

Circuit Court for Prince George's County
Case No. C-16-CV-22-000537

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 707

September Term, 2024

DUANE MCKINNEY

v.

5412 67TH AVE LLC, *et al.*

Wells, C.J.,
Graeff,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 27, 2024

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

John R. Garrison passed away on February 1, 2022. Shortly thereafter, Duane McKinney, appellant, recorded deeds for multiple properties in the Land Records of Prince George’s County. Those deeds purported to show that, prior to his death, Mr. Garrison had transferred ownership of the properties to appellant for consideration of \$10.00. On September 16, 2022, appellant transferred his interest in one of those properties, 5412 67th Avenue, Riverdale, MD (the 67th Avenue property), to 5412 67th Ave, LLC (the purchaser), appellee, for consideration of \$150,000.

In November 2022, Emilie Dworkin, acting as personal representative of the Estate of John Garrison, filed a complaint against appellant and the purchaser in the Circuit Court for Prince George’s County, alleging that appellant had forged the deeds to the various properties. In addition to raising claims of conversion and unjust enrichment against appellant, the complaint also sought a declaratory judgment that the deeds were null and void, and that the estate was the rightful owner of the properties. The purchaser filed crossclaims for breach of warranty and fraud against appellant. It also filed counterclaims for melioration and unjust enrichment against the Estate, alleging that it was a bona fide purchaser, and that it had performed renovations and upgrades to the property that had raised its value.

After appellant failed to file an answer, the court entered a default judgment and declaratory judgment against him, and in favor of the Estate, with respect to all its claims, except those related to the 67th Avenue property. The court held a bench trial to resolve the claims related to the 67th Avenue property on May 22, 2024. Appellant did not attend that trial. On July 8, 2024, the court entered a judgment with respect to the 67th Avenue

property, finding that the deed recorded by appellant had been forged, declaring the deed null and void, and further declaring that the Estate was the rightful owner of the property. As to the purchaser’s counterclaims and crossclaims, the court entered a judgment against appellant in the amount of \$271,900 and a judgment imposing a constructive trust on the 67th Avenue property in the amount of \$55,000. This appeal followed.

As an initial matter, we note that appellant’s brief is extremely difficult to follow, stating that his “argument” on appeal is “dep[r]avity practices, lack of jurisdiction violation constitutions, and unable to state a lawful claim.” In support of this broad contention, he sets forth a litany of unsupported claims including that: (1) “without corpus delicti there can be no crime;” (2) he cannot be held to answer for a crime unless there is a presentment or indictment of a grand jury; (3) he cannot be compelled to be a witness against himself; (4) there was no controversy for the court to adjudicate because he “is not supposed to be arguing the facts about any case that uses statutes or codes;” and (5) the court lacked subject matter jurisdiction because the “Duane McKinney Estate ha[s] not given any party delegation of authority, nor ha[s] anyone been given consent[.]”¹ But these contentions

¹ In the statement of facts, appellant briefly asserts that he was “never served a complaint[.]” The record indicates, however, that an affidavit of service was filed wherein an independent process server stated under oath that he had served a copy of the complaint by handing it to a person of suitable age and discretion at appellant’s residence, which was a proper method of service. The process server’s affidavit of service is prima facie evidence of proper service *Weinreich v. Walker*, 236 Md. 290, 296 (1964) (“[A] proper official return of service is presumed to be true and accurate until the presumption is overcome by proof[.]”). And although this presumption may be rebutted, “the mere denial of personal service by him who was summoned will not avail to defeat the sworn return of the official process server.” *Id.*

are wholly without merit.² In fact, most of them appear to be based on legal theories advanced by the proponents of the “sovereign citizen” movement, which we have noted “have not, will not, and cannot be accepted as valid.” *Anderson v. O’Sullivan*, 224 Md. App. 501, 512 (2015).

In addition to these claims appellant generally denies that he committed fraud and therefore asserts that the Estate “failed to meet their burden of proof.” But appellant did not file an answer and did not participate in the bench trial in the circuit court. Consequently, any claim that the court erred in finding that appellant had forged the deeds is not preserved for appellate review. *See* Maryland Rule 8-131(a) (stating that ordinarily the appellate court “will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court”).

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO BE
PAID BY APPELLANT.**

² In fact, the first three of these claims would only be relevant in a criminal case. This is, however, an appeal from a civil judgment.