

Circuit Court for Baltimore County  
Case No. 03-C-17-002906

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1176

September Term, 2021

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EDITH KELLNER

v.

TRACEY D. JEAN CHARLES, *et al.*

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Graeff,  
Zic,  
Moylan, Charles E., Jr.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: May 25, 2022

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

In 2017, appellees, the substitute trustees,<sup>1</sup> filed an Order to Docket in the Circuit Court for Baltimore County seeking to foreclose on real property owned by Edith Kellner, appellant.<sup>2</sup> The property was sold at a foreclosure sale, and the circuit court ratified the sale in August 2019. Thereafter, the court granted appellees’ motion for judgment of possession in December 2019 and ratified the auditor’s report in January 2020. Appellant did not file a notice of appeal from any of these orders.

In August 2021, Hans Kellner, claiming to be appellant’s attorney-in-fact under a power of attorney,<sup>3</sup> filed a “Motion to Rescind Foreclosure Actions,” wherein he alleged that appellees had violated the Fair Debt Collection Act and engaged in unspecified fraud. As relief, Mr. Kellner requested the court to “postpone all eviction and collection actions” and “set a trial date.” The court denied the motion without a hearing. Mr. Kellner then filed a notice of appeal from that order and filed a brief on behalf of appellant. Both the notice of appeal and the brief were signed by Mr. Kellner, but not by appellant.

Pursuant to § 10–601(a) of the Business Occupations & Professions Article (“BOP”), “a person may not practice, attempt to practice, or offer to practice law in the State unless admitted to the Bar.” Practicing law is defined to include “representing another person before a unit of the state government” and “preparing . . . [a] document that is filed in a court or affects a case that is or may be filed in a court.” BOP § 10–101(h).

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<sup>1</sup> Appellees are Tracey D. Jean Charles and William K. Smart.

<sup>2</sup> The property was also owned by Ms. Kellner’s husband, who is now deceased.

<sup>3</sup> We note that the record does not contain a copy of the document wherein appellant granted a power of attorney to Mr. Kellner.

Moreover, Maryland Rule 1–311 specifically requires the signature of an attorney or that of a party on all pleadings and papers filed with the court. Because Mr. Kellner was not a party to the foreclosure action and is not an attorney licensed to practice law in Maryland, he was not authorized to file the notice of appeal or a brief on behalf of appellant. *See Ross v. Chakrabarti*, 194 Md. App. 526, 534 (2010). Consequently, we shall strike appellant’s brief and dismiss the appeal.

**APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANT.**