

Circuit Court for Charles County
Case No: C-08-JG-23-000545

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1042

September Term, 2023

ALIREZA KALANTAR HORMOZI

v.

GLORIANA GALEANO, ET AL.

Friedman,
Beachley,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Harrell, J.

Filed: December 5, 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).

Alireza Kalantar Hormozi, appellant, appeals from a decision by the Circuit Court for Charles County denying his motion to release property from levy, to strike and dismiss certain liens, and for an injunction. He presents the following questions for our consideration, which we have rephrased slightly:

- I. Whether the liens of judgment recorded in, and the levies and writs of garnishment and execution issued by, the circuit court were legal nullities;
- II. Whether the circuit court erred in ordering a sheriff's sale without an appraisal;
- III. Whether the circuit court erred in ruling that the recordation of the conveyance of 6572 Cracklingtown Road, Hughesville, Maryland, to appellant and his wife as tenants by the entirety on or about 17 April 2023 was a transfer of property in prejudice of the rights of present creditors; and,
- IV. Whether the circuit court erred in denying appellant's and his wife's motions.

For the reasons set forth below, we shall affirm the judgments of the circuit court.

BACKGROUND

This appeal traces its origins to a child custody and child support dispute in the Circuit Court for Montgomery County, case number 61975-FL, between appellant and Gloriana Galeano, appellee, the mother of appellant's minor child. In November 2020, appellant purchased real property located at 6572 Cracklingtown Road in Hughesville ("the Property") in Charles County for \$619,000 in cash and without a mortgage. On or about 18 February 2023, appellant refinanced the Property with a loan from Rocket Mortgage and received a cash payment of \$555,000.

On 7 April 2023, the Circuit Court for Montgomery County entered judgments against appellant in the amount of \$13,343 for child support arrears and in the amount of

\$121,890.25 for attorney’s fees in favor of Galeano’s attorney, Barry Rosenthal, Esq., appellee.¹ Four days later, on 11 April 2023, Galeano and Rosenthal filed notices of their recorded judgments in the Circuit Court for Charles County. On 17 April 2023, appellant filed a no-consideration deed re-titling the Property, which he owned individually, to himself and his wife, Vera Pirunova, as tenants by the entireties.

On 24 April 2023, in case number C-08-JG-23-000545 in the Circuit Court for Charles County, Galeano and Rosenthal filed requests for writ of garnishment of property other than wages. Subsequently, they filed requests for writs of execution against the Property. The court issued the writs of garnishment and execution. Galeano and Rosenthal requested the Charles County Sheriff to levy upon and conduct a sale of the Property, which they claimed was titled solely in appellant’s name.

On 25 May 2023, appellant filed a motion to release the Property from levy, to strike and dismiss the liens, and to enjoin any sale of the Property on the grounds that the filing of the liens was premature and a legal nullity because it was done in violation of the Maryland Rules. Specifically, appellant argued that the judgment liens filed on 11 April 2023 violated Maryland Rule 2-632(b), which provides that “enforcement of a money judgment is automatically stayed until the expiration of ten days after its entry.”² Appellant argued also that the Property was exempt from levy because it was owned by him and his

¹ Appellant filed a notice of appeal as to those judgments. That case, ACM-REG-0434-2023, is pending currently before a different panel of this Court.

² Unless otherwise noted, all references are to the version of the Maryland Rules in effect in 2023.

wife, Pirunova, as tenants by the entireties. In addition, appellant claimed that his undivided interest in the Property was “not marketable,” was “worth less than \$6,000,” and that there was “a mortgage lien on the property in the amount of \$555,000.00[.]” Pirunova filed a motion to intervene in the case and requested that the Property be released from levy, that the court strike and dismiss the liens, and that the court issue an injunction. She argued that because the notices of judgment were filed in violation of the ten-day stay provided by Rule 2-632(b), they were a “legal nullity,” such that no levy or writ of execution could proceed. She argued also that appellees could not execute on the Property because it was owned by her and appellant as tenants by the entireties.

