

Where mortgagee has assigned mortgage and mortgagor in ignorance of it pays interest and principal to mortgagee, who dies without turning money over to assignee, mortgagor, and not assignee, must bear loss. *Bowen v. Kelbaugh*, 147 Md. 367.

Holder of $\frac{2}{5}$ in amount of mortgage notes, assigned them, without assigning any interest in mortgage, and subsequently assigned $\frac{1}{5}$ interest in mortgage to bank with fraudulent notes (the bank taking them and assignment in good faith), assignees of notes not having recorded them and bank having recorded assignment, held bank entitled to $\frac{1}{5}$ of proceeds of sale and assignees of notes to $\frac{1}{5}$. *National Bank v. Schlosser*, 152 Md. 614.

Not clear, in view of this section, how mortgage note can be negotiable; note and mortgage parts of same transaction. Note not mortgage note. *Nussear v. Hazard*, 148 Md. 350.

A "mortgage participation certificate" is not an assignment of mortgage, since issuing company remains mortgagee of record. Holder of title in mortgage. Certificate taxable. *Baltimore v. Harper*, 148 Md. 239.

26.

In view of provision in mortgage that in case of sale thereunder all interest of mortgagor in crops should pass to purchaser, purchaser under foreclosure takes crops as against purchaser under execution before foreclosure sale. *Godfrey v. Johnson*, 153 Md. 584.

See notes to sec. 25.

Vendor's Lien.

31.

This section referred to in determining landlord's rights under Statutes 8 Anne, ch. 14, as against attachment of goods of tenant. Termination of tenancy by surrender of leasehold. Violation of art. 83, sec. 100, *et seq.*, in sale by tenant to landlord in payment of rent. Landlord entitled to participate *pari passu*. *Calvert Bldg. Co. v. Winakur*, 154 Md. 527.

Vendor must expressly and specifically retain lien for any unpaid part of purchase money and amount should appear upon face of deed, otherwise lien lost. Fraud; constructive trust. *Morris v. Rasst*, 145 Md. 29.

34.

See notes to sec. 31.

38.

See notes to sec. 31.