Circuit Court for Prince George's County
Case No. C-16-FM-24-007988

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1455

September Term, 2025

IN THE MATTER OF WADE BROWN

Graeff,
Kehoe, S.,
Wright, Alexander, Jr.,
(Senior Judge, Specially Assigned),

JJ.

Opinion by Kehoe, J.

Filed: April 1, 2026

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

In the Circuit Court for Prince George's County, Antoinette Holmes[1] ("Antoinette"), appellee, filed a petition for guardianship of the person and the property of her stepfather,[2] Wade Brown. Following a hearing, the court found that Mr. Brown was a disabled person, appointed Antoinette guardian of his person, and appointed June Hatton Barr, Esq., appellee, guardian of his property. More than ten days later, Mr. Brown's domestic partner and Antoinette's mother, Gwendolyn Holmes ("Gwendolyn"), appellant, moved to vacate the guardianship orders and to terminate the guardianship proceedings. Within thirty days of an order denying that motion and other subsequently filed motions, Gwendolyn noted this appeal.

She presents three questions,[3] which we combine and rephrase as one:

[1] Because Antoinette Holmes, appellee, and her mother, Gwendolyn Holmes, appellant, share the same last name, we will refer to them by their first names. We mean no disrespect. Similarly, we will refer to Antonicia Holmes by her first name and mean no disrespect.

[2] Antoinette's mother was not married to Mr. Brown, but was his longtime romantic partner and, eventually, became his registered domestic partner. Antoinette refers to herself as Mr. Brown's stepdaughter and we do the same.

[3] The questions as posed by Gwendolyn are:

> 1. Did the trial court err, or abuse its discretion, by denying the motions filed by Appellant Gwendolyn Holmes? Specifically:
>
> --motion to vacate guardianship order;
> --notice of ongoing unauthorized interference;
> --emergency motion for temporary restraining order (to prohibit guardian of the property from acting);
> --emergency motion for temporary injunctive relief;
> --motion to strike court appointed guardian's motion to deny motion to vacate and motion to declare power of attorney null and void; and

(continued…)

> Did the trial court abuse its discretion by denying Gwendolyn's post-judgment motions?

We answer that question in the negative and affirm the judgment of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

On October 4, 2024, Antoinette filed a petition for guardianship of the person and property of Mr. Brown, then age 74, which she amended on December 23, 2024, to correct deficiencies in her original petition. In her amended petition, Antoinette alleged that Mr. Brown suffered a stroke, was residing in at a nursing facility, and was showing signs of cognitive impairment. Antoinette identified Gwendolyn as Mr. Brown's domestic partner and provided her address and phone number. She alleged that Gwendolyn was not making sound decisions concerning Mr. Brown's bank accounts and retirement savings and was

---

> --motion to revise judgment.
>
> 2. Did the trial court err, or abuse its discretion, when it granted Appellee's (guardian of the property) to declare Wade Brown's power of attorney null and void and Wade Brown's revocable living trust null and void?
>
> 3. Did the trial court err, or abuse its discretion, by denying the motions filed by Appellant Gwendolyn Holmes after the appeal was noted?
>
> And, if in this Court's jurisdiction, the motions filed after the notice of appeal:
> --trustee's motion to preserve and assert statutory rights;
> --motion to expunge improperly recorded instrument;
> --motion to strike false and misleading guardian at [sic] litem's amended answer to the amended petition for appointment of guardian of the person and property;
> --motion to strike affidavit of personal service of Kimberly Jones;
> --motion to strike physician's certificate; and
> --emergency motion to stay enforcement of the guardianship order pending appeal and for temporary injunctive relief.

being influenced by her other daughter, Antonicia Holmes ("Antonicia"). She further alleged that Mr. Brown was unable to remember conversations he had with family members and was vulnerable to manipulation. She attached to her amended petition three medical certificates completed by 1) a physician who worked at the FutureCare nursing facility where Mr. Brown was a patient, 2) a nurse practitioner who also worked FutureCare, and 3) Mr. Brown's primary care physician for the past five years. All three practitioners concluded that Mr. Brown had varying degrees of cognitive impairment that caused him to be unable to make responsible decisions concerning his person and property.[4] The two facility-based practitioners examined Mr. Brown in December 2024, and his primary care physician examined him in September 2024, in Gwendolyn's presence.

On February 4, 2025, the circuit court appointed counsel to represent Mr. Brown.

That same day, the court entered a show cause order directing all interested persons, including Gwendolyn, to show cause in writing before May 28, 2025, why the relief requested should not be granted.