Appellees opposed the motions filed by appellant and Pirunova. Appellees argued that the recording of their judgments in the Circuit Court for Charles County did not constitute an enforcement action within the ambit of Rule 2-632(b). They argued that appellant, in anticipation of an unfavorable outcome in his domestic case in Montgomery County, refinanced the Property with a loan from Rocket Mortgage and took a cash payment of \$555,000, “in an attempt to hide his assets and hinder, delay and defraud his judgment creditors.” Galeano and Rosenthal asserted that, in a continuing effort to defraud his creditors, appellant re-titled the Property in his and his wife’s names. Appellees maintained that the transaction was invalid under § 4-301(d)(2)(i) of the Family Law (“FL”) Article of the Maryland Code, which states that “[a] transfer of property between spouses is invalid if made in prejudice of the rights of present creditors.” According to appellees, the re-titling of the Property occurred six days after notices of their judgments

were recorded in the Circuit Court for Charles County and, as a result, appellant and Pirunova “obtained title subject to any and all liens previously placed upon the Property.”

A hearing on appellant’s and Pirunova’s motions was held on 10 July 2023. Appellant repeated the arguments set forth in the motion, but added that “no valuation has been performed on this property as of right now[,]” but after “various exceptions from execution,” and “especially given the current market conditions, there is frankly simply nothing left for the creditors to collect on.” Pirunova joined in appellant’s arguments. She did not make any additional arguments on her own behalf. Appellees argued, among other things, that no appraisal was completed by the sheriff because appellant’s and Pirunova’s motions “stayed any further action.” At the conclusion of the hearing, the trial judge found as follows:

Okay, so you know, I have considered the arguments of both parties, and the judgment debtor’s motion to release the property from levy, strike, and dismiss liens and court injunction is denied.

I am going to note that the transfer of property between the spouses is invalid if it is made in prejudice of the right of the present creditors, which I do find that it was.

And that the property located at 6572 Cracklingtown Road in Hughesville, Maryland be sold at public auction as promptly as allowed, and by the applicable rules.

In a written order filed on 17 July 2023, the circuit court denied the “Judgment Debtor’s” motion to release the Property from levy, to dismiss the liens, and for an injunction, ordered that the Property be “approved for sale, at public auction as promptly as allowed by applicable Rules[,]” and ordered the Charles County Sheriff “to proceed with

the Writ of Execution, promptly and as expeditiously as allowed under applicable Rules.”

Appellant filed a timely notice of appeal on 22 July 2023.

On 26 July 2023, the circuit court filed another order denying both appellant’s and Pirunova’s motions to release the Property from levy, to dismiss the liens, and for an injunction. The court ordered that the Property be sold at public auction as promptly as allowed, and ordered:

that the transfer of property between the spouses is invalid if its made in prejudice of the rights of present creditors, including Judgment Creditors, and that Judgment Debtor’s deed of transfer recorded on April 17, 2023 (6 days after the recording of Judgment Creditors’ Judgments) which re-titled the subject property in the names of Alireza Kalantar Hormozi and Vera Pirunova, his wife, is invalid as to Judgment Creditors’ Writs of Execution and rights to the sale and proceeds of the Sheriff’s sale of said property.

Neither appellant nor Pirunova noted an appeal from that order.³ Appellant filed a motion to stay the execution and sale of the Property, pending resolution of the appeal he filed from the judgments entered in the family law case in the Circuit Court for Montgomery County. On 27 September 2023, appellant filed a suggestion of bankruptcy indicating that he had filed for relief under Title 11 of the United States Code in the United States Bankruptcy Court for the District of Maryland. The sheriff’s sale of the Property was stayed as a result of appellant’s bankruptcy filing. On 5 October 2023, the circuit court ruled that appellant’s motion to stay execution and sale of the Property was moot. The bankruptcy stay was lifted on 7 March 2024. This appeal proceeded.

³ Pirunova, an intervenor below, did not file a notice of appeal from the denial of her motion, did not file a brief, and is not a party to this appeal.

STANDARD OF REVIEW

In considering the questions presented, we apply the standard of review set forth in Maryland Rule 8-131(c):

When an action has been tried without a jury, an appellate court will review the case on both the law and the evidence. It will not set aside the judgment of the trial court on the evidence unless clearly erroneous, and will give due regard to the opportunity of the trial court to judge the credibility of the witnesses.

