

Circuit Court for Montgomery County  
Case No.: C-15-FM-22-003497

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 849

September Term, 2023

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KORTUE SAMMY

v.

MARGARET SAMMY

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Leahy,  
Kehoe, S.,  
Eyler, James R.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: August 9, 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.

Following a hearing, the Circuit Court for Montgomery County entered a judgment of absolute divorce between Kortue Sammy, appellant (“Husband”), and Margaret Sammy, appellee (“Wife”). On appeal, Husband contends that the court erred: (1) in denying his request for a continuance; (2) in awarding Wife alimony; (3) in awarding Wife a 50% interest in his retirement account; and (4) in not addressing, in the divorce judgment, extraterritorial property that Wife had purchased in Liberia during the marriage. Finding no error or abuse of discretion, we shall affirm.

Husband first contends the circuit court should have granted his request for a continuance. The court scheduled the merits hearing for May 25, 2023. Wife had previously moved to compel Husband’s response to her discovery requests. On January 31, the circuit court granted her motion and gave Husband 14 days to respond to Wife’s requests. On April 12, Husband moved to postpone the merits hearing because he “need[ed] to obtain discover[y] that [was] located overseas (Liberia),” which Wife opposed. According to Wife’s opposition, Husband still had not complied with the court’s compulsion order and, in any event, the parties “do not have ownership of assets or documents pertaining to their marriage in . . . any region outside of the State of Maryland.” The court denied Husband’s request on April 28, and the merits hearing went forward as scheduled a month later.

Whether to grant a continuance “is in the sound discretion of the trial court.” *Serio v. Baystate Props., LLC*, 209 Md. App. 545, 554 (2013) (cleaned up). We will reverse a court’s exercise of that discretion only if the court’s decision is “well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court

deems minimally acceptable.” *In re Andre J.*, 223 Md. App. 305, 323 (2015) (cleaned up). The court here considered Husband’s request against the backdrop of his noncompliance with its prior compulsion order, and weighed Wife’s suggestion that there was nothing relevant to be found outside of Maryland, before concluding that the hearing should proceed as scheduled. We cannot say that the court’s decision was so far “beyond the fringe” of what we would deem minimally acceptable as to be an abuse of discretion.

Husband next seems to contend the court made some error related to Wife’s alimony award. As best we can tell, he argues that “[t]he [divorce] judgement [sic] was silent on spousal support in the event that” he is no longer employed. Not so. The judgment specifically states that Husband’s alimony obligation extinguishes on the earlier of (A) 36 months; or (B) if he “is no longer working in any capacity for more than [6] months[.]” Indeed, Husband appears to concede Wife’s entitlement to alimony based on the parties’ current incomes but asserts that, should he become unemployed, *he* would be entitled to alimony. At the end of the merits hearing, however, Husband told the court he wanted to withdraw his request for alimony “even if [his] income reduces to [only his Social Security benefits].” Accordingly, any issue related to his request is waived. *See VEI Catonsville, LLC v. Einbinder Props., LLC*, 212 Md. App. 286, 293 (2013).

Husband next contends that his retirement account was personal—not marital—property. Again, not so. “It is clear that pensions or retirement benefits that accrue during a marriage constitute marital property.” *Abdullahi v. Zanini*, 241 Md. App. 372, 420 (2019) (cleaned up). The record reflects that Husband obtained his retirement account and deposited funds into it during the marriage. Consequently, it was marital property, and as

such, was subject to equitable distribution. *Conteh v. Conteh*, 392 Md. 436, 442 (2006). The circuit court did not err in dividing it accordingly.

Finally, Husband contends that “[t]here is no mention in the [divorce] order of the property purchased by [Wife] in Liberia.” The record does not reflect that Wife owned any property in Liberia at the time of the divorce. At the merits hearing, Wife testified that although she attempted to purchase real property in Liberia during the marriage, the transaction was “reversed,” and the payment “refunded.” Husband produced no evidence to refute her testimony. Thus, the circuit court had no reason to address the property in the divorce judgment.

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