

IN THE LIFETIME, OR AT THE TIME OF THE DEATH OF THE PERSON, AND NOT AN INDEFINITE FAILURE OF HIS ISSUE.

REVISOR'S NOTE: This section is new language derived from §4-410 of the Estates and Trusts Article and modified to relate to deeds. The present language of §5-113 is proposed for deletion so that there can be substantial conformity between the two sections.

2-114. TITLE TO STREET OR HIGHWAY WHERE LAND BINDING ON IT IS GRANTED.

UNLESS A CONTRARY INTENTION APPEARS IN THE DEED, WILL, OR OTHER INSTRUMENT, IF ANY DEED, WILL, OR OTHER INSTRUMENT GRANTS OR BEQUEATHS LAND BINDING ON ANY STREET OR HIGHWAY, OR IF ANY STREET OR HIGHWAY IS ONE OR MORE OF THE LINES OF THE LAND, THE DEED, WILL, OR OTHER INSTRUMENT PASSES TO THE LEGATEE, DONEE, OR GRANTEE, ALL THE RIGHT, TITLE, AND INTEREST OF THE TESTATOR, DONOR, OR GRANTOR IN THE STREET OR HIGHWAY. EXCEPT THAT TO THE EXTENT THE TESTATOR, DONOR, OR GRANTOR OWNS OTHER LAND ON THE OPPOSITE SIDE OF THE STREET OR HIGHWAY, THE DEED, WILL, OR OTHER INSTRUMENT PASSES THE RIGHT, TITLE, AND INTEREST OF THE TESTATOR, DONOR, OR GRANTOR ONLY TO THE CENTER OF THAT PORTION OF THE STREET OR HIGHWAY ON WHICH THE TWO OR MORE TRACTS COEXTENSIVELY BIND.

REVISOR'S NOTE: This section presently appears as Art. 21, §5-114 of the Code. The phrase "in this State" is proposed for deletion as superfluous since this section can relate only to land within the State.

The last sentence is proposed for deletion because it is superfluous in light of the new language added to the first sentence.

The only other changes are in style.

2-115. NO IMPLIED COVENANT OR WARRANTY OF TITLE OR POSSESSION.

THERE IS NO IMPLIED COVENANT OR WARRANTY BY THE GRANTOR AS TO TITLE OR POSSESSION IN ANY GRANT OF LAND OR OF ANY INTEREST OR ESTATE IN LAND. HOWEVER, IN A LEASE, UNLESS THE LEASE PROVIDES OTHERWISE, THERE IS AN IMPLIED COVENANT BY THE LESSOR THAT THE LESSEE SHALL QUIETLY ENJOY THE LAND.

REVISOR'S NOTE: This section presently appears as Art. 21, §5-115 of the Code. The phrase "his personal representative and assigns" is proposed for deletion as unnecessary in light