Accordingly, we give “due regard to the trial court’s role as fact-finder and will not set aside factual findings unless they are clearly erroneous.” *Clickner v. Magothy River Ass’n, Inc.*, 424 Md. 253, 266 (2012). “If any competent material evidence exists in support of the trial court’s factual findings, those findings cannot be held to be clearly erroneous.” *Li v. Lee*, 210 Md. App. 73, 96 (2013) (quoting *Fischbach v. Fischbach*, 187 Md. App. 61, 88 (2009)). We review questions of law without deference to determine if the trial court was legally correct. *Lee v. Lee*, 466 Md. 601, 619 (2020). When reviewing mixed questions of law and fact, “we will affirm the trial court’s judgment when we cannot say that its evidentiary findings were clearly erroneous, and we find no error in that court’s application of the law.” *Fischbach*, 187 Md. App. at 88 (quotation marks and citations omitted).

DISCUSSION

I.

Appellant contends that the circuit court erred in denying his motion because the notices of judgment recorded in, and the levies, writs of garnishment, and writs of execution issued by, the circuit court violated the automatic ten-day stay provision required

by Maryland Rule 2-632(b). Appellant argues that no lien of judgment could be filed or recorded properly outside of Montgomery County until April 17. As a result, the filing of the lien in the Circuit Court for Charles County on April 11 “patently violated the Maryland Rules” and constituted “a legal nullity.” Appellant maintains further that “no levy or writ of execution could proceed from what was a legal nullity *ab initio*” and, therefore, his motion to release the Property from levy and execution should have been granted, the sale of the Property should have been enjoined, and the judgment liens should have been stricken and dismissed. We disagree.

A. Appealability

Before reaching the merits of appellant’s arguments, we pause to examine the appealability of the questions presented in this case. A party’s right to appeal an order of a circuit court is defined by statute. *In re C.E.*, 456 Md. 209, 220 (2017). Appellate review is authorized generally only from a final judgment of the trial court. Md. Code Ann., Cts. & Jud. Proc. Art. (“CJP”) § 12-301. *Accord URS Corp. v. Fort Myer Constr. Corp.*, 452 Md. 48, 65 (2017) (“As a general rule, under Maryland law, litigants may appeal only from what is known as a ‘final judgment.’”). “To constitute a final judgment, a trial court’s ruling ‘must either decide and conclude the rights of the parties involved or deny a party the means to prosecute or defend rights and interests in the subject matter of the proceeding.’” *Md. Bd. of Physicians v. Geier*, 451 Md. 526, 545 (2017) (quoting *Harris v. State*, 420 Md. 300, 312 (2011)). If a ruling of the court is to constitute a final judgment,

it must have at least three attributes: (1) it must be intended by the court as an unqualified, final disposition of the matter in controversy, (2) unless the court properly acts pursuant to Md. Rule 2-602(b), it must adjudicate or

complete the adjudication of all claims against all parties, and (3) the clerk must make a proper record of it in accordance with Md. Rule 2-601.

Rohrbeck v. Rohrbeck, 318 Md. 28, 41 (1989). A final order “must leave nothing more to be done in order to effectuate the court’s disposition of the matter.” *Id.* Conversely, an order that “adjudicates fewer than all of the claims in an action . . . , or that adjudicates less than an entire claim, or that adjudicates the rights and liabilities of fewer than all the parties to the action . . . is not a final judgment[.]” Md. Rule 2-602(a). Whether a judgment is final “is a question of law to be reviewed *de novo*.” *Baltimore Home All., LLC v. Geesing*, 218 Md. App. 375, 381 (2014).

In the case at hand, appellant filed his notice of appeal on 22 July 2023, after the court’s order of July 17 was entered, but prior to the entry of the court’s 26 July 2023 order. The circuit court did not direct entry of a judgment pursuant to Rule 2-602. At the time appellant’s notice of appeal was filed, the court had not entered an order resolving Pirunova’s motion and, as a result, the order appealed from was not final. For that reason, appellant’s appeal was interlocutory in nature.

In civil litigation, there are three exceptions to the finality requirement of CJP § 12-301: “appeals from interlocutory orders specifically allowed by statute; immediate appeals permitted under Maryland Rule 2-602; and appeals from interlocutory rulings allowed under the common law collateral order doctrine.” *Salvagno v. Frew*, 388 Md. 605, 615 (2005); *see also In re C.E.*, 456 Md. at 221. Appellant’s challenge to the denial of his motion was appealable pursuant to CJP § 12-303(3)(iii), which allows a party to appeal from an interlocutory order “[r]efusing to grant an injunction[.]”

