

Section 9-403(5), and 9-404 through 9-406 - cross-references to §7-202(b) (4) of the Courts Article are corrected.

Section 9-407 (added by Ch. 344, Acts of 1970) - "file the document" is substituted for "file document".

Finally, §10-102(1) is proposed for repeal as obsolete.

Although Title 9, which relates to secured transactions, is basically non-uniform, the Commission decided not to undertake any revision of it at this time. A user of the Code should take note that Title 9, as enacted in Maryland, is at variance with Article 9 of the Official Text.

Chapter 651, Acts of 1973, amended §1-103 of the Uniform Code to provide that the age of majority, as it pertains to contracts, is 18 years. The Commission notes that the last clause of the 1973 addition provides that "the legal defense of minority may only be asserted by a person under eighteen years of age". This wording, taken literally, would appear to be contrary to the general rules governing the contracts of minors in Maryland, and, the Commission suspects, may have been drafted more restrictively than actually intended. It implies that no one else but the minor may assert the defense on his behalf, and that a person who makes a contract while a minor may not assert the defense on his own behalf at any time after he has reached majority. On the other hand, the general rule in Maryland has been that, if a contract made by a minor is not beneficial to him, the contract is void ab initio, and, if it is of an uncertain nature, it is voidable only at the election of the minor. See, e.g., Crown Cork & Seal Co. v. Fankhanel, 49 F.Supp. 611 (D. Md., 1943); Ridgley v. Crandall, 4 Md. 435 (1953). As to voidable contracts, the minor may disaffirm the contract either during his minority or, unless ratified by him, within a reasonable time after he attains his majority. See, e.g., Crown Cork & Seal, *supra*; McBriety v. Spear, 191 Md. 221 (1948); Adams v. Beall, 67 Md. 53 (1887). Furthermore, voidable contracts also may be disaffirmed by the minor's privies in blood. See, e.g., Levering v. Heighe, 2 Md.Ch. 81 (1859). The Commission is uncertain as to whether or not, or to what extent, the quoted provision of §1-103 was intended to limit or otherwise modify these rules. In light of the importance of these matters, clarifying legislation may be appropriate.

Chapter 344, Acts of 1970, added new §9-407 to