

4-105. *Words of inheritance unnecessary.*

*No words of inheritance shall be necessary to create an estate in fee simple or an easement by grant or by reservation. Unless a contrary intention shall appear by express terms or be necessarily implied therein, every conveyance of real estate shall be construed to pass a fee simple estate, and every conveyance or reservation of an easement shall be construed to pass or reserve an easement in perpetuity.*

4-106. *Affidavits of consideration and disbursement.*

(a) *No mortgage or deed of trust shall be valid except as between the parties thereto, unless there be endorsed thereon or attached thereto an oath or affirmation of the mortgagee or the party secured by a deed of trust that the consideration recited in said mortgage or deed of trust is true and bona fide as therein set forth.*

(b) *No purchase money mortgage or deed of trust involving land, any part of which is situated in Maryland, shall be valid either as between the parties or as to any third parties unless such mortgage or deed of trust contains or has endorsed upon it or attached thereto at a time prior to recordation, the oath or affirmation of the party secured by such mortgage or deed of trust stating that the amount of the loan which said mortgage or deed of trust has been given to secure was paid over and disbursed by the party secured by the mortgage or deed of trust to either the borrower or the person responsible for disbursement of funds in the closing transaction or their respective agent at a time no later than the final and complete execution of the mortgage or deed of trust, provided, however, that this subsection shall not apply where a mortgage or deed of trust is given to a seller in a transaction in order to secure payment to him of all or part of the purchase price of said property. This affidavit shall be required for only that part of the loan that is purchase money and in the event the requirements of this subsection 4-106(b) are not satisfied the mortgage or deed of trust shall be invalid only to the extent of the part of the loan that was purchase money.*

(c) *Either or both of the affidavits required by this section may be made by one of the several mortgagees or parties secured by the deed of trust, and shall have the same effect as if made by all; or, in case of a deed of trust to secure a bond or bonds to be ~~issued~~ ISSUED, said affidavits may be made by any trustee named therein, or the said affidavits may be made by an agent of a mortgagee or of a party secured by the deed of trust or by such trustee named in a deed of trust to secure a bond or bonds to be issued; and when made by an agent, he shall in addition to the affidavits above mentioned make affidavit, to be endorsed upon the mortgage or deed of trust or attached thereto, that he is the agent of the mortgagee or party secured by the deed of trust or some one of them; or of such trustee, which affidavit shall be sufficient proof of such agency; and the president, or other officer of a corporation, or the personal representative of the mortgagee or party secured by the deed of trust may make such affidavits.*

(d) *This Section 4-106 shall not apply to mortgages or deeds of trust where the loan secured thereby is one in which it is lawful to charge any rate of interest under the provisions of Art. 49, § 7.*