

5.

Deed held not technical mortgage under this section, but deed of trust (see art. 21, sec. 59). *Kinsey v. Drury*, 146 Md. 231.  
See notes to sec. 25.

6.

Where suit is entered in state court, to foreclose mortgage before petition in bankruptcy against mortgagor is filed, foreclosure case may be prosecuted without interference of bankruptcy court; *contra*, however, where (as under this section) state court does not acquire jurisdiction until property sold and report of sale filed. *In re Hurlock*, 23 F. (2nd), (Dist. Ct. Md.), 500.

Interest, when payable. Power of sale in Baltimore. Construction of mortgage. *Owens v. Graetzel*, 146 Md. 364.

To sixth from last note, page 2198, vol. 2, of Code, add: And see *Madore v. Thompson*, 155 Md. 679 (see also notes to art. 81, sec. 142).

Cited but not construed in *Ahrens v. Ijams*, 158 Md. 416; *Allen v. Seff*, 160 Md. 241; *Assurance Corporation v. State*, 163 Md. 125; *Mortgage Co. v. Matthews*, 167 Md. 386, 392; *Kelly v. Bldg. Asso.*, 166 Md. 186.

See notes to sec. 25.

1933 (Special Sess.), ch. 57. 1935, ch. 527.

**6A.** In all mortgages of real and/or leasehold property heretofore given or hereinafter given wherein there is inserted a clause authorizing the mortgagee or any other person to be named therein to sell the mortgaged premises upon such terms and on such contingency as may be expressed therein, the power of sale therein contained shall not be exercised until after June 1, 1937, except by and with the consent of the record holders of not less than 25% of the entire unpaid mortgage debt secured by the mortgage sought to be foreclosed, it being hereby declared to be the intent of this Section that until after the said 1st day of June, 1937, the holder or holders of a fractional interest in the unpaid mortgage debt of less than 25% of the entire amount thereof, shall not have recourse to the summary and exparte remedies, given under said Section 6 of Article 66 as aforesaid. Where any holder of a fractional interest in the entire unpaid mortgage debt is an infant or otherwise incompetent, such consent may be given by his guardian or committee as the case may be, or if there is no such guardian or committee, then such consent may be given by his next friend, and any consent so given shall be as valid and effective for the purpose of this Act, as if such holder were not under any disability.

Providing for specified period that the provisions relating to foreclosure of mortgages should be available to persons holding 25% of mortgage not unreasonable and arbitrary classification, but act void as to mortgage under consideration. *Mortgage Co. v. Matthews*, 167 Md. 383.

7.

Sale under mortgage, after filing of bond, takes priority over sale of property for taxes, unless there is undue delay; injunction against sale for taxes. *Rouse v. Archer*, 149 Md. 472.

Substituted trustee held to be among persons interested and entitled to institute suit. *Liability Assur. Corp. v. State*, 161 Md. 103.

Trustee appointed to sell at foreclosure proceedings may be required to give second bond on account of inadequacy of first bond. *Assurance Corp. v. State*, 163 Md. 126, 133.

Cited but not construed in *Mizen v. Thomas*, 156 Md. 320.