

except when it is otherwise agreed by the terms thereof, no annual crops pitched or cultivated by any debtor therein or those claiming under him shall pass with the said real estate or leasehold interest at any sale under or by virtue of said mortgage, deed or other instrument, but such crops shall be and remain the property of the said debtor, or those claiming under him, subject, however, to the lien mentioned in the next section.

In view of provision in mortgage that in case of sale thereunder all interest of mortgagor in crops should pass to purchaser, purchaser under foreclosure takes crops as against purchaser under execution before foreclosure sale. *Godfrey v. Johnson*, 153 Md. 584.

Cited but not construed in *Smith v. Pritchett*, 168 Md. 347.

See notes to sec. 26.

An. Code, 1924, sec. 27. 1912, sec. 27. 1904, sec. 27. 1900, ch. 457, sec. 26.

28. After any sale mentioned in the preceding section the said debtor, or those claiming under him, and the purchaser at such sale, or those claiming under him, may agree upon a reasonable rental of the part of said real estate or leasehold interest occupied by the said crops, and the said rental so agreed upon shall be and remain a lien upon the said crops until paid in favor of said purchasers or those claiming under him, nor shall the same or any part thereof be removed until after payment. In case the said parties are unable to agree upon or for such rental, either party, or any party in interest, may apply to the court having jurisdiction over such sale or the confirmation thereof for the appointment of disinterested appraisers to determine said rental, whose award shall be final.

An. Code, 1924, sec. 28. 1912, sec. 28. 1904, sec. 28. 1900, ch. 457, sec. 28.

29. The purchaser mentioned in the preceding section, or those claiming under him shall, in addition to his other remedies, have the right to distrain for the said rental or any part thereof remaining due, as in the case of landlord and tenant, upon the ascertainment thereof as proved in the preceding section; provided, however, that nothing contained in this section or in sections 27 and 28 shall be taken to interfere with the right of the said purchaser, or those claiming under him, to have possession of the said real estate or leasehold interest as heretofore, except as to the part thereof occupied by the said crop or crops, with right of necessary ingress or egress; and provided further, that these sections 27, 28 and 29 shall not apply to deeds or instruments as aforesaid existing on April 7, 1900.

An. Code, 1924, sec. 29. 1912, sec. 29. 1904, sec. 29. 1900, ch. 656. 1902, ch. 102. 1904, ch. 78.

30. All mortgages and assignments of mortgages defectively sworn to and recorded in this State prior to March 15, 1904, before any officer authorized by the laws of this State to administer oaths or to take affidavits shall be as valid to all intents and purposes as if the said mortgages or assignments of mortgages had been sworn to in conformity with law.

See art. 21, secs. 104 and 105.

An. Code, 1924, sec. 30. 1912, sec. 30. 1904, art. 21, sec. 87. 1888, art. 21, sec. 84. 1882, ch. 215, secs. 1-2. 1910, ch. 588 (p. 64). 1912, ch. 85. 1914, ch. 259. 1916, ch. 151. 1918, ch. 396.

31. Any assignment of any mortgage, which assignment has been heretofore executed and recorded, but which has not been sealed and in which no mention of any seal has been made or in which either of such defects