On May 20, 2025, Antoinette filed an affidavit of service completed by a private process server averring that the process server personally served Gwendolyn at her home in Suitland, Maryland with a copy of the show cause order, the amended petition for

[4] The attending physician and nurse practitioner from FutureCare both diagnosed Mr. Brown with impaired cognition, which was mild and stable but not temporary or reversible. Mr. Brown's primary care physician did not diagnose him with a mental health condition, but reported that his memory, cognitive, and executive function were moderately impaired.

guardianship, a notice to interested persons, an advice of rights form, and the medical certificates.

On May 27, 2025, as amended on June 5, 2025, Mr. Brown, through counsel, answered the petition, admitted that he was in the early stages of dementia and was disabled, and asked the court to grant the petition and appoint Antoinette as the guardian of his person and his property. Gwendolyn did not file a response to the petition.

On June 6, 2025, the court held a hearing on the petition at which Antoinette, Mr. Brown's counsel, and an attorney representing the nursing facility appeared. Gwendolyn did not appear at the hearing. Mr. Brown's adult son, Michael Brown, also was present in the courtroom.

Mr. Brown, through counsel, waived his appearance and waived his right to a jury trial. Counsel stipulated to the physicians' certificates filed by Antoinette and advised that it was Mr. Brown's position that Antoinette be appointed guardian of his person and property. Counsel made the following proffer. She recently had met with Mr. Brown at the FutureCare nursing facility.[5] He was about to turn 75. Mr. Brown reported that he had suffered a stroke and had been released from the Washington Hospital Center to FutureCare about 30 days earlier. He described Gwendolyn as his "girlfriend." He said that there was no one at his home, which he shared with Gwendolyn, who was "stable enough to take care

[5] In her answer to the petition, counsel stated that she met with Mr. Brown on May 25, 2025. At the guardianship hearing, counsel stated that she met with him on February 25, 2025. Given that counsel was not served with the petition until April 30, 2025 and was expressly directed by the court not to commence work until she was served, we assume that counsel met with Mr. Brown in May 2025.

of him." He wished to go home but understood that that was not currently feasible. He wished for Antoinette to handle his affairs.

Antoinette informed the court that though Mr. Brown told his attorney he had been at FutureCare for just 30 days, he actually had been there since September 2024. She proffered that he suffered a stroke in August 2024 and was released to FutureCare thereafter. She had been helping her stepfather manage his affairs for many years. She took him to his medical appointments, to the bank, filed his taxes, and otherwise managed his finances.

Antoinette moved for admission of the medical certificates. The court admitted them without objection.

An attorney appeared on behalf of FutureCare and advocated for an attorney to be appointed as guardian of the property of Mr. Brown. She explained that his application for medical assistance remained pending and that it was complex.

The court found that Antoinette had completed training to be a guardian and had submitted her certificate of completion. The court also found that Antoinette served notice on the interested parties.

On the merits of the petition, the court determined that Mr. Brown lacked "sufficient understanding or capacity to communicate decisions regarding his person or provisions for his health care, food, clothing, or shelter[,]" that he lacked "such capacity because of physical or mental disability and/or disease[,]" and that "there [was] no less restrictive

intervention . . . available and consistent with his welfare and safety." The court appointed Antoinette guardian of his person.

The court further found that Mr. Brown was "unable to manage his property and affairs effectively because of physical or mental disability and/or disease[,]" and "that he may be entitled to property and benefits which require management." The court determined to appoint an attorney off the court-approved list to be guardian of Mr. Brown's property.

On June 12, 2025, and June 16, 2025, respectively, the court issued orders appointing Antoinette as guardian of the person and Ms. Barr as guardian of the property.[6]

On July 1, 2025, Gwendolyn filed a motion to vacate the guardianship orders. She alleged that she was Mr. Brown's registered domestic partner, Mr. Brown's designated agent under a personal financial power of attorney, and the sole trustee of his revocable living trust. She alleged that she never was served with any court documents and that Antoinette intentionally misrepresented her address by using an incorrect city (Upper Marlboro) and an incorrect zip code (20774), in place of her actual city (Suitland) and zip code (20746).[7] Gwendolyn attached a copy of the power of attorney dated October 31,

[6] In her statement of facts, Gwendolyn misstates that the court intended the appointment of Ms. Barr as guardian of the property to be temporary. Rather, the court determined that appointing an attorney as guardian of the property was appropriate because of the complexity of Mr. Brown's medical assistance application, but advised Antoinette that should she wish to step into the shoes of Ms. Barr at a later point, she could petition the court for that relief.

