

1933 (Special Sess.), ch. 79, sec. 225B.

225C. If any such unlocated person, or persons, or his or their legal representative, or representatives, shall appear at any time, after payment has been made under the preceding section, the School Commissioners, receiving such payment shall repay the same to such unlocated person, or persons, or his or their legal representative, or representatives, without interest.

Sales.

232.

Deficiency decree may only be entered against party who might be sued on covenants in mortgage; not against guarantor. *Kushnick v. Bldg. & Loan Assn.*, 153 Md. 644.

Decision under this section cited in construing sec. 239. See notes thereto. *Mercantile Bank v. Title Guar. Co.*, 153 Md. 325.

Cited but not construed in *Prodis v. Constantinides*, 167 Md. 36.

An. Code. 1924, sec. 233. 1912, sec. 218. 1904, sec. 203. 1888, sec. 188. 1785, ch. 72, sec. 5. 1785, ch. 78. 1789, ch. 46. 1790, ch. 38. 1794, ch. 60. 1795, ch. 88, sec. 3. 1818, ch. 193, sec. 2. 1833, ch. 150, sec. 1. 1864, ch. 360. 1890, ch. 320. 1900, ch. 320. 1922, ch. 330, sec. 218. 1933, ch. 57.

233. Where any person dies, or shall have died, leaving any real estate in possession, remainder or reversion, and not leaving personal estate sufficient to pay his debts and costs of administration, the court, on any suit instituted by any of his creditors, or by the executor, administrator or other personal representative of said decedent, may decree that all the real estate of such person, or so much thereof as may be necessary, shall be sold to pay his debts; and the funeral expenses of the decedent, to be allowed in the discretion of the court according to the condition and circumstances of the deceased, not to exceed three hundred dollars, except by special order of court, and provided the estate of the deceased be solvent, shall be considered the debt of said decedent, and in the distribution of the proceeds arising from any sale under this section, the claim for funeral expenses shall take priority to all claims of the common creditors of the deceased. This section to apply to all cases where the heirs or devisees are residents or non-residents, or are of full age, or infants, or of sound mind, or non compos mentis, and to cases where the parties left no heirs, or where it is not known whether he left heirs or devisees, or, if the heirs or devisees be unknown and if there be no heirs the State's Attorney shall appear to the bill.

Liability of life tenant to make good to remaindermen loss of assets from investments is a debt for payment of which real estate of life tenant may be resorted to. *Carroll v. Bowling*, 151 Md. 65.

As to sales by executors and administrators, see art 93, sec. 290, *et seq.* As to application of purchase money, contingent remainders, apportionments of rents, etc., see art. 93, sec. 305A, *et seq.*

This section and art. 46, sec. 1, and art. 93, sec. 299, held not to subject real estate of decedent to expense of administration. *Safe Dep. & Tr. Co. v. Tait*, 54 Fed. (2nd), 387.

Decedent's realty not subject to administration expense, hence only interest of surviving spouse subject to federal estate tax. *Tait v. Safe Deposit & Trust Co.*, 70 Fed. (2nd), 79.