

Circuit Court for Baltimore County  
Case No. C-03-FM-20-001282

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 0564

September Term, 2023

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JAMES ROOD

v.

TRACY ROOD

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Zic,  
Albright,  
Kenney, James, A.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Zic, J.

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Filed: September 17, 2024

\* 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).

James Rood, appellant, filed a complaint for absolute divorce and child custody on March 4, 2020. The Circuit Court for Baltimore County entered a judgment for absolute divorce and related memorandum opinion on June 27, 2022, and reserved judgment on multiple issues. On November 22, 2022, the court entered an order and related memorandum opinion, incorporating the June findings and addressing the issues the court had reserved. Mr. Rood filed a motion to modify with the court on December 22, 2022, which the court considered as a motion for reconsideration following a status conference. The court denied Mr. Rood’s motion on April 20, 2023. Mr. Rood filed his appeal to this Court on May 19, 2023.

### **QUESTIONS PRESENTED**

Mr. Rood requests that this Court review “the [t]rial [c]ourt’s award of attorney’s fees and the [t]rial [c]ourt’s award of alimony and arrears regarding the same.” He also asks this Court to review “the [t]rial [c]ourt’s determination of dissipation.”<sup>1</sup> Mr. Rood ultimately requests this Court to:

- (A) Vacate the [c]ircuit [c]ourt’s Order entered November 22, 2022
- (B) Remand on the issue of attorney’s fees
- (C) Remand on the issue of alimony
- (D) Remand on the issue of dissipation
- (E) Reverse the Order that [Mr. Rood] pay attorney’s fees to [Ms. Rood]

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<sup>1</sup> Mr. Rood explains the issues that he requests this Court to review, but he does not present specific questions in his informal brief.

(F) Reverse the Order that [Mr. Rood] pay indefinite alimony to [Ms. Rood]

(G) Reverse the Order regarding the determination of extant marital property

For the following reasons, we affirm.

### **BACKGROUND**

Mr. Rood and Tracy Rood, appellee, were married May 24, 2002, in Baltimore County. The parties have one child together, who was born in November 2002. The parties separated on December 1, 2019. Mr. Rood filed a complaint for absolute divorce and child custody on March 4, 2020, which he amended on the record on March 15, 2022, without objection, to include a request for absolute divorce on the grounds of 12-month separation. Ms. Rood filed an answer and a counterclaim for limited divorce on April 20, 2020.

The parties appeared for a *pendente lite* hearing on March 5, 2021, with *pendente lite* child support, alimony, and attorney's fees at issue. Both parties filed exceptions to the Magistrate's Report and Recommendation. Following an exceptions hearing, the *pendente lite* order was entered on June 2, 2021, consistent with the Magistrate's recommendations and overruling the exceptions. Mr. Rood filed a motion to modify and rescind the June 2, 2021 order and judgment on June 23, 2021. Ms. Rood moved to dismiss Mr. Rood's motion on July 8, 2021. Mr. Rood's motion to modify was denied on July 16, 2021.

Ms. Rood filed a petition for contempt on January 13, 2022, and a motion to modify the *pendente lite* order on February 2, 2022. The parties agreed for the petition for contempt and motion for modification to be heard at the divorce trial set for March 15, 2022. The divorce trial took place on March 15, March 16, March 17, March 21, and April 21, 2022. The court gave an oral ruling on June 17, 2022, “granting the parties a judgment of absolute divorce from today,” reserving on the issue of valuation of marital property and marital award for a period of 90 days, summarizing testimony and findings related to the factors considered for alimony and indefinite alimony, reserving the amount of alimony to be decided until the “marital property, monetary award can be resolved, as that is a factor in the [c]ourt’s decision on an alimony award,” and finding Mr. Rood “to be in contempt for nonpayment of child support and the *pendente lite* alimony award in the amount of \$42,270.” The reserved issues were scheduled to be heard on October 11, 2022.

