

## CHAPTER 301

(House Bill 108)

AN ACT to repeal and re-enact, with amendments, Section 86 of Article 93 of the Annotated Code of Maryland (1964 Replacement Volume) title "Testamentary Law," subtitle "Conveyance of Real Estate," to authorize conveyance of real and leasehold estate sold by decedent prior to death and execution of confirmatory deeds by personal representatives, without prior order of court where the will contains a power of sale, or after an order of court authorizing such conveyance, but prohibiting personal representative from executing any such deed until the purchaser has paid the full amount of the purchase money.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 86 of Article 93 of the Annotated Code of Maryland (1964 Replacement Volume), title "Testamentary Law," subtitle "Conveyance of Real Estate," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

86.

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 his administration that the purchaser had paid the full amount of the purchase money.] *provided the orphans' court shall first authorize such conveyance, and thereafter no such executor or administrator of any person so dying shall execute any such deed until the purchaser has satisfied the provisions of the contract relative to the payment of the purchase money.*

SEC. 2. *And be it further enacted,* That this Act shall take effect June 1, 1965.

Approved April 8, 1965.