

Circuit Court for Baltimore City
Case No. 24-O-22-001077

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 2242

September Term, 2023

LESLIE FLOYD

v.

RALPH J. DIPIETRO

Berger,
Shaw,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 5, 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.

After Leslie Floyd, appellant, defaulted on her deed of trust home loan, Ralph J. Dipietro, appellee, acting as substitute trustee, filed an Order to Docket Foreclosure in the Circuit Court for Baltimore City. In May 2023, appellant’s home was sold to the lender at a foreclosure sale for \$185,870.09. Appellant filed multiple post-sale motions, which the court treated as exceptions to the sale and denied. The court granted the purchaser’s motion for judgment of possession on November 7, 2023. It then entered a final judgment ratifying the foreclosure on January 17, 2024. This appeal followed.

On appeal, appellant first contends that the case should be dismissed because the legal description of the property in the pre-sale publication of the Notice of Sale did not accurately describe the property. Specifically, she asserts that the Notice of Sale incorrectly listed the number of bedrooms and bathrooms in the home. However, this claim is not preserved as it was not raised in any of her exceptions to the sale. Consequently, we will not consider it for the first time on appeal. *See* Maryland Rule 8-131(a) (noting that an appellate court will not ordinarily decide an issue “unless it plainly appears by the record to have been raised in or decided by the trial court”).¹

Appellant next asserts that she has had no income for two years because she was wrongfully terminated from the Prince George’s County public schools. But appellant’s inability to pay the lender because of a loss of employment is not a cognizable defense to

¹ Even if the issue had been preserved, and we assume that the Notice of Sale contained inaccurate information, we would not reverse as appellant has not demonstrated how this prejudiced the sale. *See Fagnani v. Fisher*, 418 Md. 371, 384 (2011) (noting that the burden is on the excepting party to show that the claimed irregularities caused prejudice).

the foreclosure sale. Finally, appellant claims that she does “not see where a judge has signed” a judgment awarding possession of her property to the lender. However, the docket entries indicate that the judgment awarding possession was entered on November 7, 2023, and that a writ of possession was executed on March 4, 2024. Moreover, appellant has not otherwise articulated a reason why she believes that the judgment awarding possession was improperly issued, other than stating her belief that no judge would have signed it “because they [would have] see[n] that the sale was illegal and should be dismissed due to the inaccurate property description[.]” But, as previously noted, that issue is not properly before us as it was not raised in the circuit court.

Appellant ultimately has the burden of demonstrating that the court erred in ratifying the foreclosure sale of her property and in entering the judgment of possession. Because she has not done so, we shall affirm the judgment.

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