***June 27, 2022 Memorandum Opinion and Judgment of Divorce***

The circuit court entered its first memorandum opinion and the judgment of absolute divorce on June 27, 2022. The court “considered all of the testimony and evidence in this matter, as well as the arguments of counsel.” The court found the evidence to be sufficient to award Mr. Rood a judgment of absolute divorce, naming “[Ms. Rood]’s request for alimony, the division of the parties; marital property, [Ms. Rood]’s request for a monetary award, and [Ms. Rood]’s Motions for Contempt and for Retroactive Modification of the *Pendente Lite* Alimony award” to be at issue. To identify the marital property, the court “relied heavily on the Joint Statement of Parties

Concerning Marital and Non-Marital Property, as amended during trial, and as admitted as Joint Exhibit 1.” The court also “relied on the exhibits admitted into evidence, and the testimony of the parties.”

The court listed the items the parties agreed upon to be marital and non-marital property. The court then made findings as to what the items the parties disagreed upon would be considered. The court decided the “proceeds of the house, after all encumbrances are satisfied, [would be] divided equally between the parties.” The proceeds would be held in an attorney escrow account until the conclusion of the case. The court also explained its inability to value and divide the marital property accurately, so it reserved the issue of marital property and a monetary award for 90 days for the parties to “present evidence of the value of the marital property as of today.”

The court then addressed the issue of alimony. The court noted that it was “guided by the factors in Family Law Article, Section 11-106.”<sup>2</sup> The court examined “the ability of the party seeking alimony to be wholly or partly self-supporting” and found that, at that time, Ms. Rood was not able to be self-supporting. The court then analyzed “the time necessary for the party seeking alimony to gain sufficient education or training to enable the party to find suitable employment[,]” and found “[t]he biggest obstacle to [Ms. Rood] becoming self-supporting [was] not her education, or lack of training, but her health.” The court then looked at “the standard of living that the parties established during their marriage” and illustrated the parties’ “upper middle-class standard of living”

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<sup>2</sup> Md. Ann. Code, Family Law (“FL”) § 11-106 (1984, 2019 Repl. Vol.).

while they were together. As for the duration of the marriage and the parties' ages, the court noted that the parties had been married for 20 years, Mr. Rood was 54 years old and Ms. Rood was 51 years old at the time of trial. The court also wrote about "[t]he contributions, monetary[] and nonmonetary, of each party to the well-being of the family," explaining each party's work life during marriage and since separation. The court looked at the "circumstances that [c]ontributed to the estrangement of the parties, noting some of the parties' altercations prior to Ms. Rood leaving the marital home.

Before addressing "the physical and mental condition of each party," the court wrote, "[a] great deal of testimony throughout the course of the trial was focused on the physical and mental condition of [Ms. Rood]. Less attention was provided to [Mr. Rood]'s health." The court then addressed "the ability of the party from whom alimony is sought to meet that party's needs while meeting the needs of the party seeking alimony." The court found that "[Mr. Rood] is financially able to pay alimony." The court acknowledged that there was "no agreement between the parties as to alimony."

The court determined "the financial needs and financial resources of each party," which included "all incomes and assets, including property that does not produce income;"<sup>3</sup> "any award made under §§ 8-205 and 8-208 of this article;"<sup>4</sup> "the nature and

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<sup>3</sup> The circuit court "[had] not yet made a property distribution determination" but did include information regarding Mr. and Ms. Rood's income and assets.

<sup>4</sup> FL § 8-205 governs the monetary award, or the granting of award or transferring ownership of an interest in property. FL § 8-205(b) requires courts to consider 11 factors when determining the "amount and the method of payment of a monetary award, or the terms of the transfer of the interest in property[.]"

amount of the financial obligations of each party; and . . . the right of each party to receive retirement.” The court determined that “whether the award would cause a spouse who is a resident of a related institution as defined in § 19-301 of the Health-General Article and from whom alimony is sought to become eligible for medical assistance earlier than would otherwise occur” does not apply. Finally, the court addressed other factors, specifically, finding “[Mr. Rood]’s behavior during the parties’ separation” to be “noteworthy.”

