§ 1920. Disposition of surplus in action to enforce mortgage or other lien

1. Where real property liable to be disposed of as prescribed in this act is sold in an action or special proceeding, or otherwise, to enforce a mortgage or other lien thereon which accrued during the decedent's lifetime the surplus money must be paid into the surrogate's court having jurisdiction to issue letters upon the estate of the decedent, in the following cases:

(a) Where 18 months have not elapsed since the date when letters were issued to the original fiduciary.

(b) Where a proceeding for the disposition of the real property of the decedent or for a judicial settlement of the accounts of the fiduciary has been commenced within 18 months from the date of the issuance of such letters and is still pending.

(c) Where no such letters have been issued and 2 years have not elapsed since the death of the decedent.

2. Money paid into the surrogate's court as herein provided, pursuant to any direction of another court may be paid out to the fiduciary of the decedent, as directed by an order of the surrogate's court, to be accounted for by him upon the judicial settlement of his accounts or in a special proceeding brought for that purpose in the surrogate's court an order may be entered directing distribution to the persons entitled thereto if 18 months have elapsed since letters were issued to the original fiduciary upon the estate of the decedent or if no such letters have been issued 2 years have elapsed since the death of the decedent.