1904, art. 66, sec. 10. 1888, art. 66, sec. 10. 1860, art. 64, sec. 9. 1826, ch. 192, sec. 5.

10. If such sale be set aside by the court, a re-sale may be ordered to be made by the party who made the previous sale, or the court may, if justice requires it, appoint a trustee to sell the same.

It is not absolutely necessary that the court should order the re-sale, and a sale made without such order, will not be set aside. Reeside *v.* Peter, 35 Md. 222.

For a case reversed in the court of appeals, and a re-sale ordered under this section, see Chilton *v.* Brooks, 69 Md. 587.

Cited but not construed in Dircks *v.* Logsdon, 59 Md. 178; Basshor *v.* Stewart, 54 Md. 379.

Ibid. sec. 11. 1888, art. 66, sec. 11. 1860, art. 64, sec. 10. 1826, ch. 192, sec. 4. 1836, ch. 249, sec. 7.

11. All such sales, when confirmed by the court and the purchase money is paid, shall pass all the title which the mortgagor had in the said mortgaged premises at the time of the recording of the mortgage.

The title that passes is that of the mortgagee at the time the mortgage was recorded, and not at the time of the foreclosure. Felgner *v.* Slingluff, 109 Md. 480; Duval *v.* Becker, 81 Md. 549; Leonard *v.* Groome, 47 Md. 504.

This section referred to in construing section 9—see notes thereto. Albert *v.* Hamilton, 76 Md. 307; Warfield *v.* Ross, 38 Md. 90.

Cited but not construed Dircks *v.* Logsdon, 59 Md. 178.

Ibid. sec. 12. 1888, art. 66, sec. 12. 1860, art. 64, sec. 11. 1826, ch. 192, sec. 5. 1836, ch. 249, sec. 8.

12. Upon a sale of such mortgaged premises, any person claiming an interest in the equity of redemption may apply to the court confirming the sale to have the surplus of the proceeds of sale, after payment to the mortgagee of his claim and expenses, paid over to such person, or so much thereof as will satisfy his claim, and the court shall distribute such surplus equitably among the claimants thereto.

This section is analogous to the right existing on the part of the subsequent holders of liens, in regard to sales under the usual modes of proceeding in equity. Leonard *v.* Groome, 47 Md. 504.

This section referred to in determining that a sale will not be set aside because subsequent incumbrancers are not parties. Chilton *v.* Brooks, 71 Md. 448.

Ibid. sec. 13. 1888, art. 66, sec. 13. 1860, art. 64, sec. 12. 1826, ch. 192, sec. 4. 1874, ch. 460.

13. After said sale has been confirmed by the court and the purchase money paid, the person making such sale shall convey the property to the purchaser, or if the vendor and purchaser be the same person the court confirming the sale shall, in its order of ratification, appoint a trustee to convey the property to the purchaser on the payment of the purchase money; provided, however, that said trustee shall not give a bond unless the court shall deem it necessary and prescribe the same in the decree.

Cited but not construed in Hubbard *v.* Jarrell, 23 Md. 80.

Ibid. sec. 14. 1888, art. 66, sec. 14. 1860, art. 64, sec. 13. 1825, ch. 203, sec. 8.

14. No title to mortgaged premises derived from any sale made in virtue of such power and confirmed as aforesaid shall be questioned,