The court then discussed indefinite alimony, citing the factors for indefinite alimony to be either:

(1) due to age, illness, infirmity, or disability, the party seeking alimony cannot reasonably be expected to make substantial progress toward becoming self-supporting; or (2) even after the party seeking alimony will have made as much progress toward becoming self-supporting as can reasonably be expected, the respective standards of living of the parties will be unconscionably disparate.<sup>5</sup>

The court reserved on the issue “until the marital property and monetary award issue [was] resolved as that could factor into the [c]ourt’s award. [The court] will also address at that time the request for the retroactive modification.”

The court found Mr. Rood to be “in contempt for non-payment of child support and Pendente Lite alimony in the amount of \$42,270.00.” The court also imposed

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FL § 8-208 governs the possession and use of the family home and family use personal property after “the court grants an annulment or a limited or absolute divorce.”

In the case here, the circuit court had not yet determined the marital award.

<sup>5</sup> FL § 11-106(c)(1)-(2).

instructions for Mr. Rood to purge being found in contempt. If Mr. Rood failed to follow the court’s order, the court would “impose a monetary sanction of \$3,000, plus attorney’s fees.”

***November 22, 2022 Memorandum Opinion and Order***

During the hearing on October 11, 2022, the court “receive[d] additional documentation, as well as arguments of counsel” to address the “issues that remained open[] following” the judgment of absolute divorce.<sup>6</sup> As a result of the hearing, the circuit court entered a memorandum opinion and an order on November 22, 2022. The court “considered all the testimony and evidence in this matter, as well as the arguments of counsel” and “incorporate[d] into th[e] [Memorandum] Opinion all findings previously made in the Memorandum Opinion accompanying the parties’ Judgment of Absolute Divorce” entered on June 27, 2022.

The court ordered “the marital property to be divided equally between the parties as detailed in the Separation of Property chart [] and Property Ownership chart [].” The court “considered the factors set forth in Family Law Act § 8-205. Many of the factors the [c]ourt considered were the same factors the [c]ourt considered in its award of alimony.” The court incorporated its findings from the June 27, 2022 memorandum opinion and supplemented some of the factors from FL § 11-106. The court found that

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<sup>6</sup> The hearing also addressed Ms. Rood’s Motion to Amend or Alter Memorandum Opinion and Judgment filed on July 7, 2022, Mr. Rood’s Responses filed on July 22, 2022, Mr. Rood’s Motion for Lien on June 13, 2022 (to which there was no objection), and Ms. Rood’s request for an Earnings Withholding Order.



an indefinite alimony award was appropriate under FL § 11-106(c), and Mr. Rood’s payments were to continue to be made to Ms. Rood by an Earnings Withholding Order.

As for the arrears, the court detailed Mr. Rood’s payments towards alimony and arrears and ordered Mr. Rood to “satisfy all arrears in a lump sum payment to [Ms. Rood] from his share of the proceeds from the marital home prior to its distribution.” The court also found that “significant attorney[’s] fees were incurred by [Mr. Rood] and [Ms. Rood]” and detailed Mr. Rood’s obligations to pay the fees and corresponding consequences should he fail to pay them.

***December 20, 2022 Motion to Modify***

Mr. Rood filed a motion to modify requesting the court “to modify its judgment and order of November 21, 2022” pursuant to Maryland Rule 2-535.<sup>7</sup> Mr. Rood claimed that “[t]he alimony is problematic;” “[t]he arrearage calculation . . . is incorrect;” “[t]he notion that [Ms. Rood] has an entitlement to indefinite alimony cannot withstand scrutiny;” “it is impossible to discern what [Ms. Rood] did with any of the money she received;” and “[t]he double award of attorney’s fees is also questionable.” Mr. Rood concluded with: “In sum, the court must modify its holding in [its] order [for] alimony, support, marital award, . . . attorney’s fees, contempt and such other decisions may be articulated at any hearing hereon.” After a remote status conference on April 10, 2023 to

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<sup>7</sup> The November 22, 2022 memorandum opinion and order was entered by the circuit court on November 22, 2022 but was signed on November 21, 2022. Based on the record, the judgment and order to which Mr. Rood is referring here are the same as the November 22, 2022 memorandum opinion and order.

clarify contentions as to the intent of Mr. Rood’s motion, the circuit court ordered Mr. Rood’s motion to modify to be considered as a motion for reconsideration and denied the motion on April 20, 2023.

