

the deed is recorded, the clerk shall record such release at the foot of said deed. Every release executed in either of the above modes shall be construed and deemed sufficient to release said lien as fully and effectually as any instrument of writing whatever could do.

See notes to sec. 37, *et seq.*

As to vendors' liens, see art. 66, sec. 31, *et seq.*

An. Code, sec. 30. 1906, ch. 65.

**31.** A release or assignment may be made by an executor or assignee in the same manner and form and with like effect as by the vendor; this section to apply to every assignee whether he claims by direct assignment from the vendor or his executor, or under a series of assignments.

See notes to sec. 35, *et seq.*; also sec. 42.

### Mortgages.

An. Code, sec. 31. 1904, sec. 29. 1888, sec. 29. 1856, ch. 154, sec. 111.

**32.** Deeds of mortgage conveying any use, estate, or interest in land shall be executed, acknowledged and recorded as absolute deeds of the same.

This section does not require a mortgage to be attested in accordance with sec. 10, as attestation is not a part of the execution of a deed. *Carrico v. Farmers', etc., Bank*, 33 Md. 244.

An assignment of a mortgage for a term of more than seven years, if not recorded, is invalid to pass the legal title. *Lester v. Hardesty*, 29 Md. 54.

A mortgage held to have been duly recorded under this section. *Knell v. Green St. Bldg. Assn.*, 34 Md. 70.

This section referred to in connection with a mortgage not recorded as provided in sec. 13—see notes to sec. 13. *Sixth Ward Bldg. Assn. v. Willson*, 41 Md. 514. Cited but not construed in *Frostburg Bldg. Assn. v. Brace*, 51 Md. 510.

As to defective conveyances, see sec. 84, *et seq.*

See also secs. 1, 13, 16, 21 and 33, and notes.

As to mortgages, see also art. 66.

An. Code, sec. 32. 1904, sec. 30. 1888, sec. 30. 1856, ch. 154, sec. 112. 1896, ch. 120. 1898, ch. 49. 1898, ch. 275. 1898, ch. 501. 1900, ch. 81. 1902, ch. 26. 1902, ch. 102.

**33.** No mortgage shall be valid except as between the parties thereto, unless there be endorsed thereon an oath or affirmation of the mortgagee that the consideration in said mortgage is true and *bona fide* as therein set forth; and unless there be endorsed on all mortgages executed since March 27, 1902, the following additional oath or affirmation, to wit: "that the mortgagee has not required the mortgagor, his agent or attorney, or any person for the said mortgagor to pay the tax levied upon the interest covenanted to be paid in advance, nor will he require any tax levied thereon to be paid by the mortgagor or any person for him during the existence of this mortgage." This affidavit may be made at any time before the mortgage is recorded, before any one authorized to take the acknowledgment of a mortgage, and the affidavit shall be recorded with the mortgage.<sup>1</sup>

<sup>1</sup>The mortgage tax has now been repealed except as to certain counties—see art. 81, sec. 198, *et seq.*

Unless otherwise expressly stated, the notes to this section refer to the first affidavit thereby required.