

Circuit Court for Frederick County
Case No.: 10-C-12-003255

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1103

September Term, 2024

ANDREA TRYBUS

v.

DAVID TRYBUS

Beachley,
Albright,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 7, 2025

*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.

In May 2014, the Circuit Court for Frederick County issued a judgment of absolute divorce, ending the marriage of Andrea Trybus, appellant (“Wife”), and David Trybus, appellee (“Husband”). Almost a decade later, in April 2024, Wife moved to vacate the judgment under Maryland Rule 2-535(b), alleging fraud and mistake. Husband opposed, and the court denied Wife’s motion on June 3, 2024. Wife then moved again to vacate the judgment, raising the same arguments. Husband again opposed, and the court again denied Wife’s motion on June 28, 2024.¹ Wife noted this appeal on July 26, 2024.

Maryland Rule 8-202 requires that a notice of appeal be filed “within 30 days after entry of the judgment or order from which the appeal is taken.” The only order entered in the 30 days preceding Wife’s notice of appeal was the circuit court’s denial of her second revisory motion. But although her notice was timely as to the denial of that revisory motion, the order is not appealable.

This Court has previously observed that “[t]he denial of [a] second motion to revise is not appealable because it is not a final judgment.” *Pickett v. Noba, Inc.*, 114 Md. App. 552, 560 (1997) (noting that a “second motion to revise filed more than [30] days after the entry of judgment, even though within [30] days after denial of the first motion, cannot be granted”). Here, Wife’s first revisory motion was denied on June 3. Rather than appeal

¹ Husband’s oppositions were styled as “motion[s] to dismiss [Wife’s] motion[s],” and the court’s orders “granted” his motions. We treat Husband’s filings as oppositions, and the court’s orders as denying Wife’s motions because the nature of a filing is determined by “its substance, and not by its label.” *Corapcioglu v. Roosevelt*, 170 Md. App. 572, 590 (2006) (citations omitted).

within 30 days of that order, she filed a second request for the court to exercise its revisory power. Its refusal to do so is not appealable.

Consequently, we shall dismiss this appeal as untimely with respect to the denial of Wife’s first revisory motion and as not allowed by law with respect to the denial of her second revisory motion.² *See* Md. Rule 8-602(b)(1) & (2).

APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANT.

² Even if the claims raised in Wife’s motions were properly before us, we would nevertheless affirm. The motions’ fraud allegations concern only statements that Husband made in filings and at trial. But even if Wife’s allegations were true, they are, at best, examples of intrinsic—rather than extrinsic—fraud and are not grounds for relief under Maryland Rule 2-535(b). *See Bland v. Hammond*, 177 Md. App. 340, 350–51 (2007). The motions’ jurisdictional-mistake allegations, although a proper ground for relief, *see Facey v. Facey*, 249 Md. App. 584, 639 (2021), are self-defeating. By Wife’s own timeline, the circuit court did not enter any orders until after a bankruptcy stay had been lifted. Consequently, it did not exceed its jurisdiction.