

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

THE CITY OF FREDERICK

Plaintiff/Appellee

v.

JULIA & JAMES

PROPERTIES, LLC, ET AL.

Defendants/Appellants

CASE NO. C-10-CV-24-000727

* * * * *

OPINION AND ORDER

THIS MATTER comes before the Court on October 28, 2025, for a record appeal. After reviewing the record, oral arguments, and applicable law, the Court now issues this Opinion and Order.

BACKGROUND

Julia & James Properties, LLC, is the owner of a mixed-use residential and commercial property located at 123-125 North Market Street, Frederick, Maryland 21701 (the "Property"). The Property is commercial use on the first floor and residential use on the second and third floor. Myung D. Ro is the resident agent for Julia & James Properties, LLC. Julia & James Properties, LLC, was dissolved when Articles of Cancellation were filed on November 3, 2016. The Articles of Cancellation designated Myung D. Ro and Duk Ro as members designated to wind up the dissolved LLC.

The City of Frederick (the "City"), through its Director of Public Works, filed a *Petition for Appointment of a Blighted Property Receiver* (the "Petition") in the District Court for Frederick County on April 9, 2024, against Julia & James Properties, LLC, Myung D. Ro, and Duk H. Ro. The City filed an *Amended Petition for Appointment of a Blighted Property*

Receiver on April 16, 2024, adding Julia and James Properties, LLC, as a named Defendant (the “Appellants”). The City moved the District Court, *inter alia*, to appoint a Receiver, pursuant to Frederick City Code § 12.5 et seq. (the “Receivership Ordinance”), to sell the Property. The City alleged that the Property met the definition of “habitually vacant” and therefore constituted a public safety risk.

The City, with counsel, and Ms. Duk Ro appeared before the District Court on August 12, 2024. Ms. Ro, a non-attorney, attempted, but was not permitted, to appear on behalf of Julia & James Properties, LLC. Ms. Ro’s request for a continuance to obtain counsel was denied. Tr. pg. 7. The District Court instructed Ms. Ro that she could proceed in an individual capacity. However, Ms. Ro was dismissed from the action before she was permitted to testify after the District Court determined Ms. Ro did not have an ownership interest in the Property. Tr. pg. 53. The District Court found Julia & James Properties, LLC, in default and granted the City’s *Amended Petition for Appointment of a Blighted Property Receiver*. St. James Properties, Inc., was appointed as the receiver for the Property. A written Order was entered on August 14, 2024.

Appellants filed a Notice of Appeal to the Frederick County Circuit Court on September 10, 2024. Appellants raise the following allegations of error in their *Amended Supplemental Brief of Appellants* (the “*Supp. Brief*”):

1. The District Court committed reversible error by refusing to allow Duk Ro to appear on behalf of Julia & James Properties, LLC and Julia and James Properties, LLC.
2. The District Court committed reversible error by finding that Duk Ro did not have an ownership interest in the property and dismissing her from the case.
3. The requirements of the receivership ordinance were never averred nor proved.

4. The District Court did not make the necessary antecedent finding prior to appointing a receiver, nor does the Ordinance provide any criteria for the court to use in deciding whether or not to appoint a receiver.
5. The District Court lacked original jurisdiction over this matter.
6. The Receivership Ordinance is void under Maryland law as an unlawful and unconstitutional exercise of municipal legislative power and represents an unconstitutional taking.
7. The Receivership Ordinance is unconstitutional under State and Federal law.

The parties, through counsel, appeared before the Honorable Judge Sandy, Administrative Judge for the Frederick County Circuit Court, on January 8, 2025, for a hearing to determine whether the appeal would be held *de novo* or on the record. An Order was entered on January 9, 2025, stating that the appeal would be heard on the record. The parties appeared for oral arguments before the Honorable Martz-Fisher on October 28, 2025. The City informed the Court that the instant case is the first time a Petition to Appoint a Receiver has been filed pursuant to the current iteration of the Receivership Ordinance. The Court took judicial notice of the fact that the Property, located in Downtown Frederick, is well known in the local community and has not been put to commercial use in many years. The Court issued an oral ruling on December 16, 2025, and now issues this Opinion and Order pursuant to Md. Rule 7-113(h).

