

CLAIMS, OR UNDER THE ORIGINAL DEED OR WILL BY WHICH THE PARTICULAR, LIMITED, OR CONDITIONAL ESTATE, WITH REMAINDERS OR EXECUTORY DEVICES, IS CREATED. ANY MORTGAGE EXECUTED PURSUANT TO THE DECREE BINDS THE PROPERTY SO MORTGAGED OF EVERY PERSON, WHETHER IN BEING OR NOT.

REVISOR'S NOTE: This section presently appears as Art. 21, §14-110 of the Code. It is divided for organizational purposes. The only other changes are in style.

14-111. BOUNDARY LINES.

IF THERE IS A DISPUTE OVER ANY BOUNDARY LINE OR IF THE BOUNDS MENTIONED IN A DOCUMENT ARE LOST, ON PETITION OF ANY PARTY IN INTEREST, THE CIRCUIT COURT OF THE COUNTY WHERE THE PROPERTY LIES MAY ESTABLISH THE BOUNDARY LINES OR THE LOCATION OF THE MISSING BOUNDS. THE COURT MAY APPOINT ENGINEERS, SURVEYORS, OR OTHER EXPERTS TO ASSIST THE COURT IN ITS DETERMINATION, AND THE FEES OF THE EXPERTS ARE COSTS IN THE PROCEEDING.

REVISOR'S NOTE: This section presently appears as Art. 21, §14-111 of the Code. The only changes are in style.

14-112. POWER OF PERSON TAKING TITLE TO PROPERTY IN REPRESENTATIVE OR ~~[[FIDUCIARY]]~~ FIDUCIARY CAPACITY.

(1) IN THIS SECTION "TRUSTEE" INCLUDES ANY ESCROWEE, AGENT, ATTORNEY, REPRESENTATIVE, OR FIDUCIARY.

(2) IF ANY PERSON HOLDS OR TAKES TITLE TO PROPERTY IN THE CAPACITY OF TRUSTEE AND THE BENEFICIARY IS NOT DESIGNATED IN THE INSTRUMENT BY WHICH THE TRUSTEE TAKES TITLE OR IN ANOTHER INSTRUMENT SIGNED BY THE GRANTOR AND PREVIOUSLY RECORDED, THEN THE TRUSTEE AND HIS PERSONAL REPRESENTATIVE HAVE THE POWER TO GRANT, ENCUMBER, OR OTHERWISE DISPOSE OF THE PROPERTY, EXCEPT TO THE EXTENT THE POWER IS LIMITED BY THE TERM OF THE GRANT TO THE TRUSTEE OR IN ANOTHER INSTRUMENT SIGNED BY HIS GRANTOR AND PREVIOUSLY RECORDED, UNLESS ~~[[PRIOR TO DISPOSITION BY THE TRUSTEE]]~~ AN INSTRUMENT SIGNED BY THE TRUSTEE WHICH DESIGNATES THE BENEFICIARY ~~[[PREVIOUSLY]]~~ IS RECORDED PRIOR TO DISPOSITION BY THE TRUSTEE.

REVISOR'S NOTE: This section is new language derived from Art. 21, §14-112 of the Code. Clarifying language is proposed for addition at the suggestion of the Code Revision Committee. See Revisor's Note to §2-116 for an explanation of the changes made.