

**63.** The executor or administrator of any mortgagee, or the assignee, or the executor, or administrator of any assignee, of any mortgagee who is legally and equitably entitled to receive the mortgage debt, or where the mortgage debt has been paid in the lifetime of the mortgagee, may release a mortgage in the same manner and by the same means that a mortgagee can release.

Id s 21  
1833, c 181, s 1,  
1839, c 26, s 2-5  
Release by personal representatives.

**64.** It shall not be necessary in any case for the foreclosure or sale of mortgaged property, to make the heirs of the mortgagee parties to the same, but any decree upon any bill for foreclosure or sale aforesaid, filed by the executor or administrator of the mortgagee, shall have the same effect as if the said heirs were parties.

Art 16, s 111  
1833, c 283  
Heirs of mortgagees not necessary parties to foreclosure or sell mortgaged property  
2 Bl 65

**65.** When any suit is instituted to foreclose a mortgage, the court may decree that, unless the debt and cost be paid by a day fixed by the decree, the property mortgaged, or so much thereof as may be necessary for the satisfaction of said debt and cost, shall be sold, and such sale shall be for cash, unless the complainant shall consent to a sale on credit, and if upon the sale, under such decree, of the whole mortgaged property, the net proceeds thereof, after the costs allowed by the court are satisfied, shall not suffice to satisfy the mortgage debt and accrued interest, as this shall be found by the judgment of the court upon the report of the auditor thereof, the court may, upon the motion of the complainant, enter a decree *in personam* against the mortgagor, or other party to the suit who is liable for the payment thereof; *provided*, the mortgagee would be entitled to maintain an action at law upon the covenants contained in said mortgage for said residue of the said mortgage debt, so remaining unsatisfied by the proceeds of such sale, which decree shall have the same effect as a judgment at law, and may be enforced only in like manner by a writ of execution in the nature of a writ of *feri facias*, or otherwise.

1876, c 327  
When and how sale of mortgaged property may be decreed  
14 Md 271, 30  
Md 522, 31 Md.  
487, 2 Bl 629,  
7 G & J 143,  
10 G & J 85

When court may enter decree *in personam* for residue of mortgage debt.