THE RECEIVERSHIP ORDINANCE

The City of Frederick Code of Ordinances, Chapter 12.5, Article II, titled Receivership, (the “Receivership Ordinance”), permits, *inter alia*, that the City, through the Director of Public Works, may file a Petition with the District Court to appoint a Receiver to sell a blighted structure. The Receivership Ordinance defines a mixed-use structure as “unoccupied” when

“(A) [it] is not occupied by its owner, lessee or other person in lawful possession; or (B) at which substantially all lawful use, consistent with zoning regulations, has ceased. Frederick City Code § 12.5-3(f)(1). A structure is “blighted” if it is “unoccupied” and:

- (1) has been and remains condemned under the City's Property Maintenance Code or Building Code;
- (2) for which a court order to abate one or more violations of the City Code is outstanding;
- (3) has been unoccupied (as defined in subsection (f) of this section) for a continuous period of at least four (4) years and is therefore deemed "habitually vacant;" or
- (4) within a two-year period is the subject of at least two (2) court orders or judgments finding that there has been a violation of the City's Property Maintenance Code or Building Code.

Frederick City Code § 12.5-3(b).

The City claims the Property meets the criteria for “blighted” because it “is not occupied by its owner, lessee or other person in lawful possession” and that it is “habitually vacant.”¹ The Receivership Ordinance denies the property owner of any financial compensation for the property until after the property is sold, with the proceeds being distributed as follows:

Application of sale proceeds. After deducting the expenses of the sale, the amount of outstanding taxes and other government assessments, and the amount of the receiver's lien, the receiver must apply any remaining proceeds of the sale, first to the petitioner's costs and expenses, including reasonable attorney's fees, and then to the liens against the property in order of priority. Any remaining proceeds will be paid to the person or persons who owned the property prior to the sale.
Frederick City Code § 12.5-10(d).

STANDARD OF REVIEW

A case on appeal in Circuit Court from the District Court must be reviewed on both the law and the evidence. Md. Rule 7-113(f). The Circuit Court will only set aside the judgment of the District Court on the evidence if the factual determinations by the District Court are clearly

¹ The Court shall refer to the property as “habitually vacant” hereafter as shorthand for the two-prong criteria for “blighted” the City alleges the Property meets in its *Petition for Appointment of a Blighted Property Receiver*.

erroneous. *Id.* The Circuit Court is to give due regard to the opportunity of the District Court to judge the credibility of witnesses. *Id.*

The evidence produced at trial in the District Court must be viewed in a light most favorable to the prevailing party by the Circuit Court. *Ryan v. Thurson*, 276 Md. 390, 392 (1975). The Circuit Court must determine whether the factual findings of the District Court were clearly erroneous in light of the total evidence presented and may not substitute its judgment for that of the District Court. *Id.* If there is solid evidence to support a disputed factual allegation, the responsibility to resolve that dispute rests with the District Court. *Kowell Ford Inc. v. Doolan*, 283 Md. 579 , 584 (1978). The legal determinations made by the District Court are reviewed *de novo* by the Circuit Court. *Credible Behav. Health Inc. v. Johnson*, 466 Md. 380, 392 (2019).

