

Property only shall be exempt, and the debtor has no right to demand an equivalent in money. The debtor may waive his exemption and in order to have the benefit of it he must actively interpose. The sheriff is under no obligation to notify the debtor (in the absence of fraud). *Young v. Bouldin*, 57 Md. 317. See also, *Muhr v. Pinover*, 67 Md. 489; *Fowler v. Gray*, 99 Md. 598. (As to a waiver, see also, section 14.)

Where execution is levied on a defendant's equity of redemption in two tracts of land, and before the sale the defendant notifies the sheriff that he claims his exemption, and no appraisers were summoned, the defendant is entitled to \$100 of the proceeds of the sale, and the sheriff's bond is liable therefor. *Fowler v. Gray*, 99 Md. 598.

This section should be liberally construed. Where a debtor has made a deed for the benefit of his creditors, he is entitled to his exemption; also, when the debtor becomes an insolvent. *Muhr v. Pinover*, 67 Md. 487; *Fowler v. Gray*, 99 Md. 599; *Darby v. Rouse*, 75 Md. 28.

Where property is sold under foreclosure of mortgage, the mortgagor is entitled to his exemption as against judgment creditors. Insufficient exceptions to an auditor's report. *Darby v. Rouse*, 75 Md. 28.

The legislature may repeal at will laws exempting property from execution, unless they are in the nature of a contract. This section referred to in construing section 10. *Bramble v. State*, 41 Md. 442.

This section referred to in construing article 23, section 146—see notes thereto. *Burdette v. Jackson*, 179 Fed. 229.

Cited but not construed in *Stokes v. Detrick*, 75 Md. 267.

See notes to sections 9 and 10.

As to the exemption of the proceeds of insurance policies from execution or attachment, see article 45, section 8, *et seq.*

1904, art. 83, sec. 9. 1888, art. 83, sec. 9. 1861, ch. 7, sec. 2.

9. Each defendant in any such execution may select property, real or personal, to the value of one hundred dollars, to be ascertained by three disinterested appraisers to be summoned and sworn by the officer at the time of levying the execution; and the appraisal signed by the appraisers shall be returned with the writ.

Where a judgment debtor wishes to select property under this section, the claim must be asserted at least before the sale has commenced. *Miles v. State*, 73 Md. 402; *Young v. Boulden*, 57 Md. 320; *Fowler v. Gray*, 99 Md. 599.

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See notes to sections 8 and 10.

Ibid. sec. 10. 1888, art. 83, sec. 10. 1861, ch. 7, sec. 3.

10. If any property of any defendant, whether real or personal, cannot be divided so as to set apart a portion of it of the value of one hundred dollars, without loss and injury to all parties concerned, then the whole shall be sold, and the defendant whose property is so sold shall have one hundred dollars of the proceeds in money; and whether the property can be divided without loss shall be determined by the appraisers. This section only to apply to cases where a single parcel of land or single article of personal property is levied on, and in all such cases the officer shall not sell unless the property offered shall bring more than one hundred dollars.

The right of the debtor to his exemption is fixed and vested upon the consummation of the sale; hence where a sale was made on February 1, 1870, a non-resident's right of exemption was not affected by the act of 1870, ch. 195 (see section 13). Insufficient plea. *Bramble v. State*, 41 Md. 442.