

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 1362

September Term, 2023

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HELEN HUI CHA SPOONER

v.

LAURA H.G. O’SULLIVAN, *et al.*

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Zic,  
Tang,  
Meredith, Timothy E.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: June 3, 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.

In March 2022, Laura H.G. O’Sullivan and Michael T. Cantrell, appellees, acting as substitute trustees, filed an Order to Docket in the Circuit Court for Charles County, seeking to foreclose on real property owned by Helen Hui Cha Spooner, appellant.<sup>1</sup> Appellant filed a *pro se* motion to dismiss on March 21, 2023, alleging that the action was “fraudulent” and that appellees “never provided notice and have NO authority to foreclose upon my home.” The court did not rule on that motion, and the property was sold at a foreclosure auction on April 4, 2023.

On May 15, 2023, appellant, now represented by counsel, filed exceptions to the sale, claiming that the property that was listed as having been sold at the foreclosure auction included an additional property that had not been identified in the Order to Docket or listed in the notice of sale. Appellant also filed an amended motion to dismiss alleging that appellees had committed a trespass by selling a property that they had no right to sell, and that the three-year statute of limitations precluded the filing of the foreclosure action. Following several hearings, the court denied appellant’s exceptions on August 30, 2023. The court did not, however, address the amended motion to dismiss either in its oral order, or in the hearing sheet that was subsequently entered on the docket. Appellant filed a notice of appeal on September 11, 2023.

With limited exceptions that do not apply here, an appeal may be taken only from a final judgment. Md. Code Ann., Courts and Judicial Proceedings § 12-301 (2006, 2013

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<sup>1</sup> The property was also owned by Joshua L. Spooner. However, he did not file a notice of appeal and, therefore, is not a party in this appeal.

Repl. Vol.).<sup>2</sup> However, the denial of appellant’s exceptions to the sale was not a final judgment. *See McLaughlin v. Ward*, 240 Md. App. 76, 83 (2019) (“[i]n a foreclosure case, a court does not enter a final judgment at least until it has ratified the foreclosure sale”).<sup>3</sup> Rather, the final judgment in a foreclosure case occurs when the court enters an order ratifying the sale. *Id.*<sup>4</sup> Consequently, appellant’s notice of appeal was premature, and the appeal must be dismissed.

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

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<sup>2</sup> To be sure, the denial of a motion to stay or dismiss a foreclosure action is an appealable interlocutory order. However, the record does not indicate that the court ruled on appellant’s amended motion to dismiss. In any event, appellant does not raise any issues on appeal with respect to that motion. Consequently, even if we were to find that the court implicitly denied the amended motion to dismiss when it denied appellant’s exceptions, we would still affirm. *See Diallo v. State*, 413 Md. 678, 692 (2010) (noting that arguments that are “not presented with particularity will not be considered on appeal” (quotation marks and citation omitted)).

<sup>3</sup> Although Sections (d) and (e) of Maryland Rule 8-602 contain limited savings provisions for premature appeals, neither of those provisions apply in this case.

<sup>4</sup> The circuit court entered its final judgment ratifying the sale on November 1, 2023. Appellant did not file a new notice of appeal from that order.