After execution and delivery of a mortgage it is beyond the power of mortgagor, by his own act, to impair or modify estate conveyed; a sale under mortgage invests purchaser with entire title held by mortgagor at time the mortgage was recorded. Sullens *v.* Finney, 123 Md. 657; Smith *v.* Pritchett, 168 Md. 347.

The title that passes is that of the mortgagee at the time mortgage was recorded, and not at time of foreclosure. Felgner *v.* Slingluff, 109 Md. 480; Duval *v.* Becker, 81 Md. 549; Leonard *v.* Groome, 47 Md. 504.

This section referred to in construing sec. 10—see notes thereto. Albert *v.* Hamilton, 76 Md. 307; Warfield *v.* Ross, 38 Md. 90.

Cited but not construed in Dircks *v.* Logsdon, 59 Md. 178.

See notes to sec. 6.

An. Code, 1924, sec. 12. 1912, sec. 12. 1904, sec. 12. 1888, sec. 12. 1826, ch. 192, sec. 5. 1836, ch. 249, sec. 8.

13. Upon a sale of such mortgaged premises, any person claiming an interest in the equity of redemption may apply to the court confirming the sale to have the surplus of the proceeds of sale, after payment to the mortgagee of his claim and expenses, paid over to such person, or so much thereof as will satisfy his claim, and the court shall distribute such surplus equitably among the claimants thereto.

This section is analogous to right existing on part of subsequent holders of liens, in regard to sales under usual modes of proceeding in equity. Leonard *v.* Groome, 47 Md. 504.

This section referred to in determining that a sale will not be set aside because subsequent incumbrancers are not parties. Chilton *v.* Brooks, 71 Md. 448.

See notes to sec. 6.

An. Code, 1924, sec. 13. 1912, sec. 13. 1904, sec. 13. 1888, sec. 13. 1826, ch. 192, sec. 4. 1874, ch. 460.

14. After said sale has been confirmed by the court and the purchase money paid, the person making such sale shall convey the property to the purchaser, or if the vendor and purchaser be the same person the court confirming the sale shall, in its order of ratification, appoint a trustee to convey the property to the purchaser on the payment of the purchase money; provided, however, that said trustee shall not give a bond unless the court shall deem it necessary and prescribe the same in the decree.

Cited but not construed in Hubbard *v.* Jarrell, 23 Md. 80; Assurance Corp. *v.* State, 163 Md. 126; Blanch *v.* Collison, 174 Md. 431.

An. Code, 1924, sec. 14. 1912, sec. 14. 1904, sec. 14. 1888, sec. 14. 1825, ch. 203, sec. 8.

15. No title to mortgaged premises derived from any sale made in virtue of such power and confirmed as aforesaid shall be questioned, impeached or defeated, either at law or in equity, by reason that the mortgaged premises were purchased in by the mortgagee or his assignee, or his legal representatives, or for his benefit or account.

Mortgagee may bid at sale of mortgaged premises as freely and as fully as any other person, but a sale to him will be scrutinized with care and will be avoided upon slight evidence of partiality, unfairness or want of the strictest faith. Heighe *v.* Evans, 164 Md. 270.

General creditor cannot object to sale of property under mortgage. Hannan *v.* Lyddane, 164 Md. 357.

Subsidiary of mortgagee corporation may purchase encumbered property at foreclosure sale. Clemens *v.* Union Trust Co., 170 Md. 532.

Purpose of this section. If mortgagee or his assignee has acquired the property in an oppressive or unfair manner, sale will be set aside. Read *v.* Reynolds, 100 Md. 292; Talbott *v.* Laurel Bldg. Assn., 140 Md. 568.

This section has no application if the terms in power of sale are different from those provided by act of 1825, ch. 203, and said provisions are not complied with. Korns *v.* Shaffer, 27 Md. 90; White *v.* Malcolm, 15 Md. 541.

This section applied. Chilton *v.* Brooks, 71 Md. 452; Dircks *v.* Logsdon, 59 Md. 179.

This section referred to as showing that mortgagees are given exceptional privileges. Chilton *v.* Brooks, 69 Md. 587.