

Conveyance of Real Estate.

An. Code, 1924, sec. 82. 1912, sec. 81. 1904, sec. 80. 1888, sec. 81. 1846, ch. 279, sec. 1. 1872, ch. 451. 1914, ch. 253. 1935, ch. 380.

83. The executor or administrator, including the administrator *de bonis non*, of a person who shall have made sale of real estate or leasehold estate and have died before receiving the purchase money, or conveying the same, may convey such real estate or leasehold estate to the purchaser; and where any decedent shall have made a sale or conveyance of any real or leasehold interest in lands or tenements and shall have conveyed the same by a deed which deed is defective by reason of erroneous recitals, improper or erroneous description of the property sold and intended to be conveyed or is lacking in any matter of form or execution required by law or in the acknowledgment thereof, or for any other reason, the executor or administrator of such deceased person may execute and deliver a confirmatory deed of such property, and his deed shall be good and valid in law, and shall convey all the right, title, claim and interest of such deceased person in such real estate or leasehold estate as effectually as the deed of such person so dying would have conveyed the same; and in the case of deeds defective as aforesaid the confirmatory deed of such executor or administrator shall be good and sufficient to convey all the right, title, claim and interest of said grantor, and shall bind all persons who would have been bound by the conveyance of such deceased person in the same manner that they would be bound had such defective deed been a good and sufficient deed to convey the real or leasehold estate intended to be conveyed thereby; provided the executor or administrator of the person so dying shall satisfy the Orphans' Court granting him administration that the purchaser had paid the full amount of the purchase money.

See notes to sec. 84. *Murray v. Roberts*, 158 Md. 521.

In light of this section and sec. 109, an executor is entitled to require specific performance of contract referred to in this section; a conveyance from executor could not be questioned (provided price were paid), although no antecedent authority were obtained. The proviso at end of this section creates condition subsequent only. *Stewart v. Griffith*, 217 U. S. 331.

The act of 1846, ch. 279, does not confer jurisdiction upon orphans' court to determine controversies in regard to sales of real estate by testators or intestates. Proof of payment of purchase money is a condition precedent to exercise of power conferred by this section. How payment of the purchase money may be proved. Failure of proof. Title is derived from executor's deed, and not from order of court. *Grant Coal Co. v. Clary*, 59 Md. 444.

Purpose of this section. *Kingan Packing Co. v. Lloyd*, 110 Md. 626.

An. Code, 1924, sec. 83. 1912, sec. 82. 1904, sec. 81. 1888, sec. 82. 1849, ch. 37.

84. The provisions of the foregoing section shall extend to all cases where administration may have been granted by the proper authority in the District of Columbia; and in all such cases the application to procure such deed shall be made to the orphans' court of the city or county where the land sought to be conveyed is situate.

The authority given by sec. 83 to executors and administrators of persons who have sold real estate and died before receiving purchase money or making conveyance, to convey under certain conditions, and extended by this section to administration granted in District of Columbia, does not empower purchaser of property in Maryland, against will of District of Columbia, to secure appointment of ancillary administrator to complete the purchase and convey. *Murray v. Roberts*, 158 Md. 521.

See notes to sec. 80.

An. Code, 1924, sec. 84. 1912, sec. 82A. 1914, ch. 501.

85. Whenever the title to any real or leasehold estate arising under any lease for more than seven years, or any other right, title, interest or estate