Alternatively, appellant’s premature notice of appeal, filed prior to entry of the final judgment on 26 July 2023, may be treated as timely filed pursuant to the savings provision of Rule 8-602(f), which provides:

A notice of appeal filed after the announcement or signing by the trial court of a ruling, decision, order, or judgment but before entry of the ruling, decision, order, or judgment on the docket shall be treated as filed on the same day as, but after, the entry on the docket.

“Premature notices of appeal are generally of no force and effect.” *Jenkins v. Jenkins*, 112 Md. App. 390, 408 (1996), *superseded by rule as stated in Bussell v. Bussell*, 194 Md. App. 137, 152-54 (2010). This is so because a premature appeal is a “jurisdictional defect.” *Id.* That said, the Maryland Rules “legitimate” premature appeals in some cases via savings provisions. Those provisions do not function as exceptions to the final judgment rule. Instead, they permit an appellate court, “through application of a legal fiction, to treat the [notice of appeal] as if timely filed after a final judgment.” *Id.* at 410. When the defect is merely a timing issue, as here, Rule 8-602(f) will save the appeal. *See Bussell*, 194 Md. App. at 153-54.

B. Stay of Enforcement of a Money Judgment

Having determined that appellant’s challenge to the circuit court’s denial of his motion is properly before us, we turn to his contention that appellees’ act of recording their Montgomery County judgments in the Circuit Court for Charles County violated the automatic ten-day stay provided for in Rule 2-632(b). The standard for interpreting a Maryland Rule was explained in *Lee v. Lee*:

“A court interprets a Maryland Rule by using the same canons of construction that the court uses to interpret a statute. First, the court considers

the Rule’s plain language in light of: (1) the scheme to which the Rule belongs; (2) the purpose, aim, or policy of [the Supreme Court of Maryland] in adopting the Rule; and (3) the presumption that [the Supreme Court of Maryland] intends the Rules and [the] Court’s precedent to operate together as a consistent and harmonious body of law. If the Rule’s plain language is unambiguous and clearly consistent with the Rule’s apparent purpose, the court applies the Rule’s plain language. Generally, if the Rule’s plain language is ambiguous or not clearly consistent with the Rule’s apparent purpose, the court searches for rulemaking intent in other indicia, including the history of the Rule or other relevant sources intrinsic and extrinsic to the rulemaking process, in light of: (1) the structure of the Rule; (2) how the Rule relates to other laws; (3) the Rule’s general purpose; and (4) the relative rationality and legal effect of various competing constructions.”

466 Md. at 618 (quoting *Green v. State*, 456 Md. 97, 125 (2017)).

We look first to the plain language of Rule 2-632(b) and note that the ten-day stay is specifically directed to the “enforcement of a money judgment[.]” A “money judgment” is defined as “a judgment determining that a specified amount of money is immediately payable to the judgment creditor. It does not include a judgment mandating the payment of money.”⁴ Md. Rule 1-202(q). The word “enforcement” is defined as “[t]he act or process of compelling compliance with a law, mandate, command, decree, or agreement[.]” *Enforcement*, BLACK’S LAW DICTIONARY 669 (11th ed. 2019). *See also Chow v. State*, 393 Md. 431, 445 (2006) (explaining that it is proper to consult a dictionary for a term’s

⁴ Similarly, CJP § 11-401 provides, in part:

(a) In this subtitle the following terms have the meanings indicated.

* * *

(c)(1) “Money judgment” means a judgment determining that a specified amount of money is immediately payable to the judgment creditor.

(2) “Money judgment” does not include a judgment mandating the payment of money.

ordinary and popular meaning). Black’s Law Dictionary defines “enforcement of judgment” as a “court’s action to compel a person to comply with the terms of a judgment, usu[ally] one made by that court. A prevailing party may ask a court to enforce its order so that the party can collect the damages awarded.” *Enforcement of judgment*, BLACK’S LAW DICTIONARY 669 (11th ed. 2019).

A lien “is a mechanism that allows a debt, such as a money judgment, to be satisfied out of a particular property.” *Lee*, 466 Md. at 641. “A judgment lien is a general lien on real property signifying the right of the judgment creditor to order the sale of all or part of the debtor’s property to satisfy the judgment.” *Kroop & Kurland, P.A. v. Lambros*, 118 Md. App. 651, 664 (1998). Execution in its general sense means carrying out the judgment of a court. The word “execution” is defined in Black’s Law Dictionary as the “act of carrying out or putting into effect (as a court order or a securities transaction)” and as “[j]udicial enforcement of a money judgment, usu[ally] by seizing and selling the judgment debtor’s property[.]” *Execution*, BLACK’S LAW DICTIONARY 714 (11th ed. 2019).

