

# ARTICLE XXI.

## CONVEYANCING.

### Defective Conveyances.

- 85-85A. Defectively acknowledged, witnessed, sworn to or sealed conveyances, validated; proviso.
- 89-89A. Assignments of mortgage without seal and mortgages and assignments improperly sworn to, validated; provisos.

### Miscellaneous.

97. Sections 92 and 93 do not apply to leases and sub-leases for business purposes prohibiting assignments or sub-leases without written consent of landlord, and when term, including renewals, does not exceed twenty-five years.

### Conveyances in General.

19. This section referred to in construing sections 85 and 88—see notes to section 88. *Eden St. Bldg. Assn. v. Lusby*, 116 Md. 177.
21. This section referred to in construing sections 85 and 88—see notes to section 88. *Eden St. Bldg. Assn. v. Lusby*, 116 Md. 177.

### Mortgages.

32. A mortgage held void under this section as against the creditors of the mortgagor independent of the question of actual or intentional fraud; the assignee of the mortgage stands in no better position than the assignor. A deed held to be strictly and technically a mortgage within the meaning of this section and void as to all persons except the parties; nor can the mortgage be upheld as a mortgage of indemnity. Purpose of this section. The consideration mentioned in a deed if false could not be *bona fide*, nor if untrue could it be therein set forth in good faith. *Ressmyer v. Norwood*, 117 Md. 330.
34. The short form of assignment of mortgage authorized by this section may be either written on the mortgage record or endorsed on the original mortgage itself. *Morrow v. Stanley*, 119 Md. 597.
35. See notes to section 34.

### Bills of Sale.

43. A bill of sale held to be void under this section and section 52, and that there was no proof of such a delivery as would defeat the operation of this section. *Mundy v. Jacques*, 116 Md. 13.
- In view of this section and of sections 45, 47, 48 and 50, a chattel mortgage on a vessel not documented, which was not recorded as required, did not create a lien as against the mortgagor's trustee in bankruptcy. Purpose of the above sections. *Millkin v. Second Natl. Bank*, 206 Fed. 16.
- As to charges on petty loans, contents of bills of sale, etc., see article 56, sections 21A to 21C.