turf, LLC. On October 5, 2023, Appellant mailed a Supplemental Certificate of Service to the parties omitted from the initial motion, and it was filed in the circuit court, with the original motions, the following day.

The court struck Appellant’s two motions on January 11, 2024, stating that the motions filed on September 22, 2023, were not accompanied by “the required certificate of service” as they “fail[ed] to set forth the names and addresses of all of the parties.” The court denied Appellant’s Motion to Deposit Funds as moot.

¹ Appellant’s motions were accompanied by a Certificate of Service indicating that they were sent by first class mail on September 21, 2023.

Appellant then filed a Motion to Vacate both orders on January 17, 2024, which was also made under Maryland Rule 2-535. He asserted that the Supplemental Certificate of Service included all of the parties to the action and it “clearly relate[d] back to the original filing.” The court denied the motion to vacate on March 28, 2024, stating that the Supplemental Certificate of Service was mailed “more than thirty days after the entry of Judgment Foreclosing Right of Redemption” and “the Court may only exercise revisory power and control over the judgment in case of fraud or lack of jurisdiction.”

Appellant appealed the January 11th and March 28th decisions.

DISCUSSION

I. The Appellate Court lacks jurisdiction.

An appellate court has jurisdiction to hear cases only through statutory authorization. *Lopez-Sanchez v. State*, 155 Md. App. 580, 606 (2004); *Kurstin v. Bromberg Rosenthal, LLP*, 191 Md. App. 124, 131 (2010) (“To appeal an adverse judicial decision, it should be clear, is not a constitutional right. It is only a legislative grace.”); *Biro v. Schombert*, 285 Md. 290, 293 (1979) (vacating our Court’s judgment and remanding the matter to be dismissed because we did not have jurisdiction). An appeal must be dismissed when notice of the appeal is “not filed with the lower court within the time prescribed by Rule 8-202.” Md. Rule 8-602(b)(2). Maryland Rule 8-202(a) provides that a “notice of appeal shall be filed within 30 days after entry of the judgment or order from which the appeal is taken.”

When a party, within ten days of the judgment, files a revisory motion under Maryland Rule 2-535(a), the clock does not begin to run on the appeals period until the court disposes of the motion. *Unnamed Att’y v. Att’y Grievance Comm’n*, 303 Md. 473, 486 (1985); *see also* Md. Rule 8-202(c). However, if a court has already denied a motion for reconsideration, the filing of a second revisory motion does not toll the running of the appeals period. *See Johnson v. Francis*, 239 Md. App. 530, 541 (2018) (“[O]nce a court has denied one motion for reconsideration, the filing of additional such motions does not toll the running of the time to note an appeal.”); *Lesse v. Dep’t of Lab., Licensing & Regul.*, 115 Md. App. 442, 445 (1997) (holding that the second revisory motion which “was filed within ten days after entry of the order denying the first motion” did not toll the appeals period); *see also Off. of People’s Couns. v. Advance Mobilehome Corp.*, 75 Md. App. 39, 45–48 (1988).

In the case at bar, the record reflects the following:

August 29, 2023	Circuit Court enters Judgment Foreclosing the Right of Redemption.
September 22, 2023	Appellant files Motion to Vacate Judgment and Motion to Deposit Funds without Certificate of Service to all parties.
October 6, 2024	Appellant files Supplemental Certificate of Service that all parties had been served.
January 11, 2024	Circuit Court strikes Appellant’s motions filed on September 22, 2023 as Certificate of Service failed to set forth the names and addresses of all parties.
January 17, 2024	Appellant files second motion to vacate.

March 28, 2024 Circuit Court denies Motions as Supplemental Certificate was mailed more than thirty days after the judgment.

April 15, 2024 Appellant notes appeal.

We first observe that Appellant did not appeal the August 29, 2023 judgment. He, instead, appealed the court’s denial of his motions to vacate and to deposit monies into the court’s registry, dated January 11 and March 28, 2024. While Appellant’s first motion was filed within the thirty-day time limitation, it did not include a complete certificate of service. Maryland Rule 1-321 requires that “every pleading . . . shall be served upon each of the parties” and Rule 1-323 provides that, “The clerk shall not accept for filing any pleading or other paper requiring service, other than an original pleading, unless it is accompanied by an admission or waiver of service or a signed certificate showing the date and manner of making service.” As such, Appellant’s first motion, dated September 22, 2023, was not properly filed.

Appellant’s next filing, titled, “Supplemental Certificate of Service” was docketed on October 6, 2024. The filing attested that all other parties that were omitted by the first certificate of service had been mailed service. It was, thus, filed in accordance with Rule 1-323, but it was not filed within thirty days, and under Rule 2-535, after thirty days, a court may exercise revisory power and control over a judgment, only if there has been fraud, mistake, or irregularity. Md. Rule 2-535(b). Appellant did not aver that those circumstances were present.

On January 17, 2024, Appellant filed a second motion to vacate, and the circuit court, on March 28, 2024, denied the motion, ruling that Appellant’s mailing on October 5, 2023, was more than thirty days after entry of the judgment and, as a result, the court was limited in its revisory power and control.

On April 15, 2024, Appellant noted an appeal as to the January 11th and March 28th Orders. We observe that his appeal as to the January Order is well beyond the thirty-day deadline for appeals and, thus, this Court lacks jurisdiction. As to the March Order, we find *Pickett v. Noba, Inc.* instructive. 122 Md. App. 566 (1998). There, this Court held that the appellant had substituted his right to appeal “*the circuit court’s enrolling the Ohio judgment*” by not appealing within the thirty-day appeals window. *Id.* at 572 (emphasis in original). The appellant, instead, filed a revisory motion under Rule 2-535. *Id.* The circuit court denied the initial revisory motion, and the appellant filed a second revisory motion which it also denied. *Id.* at 569. We held that while the denial of appellant’s first revisory motion was itself appealable within thirty days of its denial, appellant’s second revisory motion was not appealable because it was “not a final judgment” but instead “was a second motion to revise.” *Id.* at 571.

Like the motions filed in *Pickett*, here, Appellant’s second motion, filed on January 17, 2024, was not a final judgment but rather a second motion to revise. As a result, it cannot be appealed. Md. Rule 2-535(b).

**APPEAL DISMISSED; COSTS TO BE PAID
BY APPELLANT.**