Mr. Rood filed his appeal to this Court on May 19, 2023.

## DISCUSSION

### **I. MR. ROOD’S APPEAL OF THE JUNE 27, 2022 JUDGMENT OF ABSOLUTE DIVORCE AND RELATED MEMORANDUM OPINION IN ADDITION TO THE NOVEMBER 22, 2022 ORDER AND RELATED MEMORANDUM OPINION IS NOT TIMELY.**

Mr. Rood appeals from the following:

[T]he Judgment of Absolute Divorce entered June 27, 2022 and related Memorandum Opinion entered simultaneously, the Trial Court’s Order entered November 22, 2022 and the related Memorandum Opinion entered simultaneously, and the Trial Court’s Order entered April 20, 2023 on [Mr. Rood]’s Motion to Modify (treated as a Motion for Reconsideration).

Ms. Rood argues on appeal that Mr. Rood “did not appropriately preserve issues contained in his brief and the issues presented should not be considered by this Court on appeal.” Specifically, Ms. Rood claims “Mr. Rood’s appeal is limited to the issue of whether the court abused its discretion when it denied his revisory motion, which is not the same as an appeal from the original judgment.” Citing to *Cent. Truck Ctr., Inc. v. Cent. GMC, Inc.*, 194 Md. App. 375, 397 (2010), Ms. Rood argues that this Court should not review the June 27, 2022 judgment of absolute divorce and related memorandum opinion nor the November 22, 2022 order and related memorandum opinion. We agree with Ms. Rood.

Mr. Rood’s motion to modify was filed on December 20, 2022. The motion requested the circuit court to “modify its judgment and order of November 21, 2022[.]” The order was entered by the court on November 22, 2022. The motion to modify was considered by the court as a motion for reconsideration and denied on April 20, 2023.

Maryland Rule 8-202 governs when appeals must be filed. Rule 8-202(a) states: “Except as otherwise provided in this Rule or by law, the notice of appeal shall be filed within 30 days after entry of the judgment or order from which the appeal is taken.” Rule 8-202(c) states:

In a civil action, when a timely motion is filed pursuant to Rule 2-532, 2-533, 2-534, or 11-218, the notice of appeal shall be filed within 30 days after entry of (1) a notice withdrawing the motion or (2) an order denying a motion pursuant to Rule 2-533 or disposing of a motion pursuant to Rule 2-532, 2-534, or 11-218.

A motion to reconsider is governed by Maryland Rule 2-534. *Matter of Jacobson*, 256 Md. App. 369, 404 (2022). Under Rule 2-534, a motion for reconsideration may be filed within ten days after entry of judgment. Md. Rule 2-534; *Matter of Jacobson*, 256 Md. App. at 404. Pursuant to Maryland Rule 8-202 and the precedent of this Court and the Supreme Court of Maryland:

When parties file timely motions under Rules 2-533 or 2-534, the time the parties have to note an appeal is suspended until after the motion is decided. *See* Md. Rule 8-202; *Unnamed Attorney v. Attorney Grievance Comm’n*, 303 Md. 473[ ] (1985); *Sieck v. Sieck*, 66 Md. App. 37[ ] (1986). If parties file a motion for new trial or a motion to alter or amend more than ten days after judgment, the time for filing an appeal will not be stayed. *See* Md. Rule 8-202(c); *Stephenson v. Goins*, 99 Md. App. 220[ ] (1994).

*Pickett v. Noba, Inc.*, 114 Md. App. 552, 556 (1997).

Mr. Rood filed his motion for reconsideration on December 20, 2022, which is more than ten days after judgment was entered on November 22, 2022. Because his motion under Rule 2-534 was not filed within ten days of the November 22, 2022 judgment, Rule 8-202(c) was not invoked; as a result, Mr. Rood did not have an additional 30 days to appeal the November 22, 2022 judgment from when the court denied Mr. Rood's motion for reconsideration. Therefore, Mr. Rood's appeal of the November 22, 2022 order and related memorandum opinion is not timely.

