

Ratification of Sale. Grounds for objection to ratification of sale under power to sell—Hubbard v. Jarrell, 23 Md. 66.

Sales. A sale for cash where terms of sale are not stated in mortgage is valid—Powell v. Hopkins, 38 Md. 1. *When a sale in solido* will be set aside—Patterson v. Miller, 52 Md. 388. A power to sell property outside of the county in which it lies cannot be given in a mortgage—Webb v. Haeffer, 53 Md. 187. *No order of Orphans' Court* is required in sales of mortgaged property by executors or assignee of mortgage—Chilton v. Brooks, 71 Md. 453. *Sales where division of land was improper*—Carroll v. Hutton, 91 Md. 379. The discretion of the trustee as to the mode of offering property for sale under power to sell in mortgage must be properly exercised—Thomas v. Fewster, 95 Md. 450. *When sale will be set aside*—Kauffman v. Walker, 9 Md. 229. *Only sufficient* property should be offered for sale to pay the mortgage debt and expenses when the property is divisible in a practical manner—Mays v. Lee, 100 Md. 229. *Sale by assignee of mortgage* under power of sale; duty of such assignee—Wicks v. Westcott, 59 Md. 270.

Trustee. A trustee cannot purchase at his own sale—Korns v. Shaffer, 27 Md. 83. *Duty of trustee under power to sell* to all parties—Dickerson v. Small, 64 Md. 395. Carroll v. Hutton, 88 Md. 679. *For a full discussion of duties of trustee* in relation to sales of mortgaged property under power of sale, see Wicks v. Westcott, 59 Md. 270.

1833, ch. 181, sec. 3. 1864, ch. 124. P. L. L. (1888), Art. 4, sec. 703.

731. Where a default of the mortgagors has taken place before the said conveyances have been submitted to the Circuit Court of Baltimore City, it shall, nevertheless, be the duty of said court, upon the submission of the said conveyances to such court, after the said default, to forthwith decree that the mortgaged premises shall be sold on such terms of sale as to the said court shall seem proper, and to appoint by said decree a trustee or trustees to make such sale, requiring bond and security for the performance of the trust, as is usual in the case of the sale of mortgaged premises; and the said trustee or trustees may sell the same agreeably to the terms of the said decree; but before each sale the mortgagee or mortgagees, or some of the mortgagees, or the executor or administrator of a deceased mortgagee, or the assignee or assignees of the mortgagee or one of such assignees, or the executor, or administrator of a deceased assignee, shall file in the court in which the said proceedings are pending, a statement of the amount of the said mortgage claim remaining due, verifying the same by the oath or affirmation of the party filing the same; and the said affidavit or affirmation may be made before any of the persons mentioned in Section 721 of this Article, and the same shall be authenticated as provided for in Section 721.

Hays v. Dorsey, 5 Md. 99. Gatchell v. Presstman, 5 Md. 161. Black v. Carroll, 24 Md. 252. Brooks v. Hays, 24 Md. 507. Connaughton v. Bernard, 84 Md. 595. Owens v. Graetzel, 146 Md. 361.

1898, ch. 327.

731A. If, upon a sale of the whole mortgaged property by virtue of a decree passed under an assent to the passing of a decree contained in the mortgage under the provisions of Section 720 of this Article, the net proceeds of sale, after the cost and expenses allowed by the court are satisfied, shall not suffice to pay the mortgage debt and accrued interest, as the same shall be found and determined by the judgment of the court upon the report of the auditor thereof, the court may, upon the motion