[7] We note that the amended petition for guardianship and the affidavit of service each list the correct city and the correct zip code. The show cause order issued by the court on February 4, 2025, mistakenly used the wrong city and zip code.

2024, a certificate of registered domestic partnership dated September 25, 2024, and a certification of trust dated November 1, 2024, to her motion. In an attached affidavit, she averred that the affidavit of service was falsified and repeated her assertion that Antoinette intentionally misled the court by providing an incorrect address for her. She stated that she did not learn of the "Guardianship Order(s) or the appointments of [Antoinette] and [Ms.] Barr until after the court issued its final Order on or about June 11, 2025."

On July 7, 2025, Gwendolyn filed a "Supplement to Motion to Vacate Guardianship Orders and Notice of Ongoing Unauthorized Interference," in which she alleged that Antoinette was entering her house without her consent to obtain access to Mr. Brown's financial and personal papers and that she had caused a cease-and-desist order to be served on Antoinette and Ms. Barr.

On July 30, 2025, Ms. Barr moved for a declaration that the power of attorney executed by Mr. Brown on October 31, 2024, was null and void, retroactive to the date the court appointed her guardian of the property because it was "no longer necessary due to the intervening and superseding actions" of the circuit court. Separately, Ms. Barr opposed Gwendolyn's motion to vacate and asked the court to declare the revocable living trust null and void.

On August 5, 2025, Gwendolyn filed 1) an emergency motion for temporary restraining order, 2) an emergency motion for temporary injunctive relief, 3) an opposition to Ms. Barr's motion to declare the power of attorney null and void, and 4) a second supplement to her motion to vacate. She generally alleged that Ms. Barr had mailed a copy

of the guardianship order to Mr. Brown's financial institution, causing that institution to suspend Gwendolyn's access to those accounts and preventing her from paying household and other necessary bills and that someone "had accessed an IRS online service" in Mr. Brown's name to "fraudulently access[]" his tax records. (Emphasis omitted.) She attached to her motion declarations from her, Mr. Brown, Antonicia, and an individual named Mary Wong. Gwendolyn also repeated her assertions that the guardianship orders were procured by fraud.

The next day, Gwendolyn filed an opposition to Ms. Barr's opposition to her motion to vacate and a motion to strike Ms. Barr's opposition and Ms. Barr's motion to declare the power of attorney null and void.

By order entered August 11, 2025, the court denied Gwendolyn's pending motions. The court found that though Gwendolyn's address was incorrect on the show cause order issued by circuit court, the affidavit of service evidenced that she was personally served at the correct home address. The court found that the service was proper.

The court granted Ms. Barr's motions to declare null and void the power of attorney and Mr. Brown's living trust. It reasoned that the guardianship order superseded the power of attorney and noted that both the power of attorney and the living trust were created *after* Mr. Brown's primary care provider examined him in Gwendolyn's presence and found that he had moderate cognitive impairment and was incapable of signing documents or participating in legal proceedings.

On September 9, 2025, Gwendolyn noted this appeal.[8]

STANDARD OF REVIEW

As explained in an order entered by this Court on December 4, 2025, Gwendolyn's notice of appeal is not timely as to the underlying guardianship orders. She filed her motion to vacate the guardianship orders on July 1, 2025, more than ten days after entry of the order appointing Antoinette guardian of the person (June 12, 2025) and the entry of the order appointing Ms. Barr guardian of the property (June 16, 2025). Her motion to vacate, which we treat as a Rule 2-535 motion to revise, thus did not toll the 30-day window in which Gwendolyn could have filed a timely appeal from the guardianship orders. *Estate of Vess*, 234 Md. App. 173, 194–96, 204 (2017).

Consequently, the only issue before us is whether the trial court abused its discretion by "declining to reconsider the judgment," *id.* at 205 (cleaned up), when it issued its August 11, 2025 order. This Court opined that "[i]t is hard to imagine a more deferential standard than this one." *Id.* Our task is to determine if the trial court's denial of the motion to vacate "was so far wrong – to wit, so egregiously wrong – as to constitute a clear abuse of discretion." *Stuples v. Baltimore City Police Dep't.*, 119 Md. App. 221, 232 (1998) (emphasis omitted).

