

1916. ch. 618.

21A. Whenever by reason of the failure to record any deed or other conveyance within six months from its date, any creditors of the grantor in such deed or other conveyance become, under the statutes of Maryland, entitled to assert their claims against the property conveyed by such deed or other conveyance or any interest therein, such creditors shall proceed in a court of equity (without the necessity of prior proceedings at law) to obtain a decree for the sale of such property or any interest therein within six months after the recording of such deed or other conveyance, or be thereafter absolutely barred from asserting their claims against such property or any interest therein. In the case of deeds or other conveyances now on record, which have been recorded after six months from their date, such proceedings shall be taken within six months from June 1, 1916. For the purpose of this section, the true date of a deed or other conveyance of real or leasehold property or any interest therein, from which date the six months period must be counted, shall be deemed to be the date of the acknowledgment of the same; and in case of several acknowledgments made at different times, the true date shall be the date of the acknowledgment which is last in point of time. For the purpose of asserting their rights under this Article, the claims of creditors of the grantor not due at the date of the recording of the deed shall be considered as due and enforceable at such date. This section shall not affect the rights of creditors to assert their claims against the grantor *in personam*, and nothing herein contained shall change the legal effect of the taking of possession of the property by the grantee as provided in Section 20 of this Article. This section shall not apply to mortgages.

28.

See notes to section 1.

Mortgages.**31.**

See notes to section 32.

32.

This section, and section 31, and article 16, section 34, are for the protection of creditors becoming such after the date of mortgages either unrecorded or defectively executed. The trustee in bankruptcy of a mortgagor may have the title to property covered by a defectively executed or recorded mortgage declared to be in him. *Davis v. Harlow*, 130 Md. 166.

See notes to section 33.

33.

This section does not require an officer of a corporate mortgagee to make oath that he is agent of the mortgagee. If the affidavit does not state that the affiant is an officer of the corporation, such fact may be shown by parol proof. *Buck v. Gladfelter*, 122 Md. 37.