

Circuit Court for Baltimore City
Case No. 24-C-23-000535

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1269

September Term, 2024

CARLEE PARKS

v.

DEPARTED, LLC, *et al.*

Leahy,
Zic,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 6, 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.

After the Circuit Court for Baltimore City entered a judgment foreclosing the right of redemption in her property, Carlee Parks, appellee, filed two petitions requesting the court to allow her to redeem the property. The court entered separate orders striking the petitions because the “certificate[s] of service fail[ed] to set forth the names and addresses of all of the parties,” as required by Maryland Rule 1-321. This appeal followed.

On appeal, appellant contends that: (1) she “never received a judgment foreclosing right to redemption from [appellee;]” (2) when she found out about the judgment, she reached out to appellee in an email but they “would not release the lien[;]” and (3) when they attempted to serve her with the complaint, they did not post a copy of the complaint on her door. Appellee claims that the appeal should be dismissed as having been untimely filed. Appellee further asserts that: (1) the court did not err in striking appellant’s petitions because appellant failed to serve the petitions on all necessary parties, and (2) appellant may not challenge the judgment foreclosing the right of redemption because she failed to pay the redemption amount. For the reasons that follow, we shall deny appellee’s motion to dismiss and affirm the judgments of the circuit court.

In June 2022, Henry J. Raymond, Director of Finance and Collector of Taxes for the City of Baltimore, issued a “Certificate of Tax Sale,” in which he certified that Departed, LLC, appellee, had purchased “at public auction, property in the City of Baltimore known as 0625 N Bouldin St.” The property, “having been assessed to” Ms. Parks, was sold for the sum of \$33,650.00, \$1,919.34 of which was “the total amount of taxes and other municipal liens due on the property at the time of the sale, together with interest and penalties thereon and expenses incurred in making the sale.” Mr. Raymond

certified that the property was “subject to redemption” if the “balance due on account of the purchase price and all taxes and other municipal liens, together with interest and penalties on them accruing subsequent to the date of sale, [were] paid to the Collector[.]”

In January 2023, appellee filed a “Complaint to Foreclose Rights of Redemption” against Ms. Parks and other defendants. Ms. Parks did not file an answer, and on May 30, 2024, the court entered a judgment foreclosing the right of redemption in the property. On June 14, 2024, Ms. Parks filed a petition to “Redeem of Property” (first petition to redeem), wherein she indicated that she would like to redeem the property. She further stated that due to the pandemic she “lost track of everything that was overdue” and was not “receiving any mail, because of the old address that’s on file.” The first petition to redeem included a certificate of service which stated that a copy of the petition had been served via first-class mail on “Departed, LLC” and its attorneys.

Appellee filed an opposition and motion to strike the petition because appellant had failed to serve any of the other six defendants, as required by Maryland Rule 1-321. In addition, appellee claimed that the failure to name the other defendants in the certificate of service violated Maryland Rule 1-323, and therefore that the petition should not have been accepted for filing. Alternatively, appellee argued that the petition should be denied because appellant had not paid, or attempted to pay, the redemption amount.

On July 10, 2024, Ms. Parks filed a second petition to “Redeem of Property” (second petition to redeem), wherein she asserted that she was never “served any certificate about my property” and that she “found out my property was going up for sale, after a neighbor call[ed] about an auction sign on the property[.]” She thus requested the court to allow her

“to redeem my property at the cost of my pr[o]perty taxes with interest.” The second petition to redeem contained a certificate of service indicating that it had been served by mail on “Expery Law LLC,” which was the law firm representing appellee.

Appellee again filed an opposition and motion to strike the second petition to redeem on the same grounds. In the opposition, appellee further asserted that the second petition had been filed more than 30 days after entry of judgment, and that appellant had not sufficiently alleged the existence of fraud, mistake, or irregularity. On August 6, 2024, the court entered separate orders striking the first and second petition to “Redeem of Property” because the “certificate[s] of service fail[ed] to set forth the names and addresses of all of the parties,” as required by Maryland Rule 1-321. Ms. Parks filed her notice of appeal on August 20, 2024.

As an initial matter, appellee has filed a motion to dismiss the appeal as untimely because Ms. Parks filed her notice of appeal “82 days after the entry of Judgment[.]”¹ Maryland Rule 8-202(a) generally provides that an appeal must “be filed within 30 days after the entry of the judgment or order from which the appeal is taken.” Rule 8-202(c) provides for an exception that tolls the running of that appeal period while the court considers certain motions, including motions to alter or amend, that are filed within ten days of entry of the judgment or order “under Rule 2-534 and/or 2-535[.]” *Edey v. Edey*, 213 Md. App. 369, 383 (2013). A motion for reconsideration filed more than ten days, but

¹ Appellee also asserts that Ms. Parks “failed to comply with this Court’s Briefing Notice which required [that her] brief be filed on or before December 16, 2024.” To the extent that appellant is moving to dismiss the appeal on this basis, we shall deny that motion.

within 30 days, after entry of a judgment or order may still be considered by the trial court, pursuant to Rule 2-535, but it does not toll the running of the time to note an appeal. *Pickett v. Noba, Inc.*, 114 Md. App. 552, 557 (1997) (“If the motion [under Rule 2-535] is filed within ten days of judgment, it stays the time for filing the appeal; if it is filed more than ten days after judgment, it does not stay the time for filing the appeal.”).

Here, the final judgment foreclosing the right of redemption was entered on May 30, 2024. And Ms. Parks’ petitions to redeem did not toll the time for her to file a notice of appeal from that judgment as they were both filed more than 10 days after it was entered. Consequently, the August 20, 2024, notice of appeal was untimely as to the May 30th judgment foreclosing the right of redemption. The notice of appeal was timely, however, with respect to the court’s orders striking Ms. Parks’ first and second petitions to redeem. Therefore, we shall deny appellee’s motion to dismiss, but limit our review in this appeal to those orders.

As to those orders, the circuit court did not address the merits of Ms. Parks’ petitions to redeem. Rather, it granted appellee’s motions to strike the petitions for failing to serve all the parties. *See* Maryland Rule 1-321(a) (stating that “every pleading and other paper filed after the original pleading shall be served upon each of the parties”). Ms. Parks does not contend on appeal, however, that the court abused its discretion in striking her pleadings on this basis. In fact, she does not address this issue at all in her brief. Consequently, we will not consider that issue on appeal, and shall affirm on that basis. *See Diallo v. State*, 413 Md. 678, 692-93 (2010) (noting that arguments that are “not presented

with particularity will not be considered on appeal” (quotation marks and citation omitted)).

Nevertheless, we note that even if the circuit court had not struck Ms. Parks’ first and second petitions to redeem, it would have been required to deny them. In *Quillens v. Moore*, 399 Md. 97, 125 (2007), the Court, quoting *Canaj, Inc. v. Baker and Division Phase III, LLC*, 391 Md. 374, 396 (2006), stated:

We continue to hold that in order to challenge the foreclosure of the equity of redemption in a tax sale, the taxes and other relevant charges acknowledged to be due, either prior to the challenge or simultaneously with it, must, as a condition precedent, be paid.

(Emphasis omitted.)

Here, Ms. Parks did not dispute whether she had paid the taxes in either petition to redeem. And nothing in the record indicates that she paid, or attempted to pay, the amounts owed prior to filing her petitions to redeem or contemporaneously thereto. Consequently, her non-payment of the deficient taxes served to bar her challenges to the final judgment foreclosing the right of redemption.

**JUDGMENTS OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**