

Circuit Court for Montgomery County
Case No.: 410429V

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1619

September Term, 2022

FLAUBERT MBONGO, *et al.*

v.

CARRIE M. WARD, *et al.*

Graeff,
Beachley,
Eyler, James R.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 28, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

** 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.

Flaubert Mbongo, appellant,¹ appeals from an order issued by the Circuit Court for Montgomery County denying his motion to vacate ratification of a foreclosure sale. In his motion, Mbongo asserted that the court lacked jurisdiction because of alleged forgery. He presents the same argument on appeal.

Mbongo previously raised his forgery claim in a pre-sale motion to dismiss or stay the foreclosure sale. We affirmed the denial of that motion. *Mbongo, et al. v. Ward, et al.*, No. 950, Sept. Term, 2018 (filed June 6, 2019). Mbongo again raised his forgery claim as a post-sale exception. We affirmed the overruling of that exception. *Mbongo, et al. v. Ward, et al.*, No. 1722, Sept. Term, 2019 (filed November 6, 2020). Thus, under the law-of-the-case doctrine, we need not revisit the forgery issue in this appeal and shall affirm.² *State v. Holloway*, 232 Md. App. 272, 284 (2017) (Under the law-of-the-case doctrine, “[n]either questions that were decided nor questions that could have been raised and decided on appeal can be relitigated.” (cleaned up)).

**JUDGMENTS OF THE CIRCUIT
COURT FOR MONTGOMERY
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**

¹ Appellant’s brief was also signed by his wife Charlotte Dikongue, who was also a party in the foreclosure action. However, Dikongue did not sign the notice of appeal. And one spouse’s signature on a notice of appeal is not sufficient to make the non-signing spouse a party to the appellate proceedings. *See In re Nicole B.*, 410 Md. 33, 62–63 (2009).

² Even if Mbongo’s forgery claims were properly before us in the appeal, we would nevertheless affirm. Forgery is an example of intrinsic—rather than extrinsic—fraud and is not sufficient to vacate a judgment under Maryland Rule 2-535(b). *See Facey v. Facey*, 249 Md. App. 584, 637–38 (2021).