

Circuit Court for Prince George's County  
Case No. CAE21-05395

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 2095

September Term, 2022

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GOD'S GLORY, LLC

v.

SANDRA WORRELL

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Shaw,  
Tang,  
Sharer, J. Frederick  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Shaw, J.

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Filed: February 7, 2024

\*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Md. Rule 1-104(a)(2)(B).

This appeal arises from an order, by the Circuit Court for Prince George’s County, granting Appellee Sandra Worrell’s motion to dismiss a petition to establish a mechanic’s lien filed by Appellant, God’s Glory, LLC (hereinafter referred to as “Appellant”). Appellant asks us to consider whether the circuit court erred as a matter of law in concluding that the May 7, 2021, petition to establish a mechanic’s lien was voided by an order dismissing the petition when that dismissal order was subsequently vacated. For the reasons that follow, we will affirm the circuit court’s order granting Ms. Worrell’s motion to dismiss the petition.

### **FACTS AND LEGAL PROCEEDINGS**

On May 7, 2021, Appellant, a Maryland contractor, by and through its president Cletus Elendu, filed a petition to establish a mechanic’s lien. Therein, Appellant alleged that, pursuant to a valid contract to repair fire damage to her house, Ms. Worrell had purchased \$109,337.39 of construction goods. Despite Appellant’s delivery of the goods between November 10 and December 29, 2020, Ms. Worrell had paid only \$65,496.07, leaving a balance due of \$43,821.32.

The circuit court found that it appeared from the petition that there was reasonable ground for the mechanic’s lien. The court therefore required Ms. Worrell to show cause, by filing a counter-affidavit or answer, as to why the amounts claimed should not attach to the land. The court scheduled a hearing for July 16, 2021.

On July 9, 2021, Ms. Worrell moved to strike the petition to establish a mechanic’s lien and have it declared null, on the ground that Appellant, a limited liability corporation,

was required to enter an appearance in the lawsuit by an attorney. The petition, which had been filed by an employee of Appellant, was in violation of that requirement.

Following a hearing on July 16, 2021, the circuit court granted Ms. Worrell’s motion to strike, quashed the show cause order, and dismissed Appellant’s petition without prejudice. The court’s written order, entered July 28, 2021, permitted Appellant to move to re-open the matter if its petition to establish a mechanic’s lien was entered by an attorney.

On July 13, 2022, attorney Jimi Kolawole entered his appearance on behalf of Appellant. Mr. Kolawole moved to vacate the July 28, 2021, order and to reopen the petition to establish a mechanic’s lien.

By order entered August 5, 2022, the circuit court denied the motion to vacate, stating, “The motion to vacate and reopen is not timely. It has been over a year since the order of dismissal was signed. The corporation was advised they needed counsel to proceed per the statute since the Plaintiff is a corporation and this motion is not timely.”

On August 8, 2022, Appellant moved for reconsideration of the circuit court’s denial of the motion to vacate. Appellant asked the court to re-open its petition to establish a mechanic’s lien and to permit the filing of a complaint alleging breach of contract. Appellant filed a complaint for breach of contract and a second petition to establish a mechanic’s lien the same day.

By order dated September 15, 2022, but not entered until January 5, 2023, the circuit court granted Appellant’s motion for reconsideration and vacated its July 28, 2021, order.<sup>1</sup> The court further directed the clerk to issue a show cause order to Ms. Worrell and to schedule a hearing.

At the start of the January 20, 2023, show cause hearing, the circuit court realized the clerk had not issued the show cause order to Ms. Worrell.<sup>2</sup> Ms. Worrell’s attorney pointed out that a summons had not been issued relating to the breach of contract complaint. Ms. Worrell agreed to waive notice and go forward with the hearing as it related to the petition to establish a mechanic’s lien, while still requiring that Appellant properly serve a summons and the complaint alleging breach of contract upon her.