With those definitions in mind, we turn to the scheme within which Rule 2-632(b) exists. The purpose of indexing and recording money judgments is “to give notice to purchasers, mortgagors, lien holders, and the like, of the prior conveyances of, or encumbrances on, the property of a particular person.” *Chambers v. Cardinal*, 177 Md. App. 418, 437 (2007) (quoting *Greenpoint Mortg. Funding, Inc. v. Schlossberg*, 390 Md. 211, 230 (2005)). In Maryland, a money judgment constitutes a lien as set forth in Rule 2-621, which provides, in pertinent part:

(a) **County of entry.** — Except as otherwise provided by law, a money judgment that is recorded and indexed in the county of entry constitutes a lien from the date of entry in the amount of the judgment and post-judgment interest on the defendant’s interest in land located in that county.

(b) **Other counties.** — Except as otherwise provided by law, a money judgment that is recorded and indexed pursuant to Rule 2-623 (a) constitutes a lien from the date of recording in the amount of the judgment and post-judgment interest on the defendant’s interest in land located in the county of recording.

Similarly, CJP § 11-402 provides, in part:

(b) If indexed and recorded as prescribed by the Maryland Rules, a money judgment of a court constitutes a lien to the amount and from the date of the judgment on the judgment debtor’s interest in land located in the county in which the judgment was rendered except a lease from year to year or for a term of not more than five years and not renewable.

(c) If indexed and recorded as prescribed by the Maryland Rules, a money judgment constitutes a lien on the judgment debtor’s interest in land located in a county other than the county in which the judgment was originally entered, except a lease from year to year or for a term not more than five years and not renewable.

A person holding a judgment may request a certified copy of the court’s judgment or may request the clerk of the court to transmit a certified copy of the judgment to the clerk of another circuit court within Maryland. Md. Rule 2-622(a). The recording of the judgment of one circuit court in another circuit court is addressed in Rule 2-623 which provides, in part:

(a) **Judgment of another court.** — (1) Generally. — Subject to subsection (a)(2) of this Rule, upon receiving a copy of a judgment of another court, certified or authenticated in accordance with these Rules or statutes of this State, or of the United States, the clerk shall record and index the judgment if it was entered by (A) the Supreme Court, (B) the Appellate Court, (C) another circuit court of this State, (D) a court of the United States, or (E) any other court whose judgments are entitled to full faith and credit in this State.

Upon recording a judgment received from a person other than the clerk of the court of entry, the receiving clerk shall notify the clerk of the court of entry.

Md. Rule 2-623(a)(1).

Rule 2-631 provides that “[j]udgments may be enforced only as authorized by these rules or by statute.” The Maryland Rules provide for discovery in aid of enforcement, Md. Rule 2-633, and for ancillary relief in aid of enforcement pursuant to Rule 2-651.⁵ In *Burnett v. Spencer*, 230 Md. App. 24, 32 (2016), a case that involved Rule 2-651, we recognized “the five, specific mechanisms set forth in the Maryland Rules for enforcing a judgment” as (1) a writ of execution pursuant to Rules 2-641 and 2-642, (2) a general writ

⁵ Maryland Rule 2-651 provides:

Upon motion and proof of service, a court in which a judgment has been entered or recorded may order such relief regarding property subject to enforcement of the judgment as may be deemed necessary and appropriate to aid enforcement of the judgment pursuant to these rules, including an order (a) to any person enjoining the destruction, alteration, transfer, removal, conveyance, assignment, or other disposition of such property, (b) to any person enjoining the negotiation, transfer, assignment, or other disposition of a document representing an interest in such property, (c) to any person directing the disclosure to the sheriff of the whereabouts of such property, (d) to any person directing that any such property which has been removed from the jurisdiction, concealed, or made inaccessible for the purpose of avoiding levy be delivered to the sheriff or made available for levy, (e) to any person directing the surrender to the sheriff of such property located in that state, and (f) to the sheriff of any county where such property is located directing the sheriff to take physical possession of and sequester such property. The motion shall be served on the person against whom the order is sought in the manner provided by Chapter 100 of this Title for service of process to obtain personal jurisdiction and if that person is not the judgment debtor, a copy of the motion shall be mailed to the judgment debtor’s last known address.