DISCUSSION

1. The District Court lacked original jurisdiction over this matter.

Appellants argue that the Receivership Ordinance improperly grants jurisdiction to the Frederick County District Court. The Court may address a lack of subject matter jurisdiction at any time, including on appeal. *Angel Enters. Ltd. P'ship v. Talbot Cnty.*, 474 Md. 237, 259 (2021). If a Court does not have “fundamental jurisdiction” to hear an action, any judicial decree or judgment entered is void. *Cnty. Comm'rs of Carroll Cnty. v. Carroll Craft Retail, Inc.*, 384 Md. 23, 44 (2004). Fundamental jurisdiction is “the power to act with regard to a subject matter which is conferred by the sovereign authority which organizes the court, and is to be sought for in the general nature of its powers, or in authority specially conferred.” *Id.* at 44-45 (internal quotations omitted). The Maryland State Constitution states that:

The District Court shall have the original jurisdiction prescribed by law. Jurisdiction of the District Court shall be uniform throughout the State; except that in Montgomery County and other counties and the City of Baltimore, the Court may have such jurisdiction over juvenile causes as is provided by law.

Md. Const. art. IV, § 41A

The District Court has exclusive original civil jurisdiction in cases where “[a] petition [is] filed by a county or municipality, including Baltimore City, *for enforcement of* local health, housing, fire, building, electric, licenses and permits, plumbing, animal control, consumer protection, and zoning codes for which equitable relief is provided.” Md. Code Ann., Cts. & Jud. Proc. § 4-401(8) (emphasis added). The City directs the Court to Md. Rule 3-722(a) in support of the Receivership Ordinance, which instructs:

Applicability. This Rule applies to a receiver appointed to take charge of property for the enforcement of a local or state code or to abate a nuisance.

Cross reference: For the power of the District Court to appoint a receiver, see Code, Courts Article, §§ 4-401(8) and 4-402(b); Code, Real Property Article, § 14-120... The definition of “Nuisance” contained in Md. Code, Real Prop. § 14-120(a)(5) is

inapplicable to the facts of this case. Thus, the Receivership Ordinance must fall within one of the enumerated categories under Md. Code, Cts. & Jud. Proc. § 4-401(8) for the District Court to have jurisdiction to hear this case. The City argues that:

The extended and prolonged vacancy of the Property in this case functions as a factual predicate for foreseeable violations of the exact codes referenced in the State statute. Despite the Receivership Statute’s use of “habitually vacant” as a trigger, the underlying purpose and application are to enforce the substantive requirements of housing and maintenance, building and structural safety standards, fire, and zoning and habitability codes and regulations.

Response Brief pg. 18.

The term “enforcement” is defined as “[t]he act or process of compelling compliance with a law, mandate, command, decree, or agreement; specif., the forcible or compulsory exaction of some duty, such as making a payment, honoring a promise, or otherwise meeting a responsibility.” ENFORCEMENT, Black's Law Dictionary (12th ed. 2024).

The Court finds the City's request to appoint a Receiver to sell a property deemed habitually vacant does not constitute "enforcement." The City does not seek to compel the Appellants to take any action to come into compliance with "local health, housing, fire, building, electric, licenses and permits, plumbing, animal control, consumer protection, [or] zoning codes" as enumerated in Md. Code, Cts. & Jud. Proc. § 4-401(8). The status of a property as habitually vacant, *without any other allegation of blight or existing code violations*, is not in itself a violation of any provision contained in the City of Frederick Code of Ordinances. To the contrary, the City of Frederick Code of Ordinances, Chapter 12.5, Article IV, titled Vacant Property (the "Vacancy Ordinance"), outlines specific requirements owners of vacant property must follow. Under the Vacancy Ordinance, the Director of Public Works, or the Director's designee, can require the owner of a vacant property to register the property as vacant if the property has been vacant for at least one year. Frederick City Code § 12.5-53(a). The Vacancy Ordinance defines "Vacant building" as "a building that is not occupied by its owner, a tenant, or other person in lawful possession or at which substantially all lawful use consistent with zoning regulations has ceased." Frederick City Code § 12.5-51(f). The definition of "Vacant building" under the Vacancy Ordinance is virtually identical to the definition of "unoccupied" under the Receivership Ordinance. The owner of a registered vacant property is required, *inter alia*, to remain in compliance with promulgated maintenance standards for vacant property, to complete annual registration if the property remains vacant, and to submit to annual inspections to ensure compliance with maintenance standards. Frederick City Code § 12.5-54(c), 12.5-55, 12.5-56. The Vacancy Ordinance does not provide a time limit that a property may remain registered as vacant for.