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<sup>1</sup> The circuit court signed the proposed order prepared by Appellant and attached to its motion for reconsideration. The order read:

Plaintiff, God’s Glory, LLC, by and through its attorney, Jimi Kolawole, filed a Motion to Vacate Order of July 28, 2021, and Reopen Complaint to Establish/Enforce Mechanic’s Lien;

Whereas, the Court has considered Plaintiff’s motion and any response thereof, the Court hereby **GRANT[S]** the Motion; and it is

**ORDERED** that the order of July 16, 2021 [sic], is hereby vacated; and it is further

**ORDERED** that the Clerk shall issue a SHOW CAUSE order to the Defendant; and it is

**ORDERED** that the Clerk shall schedule a hearing;

**SO ORDERED**, this 15<sup>th</sup> day of September, 2022.

<sup>2</sup> The court suggested the confusion was caused by Prince George’s County’s transition to MDEC, Maryland’s electronic filing platform.

Ms. Worrell’s attorney then made an oral motion to dismiss Appellant’s petition to establish a mechanic’s lien, asserting that both its initial May 2021 petition and its second August 2022 petition had been filed more than 180 days after the work at Ms. Worrell’s house had been completed, in violation of Md. Code, § 9-105(a) of the Real Property Article (“RP”), based on its certificate of completion dated July 24, 2020.<sup>3</sup> Appellant countered that, while that “seem[ed] like a factual statement,” the work actually was not completed until February 2021, and that both parties had elected to sign the certificate of completion to permit payment from the insurance company to Ms. Worrell.

The circuit court responded that Appellant’s May 2021 petition to establish a mechanic’s lien had been deemed void *ab initio*, as Appellant had not entered its appearance through an attorney. Therefore, its first permissible filing was in August 2022, and even then, no show cause order had been issued. Even if Ms. Worrell waived the issuance of the show cause order and elected to proceed that day, the court continued, Appellant still had not met the RP § 9-105(a) 180-day deadline.

Appellant continued to argue that the work was completed in February 2021, so the initial petition that was filed in May 2021 was well within the 180-day deadline. The circuit court explained that the ruling that had permitted Appellant to re-open its case once its

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<sup>3</sup> RP § 9-105(a) provides, in pertinent part:

(a) In order to establish a lien under this subtitle, a person entitled to a lien shall file proceedings in the circuit court for the county where the land or any part of the land is located within 180 days after the work has been finished or the materials furnished.

petition was filed by an attorney had not specified it was *nunc pro tunc* the May 7, 2021, filing and did not maintain the May 2021 filing date or relieve the corporation of its 180-day filing obligation. And, in any event, the August 8, 2022, filing was an entirely different pleading, as it contained not only a petition to establish a mechanic’s lien but also a new complaint for breach of contract.

The circuit court ruled that the May 7, 2021, petition became “void when you were given the opportunity to refile, [and] you filed something different” and that the new filing did not “inherit the original filing date.” The circuit court therefore granted Ms. Worrell’s motion to dismiss Appellant’s petition to establish a mechanic’s lien but permitted the breach of contract complaint to go forward, once the summons had issued.

On January 22, 2023, Appellant moved for reconsideration of the circuit court’s grant of Ms. Worrell’s motion to dismiss, asserting that the court had vacated its order of dismissal of the May 2021 petition, which rendered the dismissal a nullity and left the initial petition to establish a mechanic’s lien intact. Alternatively, Appellant continued, the parties disputed the date of completion of the work, so the matter should proceed to a determination by a finder of fact. The circuit court denied the motion for reconsideration on April 10, 2023.

Appellant filed a timely notice of appeal.

## **DISCUSSION**

Appellant argues that the circuit court erred as a matter in law in granting Ms. Worrell’s motion to dismiss because the court improperly ruled that the petition to establish

a mechanic’s lien was untimely filed, pursuant to RP § 9-105(a). In Appellant’s view, the circuit court’s July 28, 2021, dismissal of the original May 7, 2021, petition to establish a mechanic’s lien without prejudice was vitiated when the court later vacated that dismissal, rendering it of “no legal force or effect” and returning the parties to the same position they held prior to the entry of the court’s order dismissing the original petition.<sup>4</sup>

We disagree with Appellant’s understanding of the pertinent court orders, but they amount to a red herring of sorts in any event because we conclude that the circuit court correctly ruled that both the May 2021 and the August 2022 petitions to establish a mechanic’s lien were untimely. We explain.

