



MARYLAND
LEGAL AID

Advancing
Human Rights and
Justice for All

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**Maryland Legal Aid Secures Homeowner Rights in Court of Appeals Case
Thornton Mellon LLC v. Adrienne Dennis Exempt Trust COA-REG-0028-02021**

BALTIMORE, MD., May 18, 2022 – After a two year journey, the recent Maryland Court of Appeals decision in *Thornton Mellon LLC v. Adrienne Dennis Exempt Trust, COA-REG-0028-2021* is a tremendous victory for vulnerable clients and consumers. Maryland’s Court of Appeals directly ruled that trial courts have discretion to deny or limit attorney’s fees in tax sale cases.

In 2019, Ms. D., a homeowner in Frederick, Maryland, whose house was in a trust, fell behind on paying property taxes. She came to Maryland Legal Aid (MLA) for assistance after a Complaint to foreclose her right to pay the tax certificate was filed by the tax sale purchaser, Thornton Mellon LLC. Ms. D. told MLA that previous to the Complaint being filed, Thornton Mellon took several actions that undermined her ability to redeem to the tax sale certificate. MLA responded by first filing an Answer to the Complaint raising these issues and then by filing a Motion to Dismiss the Complaint due to the errors committed by the tax sale purchaser. On March 5, 2020, the Circuit Court for Frederick County, Maryland dismissed Thornton Mellon’s complaint and denied any additional attorney’s fees in addition to what Thornton Mellon had already been paid due to the actions Thornton Mellon took before the filing of the Complaint.

In its ruling on April 25, 2022, the Court of Appeals affirmed the earlier Court of Special Appeals decision concluding that trial courts have discretion to deny and limit attorney’s fees in tax sale cases. The Court of Appeals upheld the trial court’s right to deny or limit attorney’s fees due to abusive actions of a tax sale purchaser.

Under current law, even if a tax sale certificate holder has filed a complaint, a property owner may redeem the property at any time until a circuit court has finally foreclosed the right to pay any of the delinquent taxes, interest, costs, and penalties.

The Court of Appeals also concluded that this right to deny attorney’s fees when a tax sale purchaser interferes with the right to redeem does not require that the homeowner show that they had the ability to redeem the tax sale certificate at the time of interference.

MLA is pleased with the Maryland's Court of Appeals opinion issued. MLA Staff Attorney William F. Steinwedel shared, "the decision is important because it sets some guardrails on an industry that, generally speaking, has a reputation for abusive practices and unscrupulous actions".

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About Maryland Legal Aid

Maryland Legal Aid (MLA) is a private, non-profit law firm that provides free, civil legal services to people who are in Baltimore City and Maryland's 23 counties from 12 offices. The firm handles cases involving a wide range of issues, including family, housing, government benefits, healthcare, employment, and consumer law. MLA also represents children in CINA (Child in Need of Assistance) proceedings in 16 jurisdictions. Other vulnerable populations, such as homeowners facing foreclosure, migrant and seasonal farm workers, people with developmental and mental health disabilities, nursing home and assisted living residents, and veterans seeking benefits and assistance with related legal issues also receive representation through special projects. MLA's Community Lawyering Initiative, which includes its Lawyer in the Library program, assists with expunging criminal records to remove barriers to obtaining housing, employment, and child custody through clinics held in libraries, community centers, non-profit organizations, places of worship, schools, healthcare facilities, and other communal places.