Additionally, Mr. Rood's appeal of the June 27, 2022 judgment and related memorandum opinion is also not timely. In that judgment, the circuit court reserved judgment on the issues of marital property, monetary award, amount of alimony, attorney's fees, and retroactive modification of alimony. The court held a hearing on October 11, 2022, to address those issues. Following the hearing, the November 22, 2022 judgment "incorporate[d] . . . all findings previously made in the [June 27, 2022] Memorandum Opinion accompanying the parties' Judgment of Absolute Divorce[,]” made additional findings, and issued a judgment concerning “marital property, monetary award, amount of alimony, [and] retroactive modification of alimony.”

Because the June 27, 2022 judgment awarded an absolute divorce but did not include a conclusive ruling on several other contested issues, the judgment was not final nor reviewable by this Court on those unaddressed issues. *See Rohrbeck v. Rohrbeck*, 318 Md. 28, 41 (1989). The November 22, 2022 judgment included the court's ruling on the remaining issues and was the final judgment in this case. While Mr. Rood could have

appealed the November 22, 2022 judgment, as we have already concluded, he did not do so in a timely manner. Mr. Rood’s challenges to the June 27, 2022 and November 22, 2022 judgments are untimely.

**II. THE CIRCUIT COURT DID NOT ABUSE ITS DISCRETION IN DENYING MR. ROOD’S REVISORY MOTION.**

What this Court can review is the circuit court’s denial of Mr. Rood’s motion for reconsideration which he filed on December 20, 2022, and the court denied in its April 20, 2023 order. As stated above, Mr. Rood requests this Court to review the circuit court’s award of attorney’s fees, alimony and arrears, and determination of dissipation. An appeal of an order denying a motion for reconsideration is governed by an abuse of discretion standard. *Cent. Truck Ctr., Inc.*, 194 Md. App. at 397. This Court continued:

As been reiterated on numerous occasions, an abuse of discretion occurs:

“where no reasonable person would take the view adopted by the [trial] court [ ]” . . . or when the court acts “without reference to any guiding principles.” An abuse of discretion may also be found where the ruling under consideration is “clearly against the logic and effect of facts and inferences before the court [ ]” . . . or when the ruling is “violative of fact and logic.”

Questions within the discretion of the trial court are “much better decided by the trial judges than by appellate courts, and the decisions of such judges should be disturbed where it is apparent that some serious or abuse of discretion or autocratic action has occurred.” In sum, to be reversed “[t]he decision under consideration has to be well removed from any center mark imagined by the reviewing court

and beyond the fringe of what that court deems minimally acceptable.”

*Aventis Pasteur, Inc. v. Skevofilax*, 396 Md. 405, 418-19[ ] (2007) (quoting *Wilson v. John Crane, Inc.*, 385 Md. 185, 198-99[ ] (2005), in turn quoting *In re Adoption/Guardianship No. 3598*, 347 Md. 295, 312-13[ ] (1997)).

An abuse of discretion, therefore, ““should only be found in the extraordinary, exceptional, or most egregious case.”” *Id.* at 419[ ] (quoting *Wilson*, 385 Md. at 199[ ]). Given that the abuse of discretion standard makes “generous allowances for the trial court’s reasoning,” *Das v. Das*, 133 Md. App. 1, 15[ ] (2000), we grant great deference to that court’s conclusion and uphold it unless it is apparent a serious error has occurred.

*Cent. Truck Ctr., Inc.*, 194 Md. App. at 398. “[A]n error in applying the law can constitute an abuse of discretion, even in the context of a motion for reconsideration.”

*Matter of Jacobson*, 256 Md. App. at 405 (quotation marks and citation omitted).

Mr. Rood’s first argument addresses the court’s findings for the attorney’s fees.

Mr. Rood writes:

The [c]ourt’s Order entered November 22, 2022 ordered that [Mr. Rood] is to pay to [Ms. Rood]’s attorney [ ] the sum of \$37,000 within thirty days of the Order and that [Mr. Rood] was to further pay to [Ms. Rood]’s other attorney [ ] the sum of \$7,500 within third days of the Order. Unpaid sums were to be reduced to judgment. The [t]rial [c]ourt erred and abused its discretion regarding the same.