The record reflects that the Property was properly registered as vacant, as required by the

Vacancy Ordinance, on February 10, 2022. The allegation that the Property is habitually vacant under the Receivership Statute is not prohibited by any local or state code cited by the City. The City's Petition cannot seek to appoint a receiver to sell the Property in an attempt to compel the Appellants to comply with "local health, housing, fire, building, electric, licenses and permits, plumbing, animal control, consumer protection, [or] zoning codes" as enumerated in Md. Code, Cts. & Jud. Proc. § 4-401(8) if the Appellants' habitually vacant property, *absent any other allegations*, does not constitute a violation. Therefore, the Court finds the District Court is without fundamental jurisdiction to hear a petition to appoint a receiver of habitually vacant property under the Receivership Ordinance.

2. The Receivership Ordinance is unconstitutional under Federal and State Law.

Appellants contend that the Receivership Ordinance infringes upon "property owners' rights, protected by the Maryland and Federal Constitutions, to due process, just compensation, and a jury trial for the taking of property." *Resp. Brief* pg. 29.

The Fifth Amendment to the United States Constitution states that no person shall "be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." The Fifth Amendment of the United States Constitution "is applicable to the states through the Fourteenth Amendment." *Reynolds v. State*, 461 Md. 159, 177 (2018). The Fourteenth Amendment to the United States Constitution bars States from depriving "any person of life, liberty, or property, without due process of law." Article III, § 40 of the Maryland Constitution provides additional protections to property owners, stating that no law shall be enacted "authorizing private property, to be taken for public use, without just compensation, as agreed upon between the parties, or awarded by a Jury, being first paid or tendered to the party entitled to such compensation."

a. The Receivership Ordinance constitutes an unconstitutional taking.

The City vehemently argues that the Receivership Ordinance does not constitute a “taking” that requires protections outlined under the United States and Maryland Constitution.

The City states:

Unlike eminent domain, which involves the direct acquisition of private property by the government in exchange for just compensation, the receivership process does not confer any ownership interest to the City. Rather, receivership is a judicially supervised process designed to restore nuisance properties to a condition that complies with applicable health and safety standards. The process is remedial rather than confiscatory. It is conditioned upon repeated code violations and failure by the owner to abate the public nuisance.² *Resp. Brief* pg. 22.

The power of eminent domain “is not a grant of power, but a limitation upon the exercise of power.” *Riden v. Philadelphia, B. & W. R. Co.*, 182 Md. 336, 339 (1943). The *Riden* Court provide further guidance on the State’s eminent domain power, opining that:

Keeping in mind that the rights of personal liberty and private property are held sacred in our government, and the courts never assume that the people intend to relinquish rights so vital to their security and well-being by any general grant of legislative authority or any general expression of the will of the people we hold that this section of *the Constitution unmistakably declares by implication that private property shall be taken only for public use and then only for just compensation and no private property shall be taken for private use, either with or without compensation, except with the owner's consent.* Moreover, the taking of a man's property for the private use of another, even with just compensation, violates art. 23 of the Maryland Declaration of Rights, which declares that no man ought to be deprived of his life, liberty or property but by the law of the land. *Likewise, the taking of private property for private use by authority of the State is a violation of the due process clause of the Fourteenth Amendment of the Constitution of the United States.* It follows that where an undertaking for which private property is sought by condemnation is intended for private use, the property owner can invoke the aid of a court of equity to restrain the unlawful condemnation.

Riden v. Philadelphia, B. & W. R. Co., 182 Md. 336, 339–40 (1943) (emphasis added) (internal citations omitted).