of garnishment pursuant to Rule 2-645, (3) a writ of garnishment of an account in a financial institution pursuant to Rule 2-645.1, (4) a writ of garnishment of wages pursuant to Rule 2-646, and (5) a charging order on a partnership interest pursuant to Rule 2-649. We noted that “[a]lthough those mechanisms cover most of the circumstances that a judgment-creditor may confront in enforcing a judgment, Rule 2-651 ‘provides a “wild card” that may be used in extraordinary circumstances.’” *Burnett*, 230 Md. App. at 32 (quoting Paul V. Niemeyer, Linda M. Schuett & Joyce E. Smithey, *Maryland Rules Commentary* 752 (4th ed. 2014)).

Rule 2-632(b) is derived from the 1961 version of the Federal Rules of Civil Procedure. In *Gordon, Feinblatt, Rothman, Hoffberger & Hollander v. Gerhold*, 90 Md. App. 360, 367-68 (1992), we addressed the purpose of a prior version of Rule 2-632(b) and the federal rule stating:

Maryland’s Stay of Enforcement rule is derived from Federal Rule of Civil Procedure 62, and although there are some differences, their contents are substantially the same. Maryland Rule 2-632(b) provides that:

[e]xcept as otherwise provided in this Rule, enforcement of a judgment is automatically stayed until the expiration of ten days after its entry. An order granting an injunction or appointing a receiver is not automatically stayed unless the Court so orders.

See also F.R.C.P. 62(a) (“no execution shall issue upon a judgment nor shall proceedings be taken for its enforcement until the expiration of 10 days after its entry”).

Both rules were intended to give the opposing party an opportunity to file post-trial motions. The Court of Appeals Standing Committee on Rules of Practice and Procedure meeting minutes contain the following explanation of the automatic stay provision:

In section (a) of this Rule, enforcement is automatically stayed to allow the defendant time to file any of several motions made available under the trial rules. The ten day time period correlates with the time for filing such motions pursuant to those trial rules. While this automatic stay affords the defendant time to file allowable motions, the ten days does not postpone levy so significantly as to afford the judgment debtor an unnecessary head start. However, since all enforcement, including levy, is delayed ten days, it should be unnecessary for the sale rule to expressly provide for delay of sale of levied property until thirty days after entry of the judgment.

Rules Committee Minutes, May 21/22, 1982 at 12. *See also* 7 Moore's *Federal Practice* ¶ 62.03 (1990) (Rule 62(a) gives party time to prepare for appeal or determine what other method of review should be taken).

Based on the above, we hold that the mere recording of the judgments in the Circuit Court for Charles County did not constitute the “enforcement of a money judgment” as that phrase is used in Rule 2-632(b). A judgment creditor must have a valid judgment lien before he or she can execute on real property. A lien is not an enforcement mechanism under Rule 2-632(b), but merely establishes the right to employ enforcement mechanisms such as a writ of execution, a writ of garnishment, or other mechanisms set forth in Rules 2-641 through 2-649 and, in extraordinary circumstances, Rule 2-651. Here, on the fourth day after the judgments were entered in the Circuit Court for Montgomery County, appellees recorded their judgments in the Circuit Court for Montgomery County. No effort to enforce those money judgments was undertaken during the ten-day automatic stay. For those reasons, the circuit court did not err in denying appellant's motion to release the Property from levy, to strike and dismiss the liens, and to enjoin any sale of the Property on the ground that the filing of the liens was premature and a legal nullity.

II.

Appellant contends that the circuit court erred in ordering a sheriff’s sale without an appraisal. Appellant is correct that an appraisal is required. CJP § 11-504 provides that certain items are exempt from execution on a judgment, including:

(6) Cash or property of any kind equivalent in value to \$6,000 is exempt, if within 30 days from the date of the attachment or the levy by the sheriff, the debtor elects to exempt cash or selected items of property in an amount not to exceed a cumulative value of \$6,000, except that the cumulative value of cash and property exempted under this item and item (5) of this subsection may not exceed \$6,000.

CJP § 11-504(b)(6).

