

5-113. *Effect of use of terms "die without issue" or "die without leaving issue" or "have no issue".*

*In any deed of any real or personal estate, the words "die without issue," or "die without LEAVING issue," or "have no issue," or any other words which may import either a want or a failure of issue of any person in his lifetime, or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime, or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the deed.*

5-114. *Title to street or highway where land binding thereon is conveyed.*

*Any deed, will, or other instrument which conveys land in this State, binding on any street or highway, or when any street or highway shall be one or more of the lines thereof, shall be construed to pass to the devisee, donee or grantee therein, all the right, title, and interest of the deviser, donor, or grantor in the street or highway; provided, however, to the extent the deviser, donor or grantor owns other land on the opposite side of the street or highway, then the deed, will, or other instrument shall be construed to pass the right, title, and interest of the deviser, donor, or grantor only to the center of that portion of the street or highway upon which the two (or more) tracts coextensively bind. The foregoing provisions shall be inapplicable in either of the above instances if the deviser, donor or grantor shall in express terms in the writing by which the devise, gift or conveyance is made, reserve to himself all the right, title and interest to the said street or highway.*

5-115. *No implied covenant or warranty by a grantor or lessor.*

*There shall be no implied covenant or warranty by the grantor as to title or possession in any grant of land or of any grant of an interest or estate in land except that in any lease, unless the lease provides otherwise, there shall be an implied covenant by the lessor, his personal representatives and assigns that the lessee, his personal representatives and assigns shall quietly enjoy said land.*

5-116. *Statute of Uses—passive trusts.*

*Passive trusts executed; inapplicable to security instruments, executory interests and powers of appointment.*

(a) *A conveyance, deed, covenant, devise or bequest of any property, including an interest in land, to a trustee whose title is nominal only, and who has no power of disposition or management of such property, is void as to the trustee, and shall be deemed a direct conveyance, deed, covenant, devise or bequest to the beneficiary.*

(b) *This section shall not be applicable to any deed of trust given as security for the payment of a debt or the performance of an obligation.*

(c) *Notwithstanding the repeal of the British Statute of Uses as it had been in force in Maryland, executory interests and powers of appointment shall be valid in Maryland, subject to the Rule Against Perpetuities as now or hereafter in force in Maryland.*