² The Court notes the City mischaracterizes the Receivership Ordinance in its *Response Brief*. There is absolutely no requirement in the Receivership Ordinance that a petition to appoint a receiver for the sale of habitually vacant property is “conditioned upon repeated code violations and failure by the owner to abate the public nuisance.”

A taking to effectuate a “genuine urban renewal plan ... is a taking for a public purpose” and “the fact that after the taking the property may be put into private hands does not destroy the public character of the taking insofar as that taking may accomplish a proper public benefit.” *Mayor & City Council of Baltimore v. Chertkof*, 293 Md. 32, 42 (1982) (internal citations omitted). In the case where the taking does not further a genuine urban renewal plan, “[i]t is elementary, of course, that government cannot use its power of eminent domain to condemn property for the private use and benefit of another.” *Id.*

The Court finds no merit in the City’s attempt to define the Receivership Ordinance as legislation that circumvents a property owner’s constitutional rights. The Receivership Ordinance permits a Frederick City government employee, acting as an agent of Frederick City, to petition the District Court of Frederick County to either rehabilitate, demolish, or sell a habitually vacant property to effectuate the alleged public safety goals of the Receivership Ordinance. Frederick City Code § 12.5-4. The Receivership Ordinance effectively denies the property owner of any use of the property and only permits for compensation after a sale of the property occurs. The property owner is “last in line” for the distribution of sale proceeds. The Receivership Ordinance is silent on compensation in cases of rehabilitation or demolition.

The Court need not determine whether the Receivership Ordinance constitutes a genuine urban renewal plan to find the Receivership Ordinance violates the constitutional rights of a property owner. If the Receivership Ordinance is a genuine urban renewal plan that constitutes a taking for “public use”, then the Receivership Ordinance permits a governmental taking without first paying the property owner “just compensation, as agreed upon between the parties, or awarded by a Jury, being first paid or tendered to the party entitled to such compensation” as required by Article III, § 40 of the Maryland Constitution. In the alternative, if the Receivership

Ordinance permits property to be taken for “private use” through governmental authority, then the Receivership Ordinance constitutes a violation of the Due Process Clause of the Fourteenth Amendment of the United States Constitution. Therefore, the Court finds the Receivership Ordinance is unconstitutional.

- b. The police power “exception” argued by the City does not permit the Receivership Ordinance to completely divest property owners of their constitutional rights.**

The City argues that the Receivership Ordinance “is not a taking requiring just compensation because it falls within the nuisance exception to the Takings Clause, as established by the United States Supreme Court in *Kansas v. Mugler* [sic], 123 U.S. 623 (1887).” *Resp. Brief* pg. 22.

The City writes that *Mugler v. Kansas* established that “[a] prohibition simply upon the use of property for purposes that are declared, by valid legislation, to be injurious to the health, morals, or safety of the community, cannot, in any just sense, be deemed a taking or an appropriation of property.” *Resp. Brief* pg. 22. The *Mugler* Court was tasked with deciding whether a state statute prohibiting the manufacturing of alcoholic beverages, to be sold as beverages, violated the Fourteenth Amendment of the United States Constitution. *Id.* at 657. The Court would direct the parties to the *complete* text of *Mugler* to understand the appropriate context of the authority provided by the City:

As already stated, the present case must be governed by principles that do not involve the power of eminent domain, in the exercise of which property may not be taken for public use without compensation. A prohibition simply upon the use of property for purposes that are declared, by valid legislation, to be injurious to the health, morals, or safety of the community, cannot, in any just sense, be deemed a taking or an appropriation of property for the public benefit. Such legislation does not disturb the owner in the control or use of his property for lawful purposes, nor restrict his right to dispose of it, but is only a declaration by the state that its use by any one, for certain forbidden purposes, is prejudicial to the public interests. Nor can legislation of that character come within the fourteenth amendment, in any case, unless it is apparent that its