[8] Also on September 9, 2025, Gwendolyn moved to revise the August 11, 2025, order. Thereafter, she filed numerous other motions, all of which were denied by the circuit court by order entered November 18, 2025. Gwendolyn did not note an appeal thereafter. Because these rulings were made after the current appeal was noted and no appeal was taken thereafter, the propriety of those ruling are not before us in this appeal. *See* Md. Rule 8-202(a) (a notice of appeal ordinarily must be filed within 30 days *after* entry of a judgment or order from which the appeal is taken).

DISCUSSION

a.

Before turning to the contentions of error, we briefly set out the law governing guardianship petitions. A petition for guardianship of the person must be supported by two medical certificates. Md. Rule 10-202(a)(1). One certificate must be completed by a physician licensed to practice in the United States, but the second may be completed by a nurse practitioner, psychologist, or licensed clinical social worker. *Id.* At least one of the certificates must be completed by a medical professional who has examined the alleged disabled person within 21 days before the filing of the petition. *Id.*

The alleged disabled person and any interested persons are to be served with a show cause order, a copy of the petition and other related documents. Md. Rule 10-203. A registered domestic partner of the alleged disabled person is an interested party, as is a person holding a power of attorney of the disabled person. Md. Rule 10-103(f) (defining the term "Interested Person" to include an heir of the alleged disabled person and a person holding a power of attorney of the alleged disabled person); Md. Code, Est. & Tr. ("ET") § 3-102(a) (registered domestic partner is an heir). Service upon the disabled person must be made by personal service whereas service upon interested persons is to be made by regular mail and certified mail unless the court orders otherwise. Md. Rule 10-203(a), (b)(2).

Guardianship of the person of a disabled person may be granted only upon findings, by clear and convincing evidence, that:

> (1) A person lacks sufficient understanding or capacity to make or communicate responsible personal decisions, including provisions for health care, food, clothing, or shelter, because of any mental disability, disease, habitual drunkenness, or addiction to drugs; and
>
> (2) No less restrictive form of intervention is available that is consistent with the person's welfare and safety.

ET § 13-705(b). Those findings are to be made by a jury unless the alleged disabled person waives a jury trial. Md. Rule 10-205(b).

A petition for guardianship of the property of a disabled person also must be supported by the medical certificates described above and service must be made upon interested persons in the same manner. Md. Rule 10-301(d)(1) & 10-302. Before granting a petition for guardianship of the property of a disabled person, the court must hold a hearing and find by a preponderance of the evidence that:

> (1) The person is unable to manage effectively the person's property and affairs because of physical or mental disability, disease, habitual drunkenness, addiction to drugs, imprisonment, compulsory hospitalization, detention by a foreign power, or disappearance; and
>
> (2) The person has or may be entitled to property or benefits which require proper management.

ET § 13-201(c); *see In re Rosenberg*, 211 Md. App. 305, 316–17 (2013) (discussing the burden of proof under the statute).

For both types of guardianship, the medical certificates attached to the petition are "admissible as substantive evidence [at the guardianship hearing] without the presence or testimony of the certifying health care professional" unless an interested person requests

their testimony in person no less than ten days before the hearing. Md. Rule 10-205(b) (guardianship of the person); Md. Rule 10-304(b) (guardianship of the property).

b.

Gwendolyn contends that the trial court abused its discretion by denying her motion to vacate the guardianship orders. She first argues that her due process rights were violated because the show cause order directed that she be served "by ordinary mail AND certified mail" but Antoinette caused her to be personally served. She asserts that this amounted to a fraud on the court.

As a threshold matter, Gwendolyn's argument based upon the method of service was not raised in her motion to vacate and, consequently, is not preserved for review. *See* Md. Rule 8-131(a) (stating that this Court ordinarily will not address any non-jurisdictional issue that was not raised in or decided by the circuit court). Even if preserved, however, there could be no due process violation occasioned by the use of a more reliable method of service. *See Griffin v. Bierman*, 403 Md. 186, 206 (2008) (explaining that "[p]ersonal service is the only method of conveying notice that is certain to convey actual notice," as compared to notice by certified/restricted mail or by posting).