Mr. Rood claims “[t]he trial court failed to apply properly the statutory criteria having made no finding regarding whether the litigation was substantially justified and hav[ing] failed to consider [Mr. Rood]’s financial resources and financial needs.”

Mr. Rood then addresses the alimony award. First, Mr. Rood cites to “the [t]rial [c]ourt’s memorandum opinion entered June 27, 2022” and the “[t]rial [c]ourt Judgment of Absolute Divorce entered June 27, 2022” and claims “the [t]rial [c]ourt was clearly erroneous to have decided to award indefinite alimony without considering the factors necessary for a fair and equitable award.” Second, Mr. Rood cites to the “[c]ourt’s Order entered November 22, 2022” and argues that the trial court:

did not explain how, based on the evidence, it determined [Ms. Rood]’s needs and made no finding regarding the amount of [Ms. Rood]’s monthly needs. Further, the [t]rial [c]ourt failed to explain how, based on the evidence, it determined that [Mr. Rood] had the ability to pay the alimony award and take care of his needs.

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The [t]rial [c]ourt was clearly erroneous to have decided to award indefinite alimony without determining and considering [Ms. Rood]’s monthly needs and [Mr. Rood]’s monthly needs and in failing to explain how, based on the evidence, it determined that [Mr. Rood] had the ability to pay the alimony awarded.

Mr. Rood again cited to the “[c]ourt’s November 22, 2022 Memorandum Opinion” when arguing that the court failed to conduct an analysis of the parties’ financial needs and resources when determining each party’s rights to receive retirement benefits. Mr. Rood also claims the circuit court “detailed some of [Mr. Rood]’s liabilities” but “omitted and failed to consider further obligations of [Mr. Rood]” in the “[t]rial [c]ourt’s Judgment of Absolute Divorce and related Memorandum Opinion and the [t]rial [c]ourt’s Order entered November 22, 2022 and related Memorandum Opinion.”

Mr. Rood then addresses the alimony arrears. Mr. Rood writes:

Pursuant to the [t]rial [c]ourt’s Order entered November 22, 2022, the [t]rial [c]ourt modified [Mr. Rood]’s pendente lite alimony obligation for the period from June 2021 to September 2021 and again beginning June 2022. The [t]rial [c]ourt erred and abused its discretion in modifying the pendente lite alimony obligation to \$3,000 per month.

Mr. Rood lastly addresses the dissipation determination. Again, Mr. Rood cites to the trial court’s finding in the memorandum opinion entered June 27, 2022, and argues that the purpose behind the expenditure of the marital assets is important.

Although, Mr. Rood cites to the June 27, 2022 and November 22, 2022 judgments throughout his brief, he does not provide meaningful argument as to why the court abused its discretion in its denial of his motion for reconsideration. “[A]rguments not presented in a brief or not presented with particularity will not be considered on appeal.” *Klaunberg v. State*, 355 Md. 528, 552 (1999). *See* Md. Rule 8-504(a)(6) (requiring that briefs contain “[a]rgument in support of the party’s position on each issue”). In short, Mr. Rood has failed to present with particularity how the circuit court abused its discretion when it denied his motion for reconsideration, only mentioning the circuit court’s order when he stated he was appealing it.<sup>8</sup>

Nevertheless, the questions raised are essentially mixed questions of law and fact and we reviewed the record with that in mind. Based on the record and the circuit court’s multiple memorandum opinions, which included its analysis, relevant factual details, and

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<sup>8</sup> “A single sentence is insufficient to satisfy [Maryland Rule 8-504(a)(6)]’s requirement.” *Silver v. Greater Baltimore Med. Ctr., Inc.*, 248 Md. App. 666, 668 n.5 (2020).



reasoning, accompanying its orders in this case, we are not persuaded that “[any] serious error has occurred.” *Cent. Truck Ctr., Inc.*, 194 Md. App. at 398. Therefore, we hold that the circuit court did not abuse its discretion when it denied Mr. Rood’s motion for reconsideration.

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