real object is not to protect the community, or to promote the general well-being, but, under the guise of police regulation, to deprive the owner of his liberty and property, without due process of law. The power which the states have of prohibiting such use by individuals of their property, as will be prejudicial to the health, the morals, or the safety of the public, is not, and, consistently with the existence and safety of organized society, cannot be, burdened with the condition that the state must compensate such individual owners for pecuniary losses they may sustain, by reason of their not being permitted, by a noxious use of their property, to inflict injury upon the community. ***The exercise of the police power by the destruction of property which is itself a public nuisance, or the prohibition of its use in a particular way, whereby its value becomes depreciated, is very different from taking property for public use, or from depriving a person of his property without due process of law. In the one case, a nuisance only is abated; in the other, unoffending property is taken away from an innocent owner.*** *Mugler v. Kansas*, 123 U.S. 623, 668–70 (1887) (emphasis added).

The City further directs the Court to *American Coal Co. v. Allegany County Commissioners*, 98 A. 143 (1916), to support its position that “[t]he constitutional proscriptions against the taking of private property for public use without just compensation were not intended to restrain the reasonable exercise of the police power.” *Resp. Brief* pg. 21. The *American Coal* Court was asked to determine, *inter alia*, whether a corporation engaged in the mining of coal and clay was liable under the Miners’ and Operators’ Co-operative Relief Fund, which provided relief to employees injured in coal and clay mining. *Am. Coal Co.* at 144. While the *American Coal* Court instructed that the “provisions in the Declaration of Rights and the Fourteenth Amendment to the Constitution of the United States... were not intended to restrain the reasonable exercise of the police power by the state” it later opined that:

It is not meant here to be asserted that this [police] power is above the Constitution, or that everything done in the name of the police power is lawfully done. It is meant only to be asserted that a law which interferes with personal and property rights is valid only when it tends reasonably to correct some existing evil or promote some interest of the state, ***and is not in violation of any direct and positive mandate of the Constitution.*** The clause of the Constitution now under consideration was intended to prevent the arbitrary exercise of power, or undue, unjust, and capricious interference with personal rights; not to prevent those reasonable regulations that all must submit to as a condition of remaining a member of society. In other words, the test of a police regulation, when measured by this clause of the Constitution, is reasonableness, as contradistinguished from arbitrary or capricious action.

Id. at 146-147 (emphasis added).

It is clear that regulatory legislation enacted to circumscribe specific actions deemed dangerous to society is distinguishable from the Receivership Ordinance, which permits for the rehabilitation, *sale, or destruction*, of habitually vacant private property. The authority cited by the City firmly demonstrates that the police power of a municipality is *subject to* the constitutional rights of individuals.

c. The City failed to establish a reasonable basis for the Receivership Ordinance and places an unconstitutional restriction on the use of property.

The appointment of a receiver is an extreme remedy and “should be exercised with great circumspection.” *Grant v. Allied Developers, Inc.*, 44 Md.App. 560, 565 (1980). A receivership should not be ordered “if it does not clearly appear that there is fraud, spoliation, or imminent danger of the loss of the property unless immediate possession is taken by the court.” *Brown v. Brown*, 204 Md. 197, 211 (1954). Furthermore, “[a] court should not appoint a receiver on anticipated grounds. Rather, there must be an ‘imminent danger of the property being lost, injured, diminished in value, destroyed, squandered, wasted, or removed from the jurisdiction.’” *Hamzavi v. Bowen*, 126 Md.App. 492, 497 (1999).

As articulated in Section I of this *Opinion and Order*, the status of a property as habitually vacant, *without any other allegation of blight or existing code violations*, is not a violation of any provision contained in the City of Frederick Code of Ordinances and is permitted under the Vacancy Ordinance. It is well established law that:

[W]hile everyone holds his property subject to the implied condition that his use of it shall not injure others with equal rights, so long as his use of it does not interfere with or injuriously affect the public health, morals, or safety, he will be protected in his use and ownership of it against the state or any agency or department thereof. Private use and ownership of property has always been regarded by the courts of this state as one of the most valuable privileges guaranteed by its Constitution ... in dealing with the validity [of an ordinance], we will start with the premise that if its purpose and

provisions can only be justified by invoking the police power of the state, they must bear some substantial cognizable relation to the public health, the public security, the public morals, the public welfare, or the public comfort.