Appellant asserts that it completed the work for Ms. Worrell sometime in February 2021. Therefore, to meet the RP § 9-105(a) 180-day deadline, its petition to establish a mechanic’s lien was required to have been filed by approximately August 2021. Understanding that its August 8, 2022, filing would thus be untimely, Appellant seeks to have the original petition, filed on May 7, 2021, deemed the applicable pleading. Appellant’s interpretation, however, does not comport with the law or the facts of the matter.

Appellant argues that when the circuit court vacated its July 28, 2021 order, which had denied Appellant’s motion to reopen the matter on the ground it was untimely, the court reestablished the validity of the original May 7, 2021, filing of the petition to establish

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<sup>4</sup> Ms. Worrell did not file an appellate brief.

a mechanic’s lien as if no dismissal had ever occurred. Therefore, Appellant concludes, that date was the effective date for the entry of Appellant’s petition.

Although the circuit court’s January 5, 2023, order did state that it was vacating its July 28, 2021 order, and was perhaps ambiguous in its scope, the only reasonable interpretation of the order was that the court had reconsidered its ruling that the refiling of the petition a year after the court’s dismissal of the original petition was untimely and was therefore permitting Appellant to reopen its case by filing a second petition. That is because Appellant’s interpretation of the order leads to an impermissible conclusion; there is no manner by which the original May 2021 petition to establish a mechanic’s lien possibly could have been reinstated because it had been filed by a corporation without the representation of an attorney, which is impermissible pursuant to Maryland Rule 2-131(a), and it was therefore void.<sup>5</sup>

Moreover, Appellant’s August 2022 filing was a completely different pleading, as it contained both a petition to establish a mechanic’s lien and a new complaint for breach of contract, for which a summons was required to be issued and served. For that reason, too, the applicable filing date of the pertinent petition must have been August 8, 2022.

To the extent that the circuit court’s order vacating its July 2021 dismissal order may be unclear, however, it is of no moment to our determination of the propriety of the

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<sup>5</sup> Md. Rule 2-131(a) reads: “Except as otherwise provided by rule or statute: (1) an individual may enter an appearance by an attorney or in proper person and (2) a person other than an individual may enter an appearance only by an attorney.”



circuit court’s dismissal of the petition to establish a mechanic’s lien. Even if we were to assume, for the sake of argument, that the petition was properly filed in May 2021, it would still be untimely, rendering the circuit court’s grant of Ms. Worrell’s motion to dismiss legally correct. *See Rounds v. Maryland-Nat. Capital Park and Planning Comm’n*, 441 Md. 621, 635 (2015) (we review the grant of a motion to dismiss for legal correctness).

Generally, when ruling on a motion to dismiss, the circuit court is limited to “the four corners of the complaint and its incorporated supporting exhibits, if any.” *D’Aoust v. Diamond*, 424 Md. 549, 572 (2012). Appellant’s complaint states that it provided the construction materials to Ms. Worrell “between November 10, 2020, and December 29, 2020,” and that it completed the work on her house “[o]n or about June 2020.”<sup>6,7</sup> And, Cletus Elendu, on behalf of Appellant, “affirmed under the penalties of perjury” that the contents of the complaint were true to the best of his knowledge, information, and belief.

Therefore, within the four corners of the complaint, the completion date of the work at Ms. Worrell’s house was sometime in June 2020, so even were we to agree with

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<sup>6</sup> The complaint purported to attach the certificate of completion as exhibit G, but no exhibit G appears in the record.

<sup>7</sup> Moreover, despite Appellant’s attorney’s vague claim at the hearing on the motion to dismiss that the completion date of the work at Ms. Worrell’s house was actually sometime in February 2021, the parties agreed that the certificate of completion indicated that the work was finished on June 24, 2020. What we presume to be a copy of the certificate of completion is illegible in the record documents. Because the parties agreed that the certificate of completion indicated a date of June 24, 2020, however, we accept that date as accurate.

Appellant’s interpretation that the petition to establish a mechanic’s lien was filed on May 7, 2021 (which we do not), it would have been untimely under RP § 9-105(a). The circuit court properly dismissed the petition on that ground.

**ORDER OF THE CIRCUIT COURT FOR PRINCE  
GEORGE’S COUNTY AFFIRMED; COSTS TO  
BE PAID BY APPELLANT.**