Section 11-504(c)(1)(i) provides that “[i]n order to determine whether the property listed in subsection (b)(4) and (6) of this section is subject to execution, the sheriff shall appraise the property at the time of levy.” An appraisal made by the sheriff under paragraph (c) “is subject to review by the court on motion of the debtor.” CJP § 11-504(c)(1)(iii). The record before us contains a “Schedule, Appraisal and Return of Levied Property Under a Writ of Execution.” The Sheriff certified that he “affixed a copy of Writ and Schedule to property[,]” but the parties have not directed our attention to any record evidence showing that an appraisal was performed actually. Assuming, arguendo, that no appraisal was performed, it is undisputed that no sale of the Property has yet occurred. For that reason, any omission may be cured and the circuit court may then review the appraisal, consider any challenges to it, and consider the Property’s value in light of CJP § 11-504(b)(6).

III.

Appellant asserts that the circuit court erred in ruling that the 17 April 2023 conveyance of the Property to appellant and Pirunova as tenants by the entireties constituted a transfer of property in prejudice of the rights of present creditors. FL § 4-301(d)(2)(i) provides that “[a] transfer of property between spouses is invalid if made in prejudice of the rights of present creditors.” Although it is probably unnecessary for us to resolve this argument because we have held that the judgments were recorded properly in Charles County before appellant recorded the deed from himself to himself and his wife (and the liens became thus superior to the subsequent conveyance), out of an abundance of caution we shall address it, even as dicta, in order to clear from further litigation this contention.

As we have noted already, appellate review is authorized generally only from a final judgment of the trial court. CJP § 12-301; *see also McLaughlin v. Ward*, 240 Md. App. 76, 82 (2019) (“Generally, parties may appeal only upon the entry of a final judgment.”). A final judgment exists when “(1) the court intends for the judgment to constitute an unqualified final disposition of the matter; (2) the court adjudicates all of the claims of the parties; and (3) the clerk properly records the judgment in accordance with Maryland Rule 2-601.” *Royal Fin. Servs., Inc. v. Eason*, 183 Md. App. 496, 499 (2008) (citing *Rohrbeck*, 318 Md. at 41). Unless an appeal is taken from a final judgment or is otherwise allowed by

law, this Court lacks subject matter jurisdiction and must dismiss the appeal. *McLaughlin*, 240 Md. App. at 83; *see also* Md. Rule 8-602(b).

Appellant noted his appeal after the circuit court issued its order on 17 July 2023. That order was not a final order because it did not resolve Pirunova’s motion. Nor did it address appellant’s conveyance of the Property to himself and Pirunova as tenants by the entireties. In the court’s order entered on 26 July 2023, the court denied again appellant’s motion to release the Property from levy, to dismiss the lien, and for an injunction. It denied also Pirunova’s motion, ordered that the Property be sold at public auction, and addressed the issue of the transfer of the Property, holding that it was made in prejudice to the rights of present creditors including appellees. Appellant did not file a notice of appeal from that order. Appellant’s notice of appeal was filed prematurely, before entry of a final judgment. As we explained, *supra*, Rule 8-602(f) sets forth a savings provision pursuant to which we shall treat the premature notice of appeal as if filed on the same day as, but after, the entry of the final judgment.

The record evidence shows that appellant conveyed the Property to himself and Pirunova after notice of appellees’ judgments were recorded in the Circuit Court for Charles County. In addition, evidence was presented showing that appellant purchased the Property in 2020 for \$619,000 in cash. On 18 February 2023, appellant obtained a mortgage and took \$555,000 in cash from the settlement on the Property prior to the filing of the judgments, but while the family law case, to which he was a party, was pending in the Circuit Court for Montgomery County. The Circuit Court for Charles County was free to

consider those undisputed facts, which supported the court’s determination that the transfer was made in prejudice to the rights of present creditors, including appellees.

IV.

The final issue presented by appellant for our consideration is whether the circuit court erred in denying his and his wife’s motions. As we have noted already, Pirunova did not file a notice of appeal and is not a party to this appeal. Issues pertaining to the circuit court’s denial of her motion are not before us. As to appellant, for the reasons set forth above, we hold that the circuit court did not err in denying his motion to release the Property from levy, strike and dismiss liens, and for an injunction.

**JUDGMENTS OF THE CIRCUIT COURT
FOR CHARLES COUNTY AFFIRMED;
COSTS TO BE PAID BY APPELLANTS.**