

An. Code, sec. 11. 1904, sec. 11. 1888, sec. 11. 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.

Where the tax affidavit is not made to a mortgage when it is originally recorded, the re-filing of such mortgage a month later and after affidavit is made does not make it a new instrument, so that if mortgagor has divested himself of his equity of redemption, there is no title upon which a subsequent mortgage sale could operate; the identity of the mortgage is not changed. See notes to art. 21, sec. 33. *Tolson v. Williams*, 136 Md. 615.

After execution and delivery of a mortgage it is beyond the power of mortgagor, by his own act, to impair or modify estate conveyed; a sale under mortgage invests purchaser with entire title held by mortgagor at time the mortgage was recorded. *Sullens v. Finney*, 123 Md. 657.

The title that passes is that of the mortgagee at the time mortgage was recorded, and not at time of 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 sec. 9—see notes thereto. *Albert v. Hamilton*, 76 Md. 307; *Warfield v. Ross*, 38 Md. 90.

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

See notes to sec. 6.

An. Code, sec. 12. 1904, sec. 12. 1888, sec. 12. 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 right existing on part of subsequent holders of liens, in regard to sales under 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.

See notes to sec. 6.

An. Code, sec. 13. 1904, sec. 13. 1888, sec. 13. 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.

An. Code, sec. 14. 1904, sec. 14. 1888, sec. 14. 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, impeached or defeated, either at law or in equity, by reason that the mortgaged premises were purchased in by the mortgagee or his assignee, or his legal representatives, or for his benefit or account.

Purpose of this section. If mortgagee or his assignee has acquired the property in an oppressive or unfair manner, sale will be set aside. *Read v. Reynolds*, 100 Md. 292; *Talbot v. Laurel Bldg. Assn.*, 140 Md. 568.