

if the trust estate consists entirely of real estate in a county or counties other than of the residence of the grantor, it shall be sufficient that a bond has been accepted and filed in the county in which the deed has been recorded; provided, nevertheless, that this section shall neither apply to, nor include, any deed of trust by which land is conveyed to a trustee or trustees to sell, in whole or in part or parts, for the benefit either of the grantor or grantors in the said deed of trust or of the person or persons who have contributed or paid the consideration, other than love and affection, of the said deed of trust and is or are entitled thereunder to the proceeds of sale or sales made thereunder.

A deed conveying property to trustees to hold for a person for her life and then (in case she failed to exercise a power of appointment) to convey it to her heirs, etc., giving the trustees a power of sale, and further directing the trustee to repay certain money expended for the support of the life tenant, is not within the purview of this and the following section, when it appears that the money so expended was repaid before the sale in question was made. Exceptions to title overruled. *Schmidt v. Hinkley*, 115 Md. 336 (decided prior to the act of 1912, chapter 778).

This section as amended by the act of 1892, chapter 241, held not to be limited to deeds of trust for the benefit of creditors, but applicable to deeds creating trusts for the sale of property for any other purpose. Since the trustees failed to file a bond as required by this section, no title passed to them, and consequently they could convey none. This section is constitutional and valid; the legislature has the right to change and adopt rules of evidence and alter remedies. Cases dealing with this section reviewed. *Cummings v. Wildman*, 116 Md. 308 (decided prior to the act of 1912, chapter 778).

See notes to this section (as it stood in 1911) in volume 1 of the Annotated Code.

238.

To the first note to section 238 on page 436 of volume 1 of the Annotated Code, add the case of *Cummings v. Wildman*, 116 Md. 314.

See notes to section 237.

243.

This section referred to in construing section 237—see notes thereto. *Cummings v. Wildman*, 116 Md. 308.

247.

In view of this and the following section, it is not contrary to the policy of this state to permit the estate of a lunatic to be paid over to a non-resident guardian or committee, particularly when the property is income in the shape of a small annuity. *Gerke v. Colonial Trust Co.*, 117 Md. 585.

248.

See notes to section 247.

Witnesses and Testimony.

259.

Where exceptions are filed five days after a decree was passed but were not acted upon by the lower court, neither this section nor the decisions of the Court of Appeals are complied with. *Nalle v. Safe Deposit & Tr. Co.*, 120 Md. 196.