Gwendolyn also maintains her position that she was not, in fact, served with the show cause order and accompanying papers. "The determination [of] '[w]hether a person has been served with process is essentially a question of fact.'" *Wilson v. Md. Dep't of Env't*, 217 Md. App. 271, 286 (2014) (quoting *Harris v. Womack*, 75 Md. App. 580, 585 (1988)). Maryland courts recognize that "a proper official return of service is presumed to

be true and accurate until the presumption is overcome by proof[.]" *Weinreich v. Walker*, 236 Md. 290, 296 (1964). Significantly, "the mere denial of personal service by [her] who was summoned will not avail to defeat the sworn return of the official process server." *Id.*; *see also Wilson*, 217 Md. App. at 285 (stating that "a mere denial of service is not sufficient" to overcome "the presumption of validity" arising from a return of service). When a denial of service "'is not supported by corroborative testimony or circumstances . . . the attempted impeachment of the official return must fail.'" *Weinreich*, 236 Md. at 296 (quoting *Weisman v. Davitz*, 174 Md. 447, 451 (1938)). "[I]f the 'denial is supported by corroborative evidence *by independent, disinterested witnesses*, the denial will stand unless the corroborative evidence is refuted.'" *Wilson*, 217 Md. at 285 (quoting *Ashe v. Spears*, 263 Md. 622, 628 (1971)) (emphasis added).

Here, the return of service reflecting that Gwendolyn was served at her home on May 2, 2025, was *prima facie* evidence that she was served with the show cause order and related documents.[9] In her motion to vacate, as supplemented, Gwendolyn denied service, but did not provide any corroborative evidence or circumstances supporting her denial beyond her inaccurate and self-serving allegation that Antoinette intentionally misrepresented her address to the court. As noted earlier, though *the circuit court* misidentified Gwendolyn's address on the show cause order, Antoinette provided the

[9] Gwendolyn states in her reply brief in this Court that the process server was Antoinette's daughter. This was not raised in Gwendolyn's motion to vacate (or her opening brief in this Court) and is not before us for consideration.

correct address in her petition *and* the affidavit of service reflects that Gwendolyn was served at her correct address. Because Gwendolyn's motion to vacate was premised on a mere denial of service without corroborative evidence supplied by a disinterested witness, the court did not err by ruling that service was proper and by denying the motion to vacate on that basis.

Relatedly, Gwendolyn asserts that the court was unable to consider numerous arguments she would have made had she appeared at the hearing, including that Mr. Brown did not lack capacity and that her power of attorney and the revocable living trust were less restrictive alternatives to the granting of the guardianship petition.[10] Because the circuit court found that service was proper, however, Gwendolyn was on notice of the June 6, 2025 guardianship hearing and had the opportunity to attend, to testify, to introduce contrary evidence, to demand the presence of the physicians and the nurse practitioner who completed the medical certificates, and to argue that the court should deny the petitions for guardianship. She failed to do so and may not be heard to complain on appeal that the court failed to consider these arguments.

The circuit court did not err, much less egregiously err, by denying the motion to vacate the guardianship orders. The court's decision was founded upon the uncontradicted medical certificates, which were properly admitted as substantive evidence at the hearing. Mr. Brown, through counsel, waived his appearance, consented to the guardianship through

[10] As Ms. Barr points out in her brief and Gwendolyn concedes in her reply brief, the court was not obligated to find that there was no less restrictive alternative before granting the petition for guardianship of the property of Mr. Brown. *See* ET § 13-201(c).

counsel and requested appointment of his stepdaughter as guardian of his person and property. The court, after considering the complexity of the management of Mr. Brown's property, reasonably determined to appoint independent counsel to represent Mr. Brown, at least until such time as his application for medical assistance was processed and approved.

c.

The remaining contentions by Gwendolyn in her subsequent motions all pertain to lawful and appropriate actions taken by Antoinette and Ms. Barr in their capacities as lawfully appointed guardians of the person and property of Mr. Brown. The court did not err by denying the motions seeking to bar or enjoin them from carrying out their duties.

d.

Gwendolyn also challenges the circuit court's grant of Ms. Barr's motions to declare null and void the personal financial power of attorney executed by Mr. Brown in favor of Gwendolyn on October 31, 2024, and the revocable living trust created the next day. Under ET § 13-203(c), the circuit court, having appointed Ms. Barr as guardian of the property, had authority to take any action to control Mr. Brown's property as Mr. Brown could have taken had he not been disabled. This includes the authority to revoke the power of attorney and the living trust both of which, as the court found, were entered into after Mr. Brown's personal physician examined him and found that he lacked capacity to execute legal documents, and both of which became unnecessary once Ms. Barr, an independent attorney selected by the court, was appointed the guardian of Mr. Brown's property.

For all these reasons, we affirm the August 11, 2025, order denying Gwendolyn's motion to vacate and the subsequently filed motions and granting Ms. Barr's motions.

AUGUST 11, 2025 ORDER OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED. COSTS TO BE PAID BY THE APPELLANT.