

CANNOT BE DIVIDED WITHOUT LOSS OR INJURY TO THE PARTIES INTERESTED, THE COURT MAY DECREE ITS SALE AND DIVIDE THE MONEY RESULTING FROM THE SALE AMONG THE PARTIES ACCORDING TO THEIR RESPECTIVE RIGHTS. THE RIGHT TO A PARTITION OR SALE INCLUDES THE RIGHT TO A PARTITION OR SALE OF ANY SEPARATE LOT OR TRACT OF PROPERTY, AND THE BILL OR PETITION NEED NOT PRAY FOR A PARTITION OF ALL THE LOTS OR TRACTS.

(B) MINORS, DISABLED, AND NONRESIDENTS.

THIS SECTION APPLIES REGARDLESS OF WHETHER ANY PARTY, PLAINTIFF, OR DEFENDANT IS A MINOR, DISABLED, OR A NONRESIDENT.

(C) DEED.

A SALE AND DEED MADE PURSUANT TO AN ORDER OF THE COURT IN THE EXERCISE OF THE POWER PROVIDED IN THIS SECTION IS GOOD AND SUFFICIENT AT LAW TO TRANSFER PROPERTY OF THE PERSON. A DEED EXECUTED IN EXERCISE OF THE ABOVE POWER PROVIDED IN THIS SECTION SHALL BE EXECUTED BY THE PERSON THE COURT APPOINTS FOR THE PURPOSE.

(D) ENCUMBRANCE ON PROPERTY.

IF ANY BILL OR PETITION IS FILED UNDER THE PROVISIONS OF THIS SECTION FOR THE SALE OF PROPERTY, ANY PERSON HOLDING A MORTGAGE, OTHER ENCUMBRANCE ON THE PROPERTY, OR AN UNDIVIDED INTEREST IN THE PROPERTY MAY BE MADE A PARTY TO THE BILL, AND THE PROPERTY SHALL BE SOLD FREE AND CLEAR OF THE MORTGAGE OR OTHER ENCUMBRANCE. HOWEVER, THE RIGHTS OF A LIENOR SHALL BE PROTECTED IN THE DISTRIBUTION OF THE PROCEEDS OF THE SALE.

REVISOR'S NOTE: This section presently appears as Art. 21, §14-107 of the Code. It is divided into subsections for organizational purposes. In subsection (a), the present reference to "any right, interest or estate or property" is proposed for deletion as unnecessary in light of the preceding reference to "property" and the definition in §1-101(k). The only other changes are in style.

14-108. QUIETING TITLE.

(A) CONDITIONS.

ANY PERSON IN ACTUAL PEACEABLE POSSESSION OF PROPERTY, OR, IF THE PROPERTY IS VACANT AND UNOCCUPIED, IN CONSTRUCTIVE AND PEACEABLE POSSESSION OF IT, EITHER UNDER COLOR OF TITLE OR CLAIM OF RIGHT BY REASON OF HIS