

An. Code, 1924, sec. 238. 1912, sec. 223. 1904, sec. 208. 1888, sec. 193. 1835, ch. 380, sec. 2.

247. The court may decree a sale to enforce a vendor's lien upon any estate in lands, whether legal or equitable, or may decree a sale to enforce any other equitable lien thereon, although the complainant may have a perfect remedy at law for the money for which the lien is claimed.

This section applied. *Bratt v. Bratt*, 21 Md. 584.

This section referred to in construing sec 248—see notes thereto. *Stephens v. Magruder*, 31 Md. 173.

As to mechanic's liens, see art. 63.

As to vendor's liens, see art. 66, sec. 32, *et seq.*

An. Code, 1924, sec. 239. 1912, sec. 224. 1904, sec. 209. 1888, sec. 194. 1841, ch. 216.

248. The court shall have full power and authority, on application by bill or petition of the trustee appointed by said court to sell real estate, to compel the purchaser thereof to comply with all or any of the terms of such sale, by process of attachment or other execution suited to the case; or the said court, upon such application, may direct the property purchased to be re-sold, at the risk of such purchaser, upon such terms as the court may direct; and in such case, if the proceeds of the resale, after payment of the expenses thereof and of all costs of proceeding, shall not be equal to the payment of the purchase money originally bid therefor, the court may order and direct the difference to be paid by the said purchaser, and enforce such order by execution.

This section referred to in holding that there was no reversible error in order directing resale of property. This section applies to sales made under powers in mortgages. *Midendorf v. Baltimore Refrigerating Co.*, 117 Md. 23.

Upon a resale the property is not to be regarded as belonging to the defaulting purchaser. Where a mortgage is being foreclosed, the mortgagor is entitled to except to the ratification of the resale. *Werner v. Clark*, 108 Md. 630; *Dalrymple v. Taneyhill*, 4 Md. Ch. 175.

Where a purchaser pays part of the purchase money in cash, and gives a bond for the balance, payment of the latter may be enforced by petition under this section. *Stephens v. Magruder*, 31 Md. 171.

Where a purchaser is insolvent a sale to him although finally ratified may be abandoned and rescinded, the property sold again, and a clear title conveyed to the second purchaser. *Sloan v. Safe Deposit Co.*, 73 Md. 246.

The trustee making the sale will be allowed his legal fee for filing the petition, and commissions on the proceeds of the re-sale, but no other compensation for the collection of the money. Different methods of coercing a purchaser in default. *Farmers' Bank v. Martin*, 7 Md. 345. *Cf. Farmers' Bank v. Martin*, 3 Md. Ch. 224.

This section is constitutional. *Capron v. Devries*, 83 Md. 224.

Object of this section; the law prior to its adoption. *Warfield v. Dorsey*, 39 Md. 303. And see *Andrews v. Scotton*, 2 Bl. 629.

This section held to apply to married women as well as to other purchasers. *Fowler v. Jacob*, 62 Md. 329; *Capron v. Devries*, 83 Md. 223.

Judgment *in personam* entered before order *nisi* is passed and served on defaulting purchaser in case of foreclosure sale, is void, and may be collaterally attacked by creditor of defaulting purchaser. *Mercantile Bank v. Md. Title Guar. Co.*, 153 Md. 324.

This section applies to sales under powers as well as to sales by trustees appointed by court. Court is vendor in resale. *Bilbrey v. Strahorn*, 153 Md. 495.

Where purchaser has failed to comply with terms of sale, the court may, on application of trustee appointed to make the sale, order resale at purchaser's risk. *Miller v. Mitnick*, 163 Md. 114.

Cited but not construed in *Barroll v. Forman*, 88 Md. 201.

See art. 93, sec. 303.

An. Code, 1924, sec. 240. 1912, sec. 225. 1904, sec. 210. 1888, sec. 195. 1785, ch. 72, sec. 9.

249. All sales made under a decree or order of the court shall be made on such terms and conditions as the court may determine, except where the sale is required by law to be made for ready money.