

*gatee or his assignee, or his legal representative, or for his benefit or account.*

10. *Upon a sale of such mortgaged property, 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.*

11. *All mortgage sales shall be made in the county or city where the mortgaged property is situated; and where the mortgaged property described in any mortgage is located in more than one county or city the sale may be made in either place in which some portion of the said property is located.*

12. *In all mortgages heretofore given or hereafter given wherein there is inserted a clause authorizing the mortgagee or any other person named, or to be named therein, to sell the mortgaged property upon such terms and on such contingency as may be expressed therein, the power of sale therein contained shall not be exercised 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, and, likewise, in any case submitted to a court of equity for the passage of a decree, as provided for in the preceding Section 7 hereof, no such decree shall be passed unless the application therefor is made or concurred in by the record holders of not less than 25% of the entire unpaid mortgage debt; it being hereby declared to be the intent of this section that the holder or holders of a fractional interest in an entire mortgage debt of less than 25% of the entire interest shall not have recourse to the summary and ex parte remedies given under said Sections 6 and 7 of this Article. Where any holder of a fractional interest in an entire 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 be 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 section, as if such holder were not under any disability.*

13. *Any entry on the docket of the court by the person entitled to assign the said mortgage claim, of the use and benefit of any decree passed as aforesaid, shall have the same*