Goldman v. Crowther, 147 Md. 282, 128 A. 50, 55 (1925)

The Receivership Ordinance purports to “reduce the incidence of nuisances within the City related to blighted structures” and “to reduce the incidence of fire hazards within the City related to such structures” with the targeted goal of “promoting public safety” and “community welfare”. Ex. 1, *Resp. Brief*. The Court extensively queried the City during the October 28, 2025, record appeal hearing to gain a better understanding of how a habitually vacant property created such societal danger as to require the property to be removed from its lawful owner. The City was unable to answer why the selection of four years of habitual vacancy was the “trigger” for the appointment of a receiver. The City cited *potential* dumping, squatting, vandalism, trespassing, and fire suppression issues as *potential* dangers that can arise in a habitually vacant property. The City stated the Property, as well as many other properties in Downtown Frederick, had insufficient fire suppression systems. However, the City conceded that the lack of adequate fire suppression systems was not a requirement to file for a receiver for habitually vacant properties. Most importantly, the City was unable to provide specific criteria in the Receivership Ordinance, or elsewhere, that would distinguish the ability of the City to file a petition to appoint a receiver for a habitually vacant property in absolute compliance with all laws compared to a property that presented a verified, immediate danger to the community. The City referred to the Receivership Ordinance as the “last resort” utilized to address blight, but there is nothing in the Receivership Ordinance to suggest that other remedies must be attempted prior to filing a petition to appoint a receiver.

The Receivership Ordinance permits the City to file a petition to appoint a receiver to rehabilitate, sell, or demolish, a habitually vacant property, without any other allegation of blight. The Receivership Ordinance permits the City to proceed with an action to appoint a receiver on purely anticipated grounds. The Court finds this portion of the Receivership Ordinance has no “substantial cognizable relation to the public health, the public security, the public morals, the public welfare, or the public comfort.” *Goldman v. Crowther*, 128 A. 50, 55 (1925). The Receivership Ordinance infringes upon the rights of property owners to use their property in a lawful manner. For these reasons, the Court finds the Receivership Ordinance is unconstitutional as applied to habitually vacant properties.

CONCLUSION

The Court finds that District Court is without jurisdiction to hear cases filed under the Receivership Ordinance relating to habitually vacant properties. Thus, the Order entered by the District Court appointing a receiver to sell the Property is void. The Court further finds that the Receivership Ordinance creates an unlawful governmental taking without first paying the property owner “just compensation, as agreed upon between the parties, or awarded by a Jury, being first paid or tendered to the party entitled to such compensation” as required by Article III, § 40 of the Maryland Constitution. In the alternative, if the Receivership Ordinance permits property to be taken for “private use” through governmental authority, then the Receivership Ordinance constitutes a violation of the Due Process Clause of the Fourteenth Amendment of the United States Constitution. Based on these findings, the Court shall not address the remaining allegations of error based on its findings.

ORDER

FOR THE REASONS stated above, it is hereby on 13th of February, 2026,

by the Circuit Court for Frederick County, Maryland,

ORDERED, that the Judgment entered by the Frederick County District Court on August 14, 2024 (Case No. D-111-CV-24-008513) is hereby VACATED in its entirety; and it is further

ORDERED, that this case is hereby DISMISSED with prejudice.

02/13/2026 4:15:26 PM



JUDGE, CIRCUIT COURT FOR
FREDERICK COUNTY, MARYLAND

Entered: Clerk, Circuit Court for
Frederick County, MD
February 15, 2026