

M 3919.

J. H. McBurney et al

Warranty Deed.

To C. H. Statcher, Jr. With Relinquishment of Dower.
Know all Men By These Presents:

That we, James H. McBurney and Vera McBurney, his wife and Samuel P. McBurney, a single man, for and in consideration of the sum of Seventy Eight Hundred Dollars (\$7800.00), the receipt of which is herewith acknowledged do hereby grant, bargain, sell and convey unto the said C. H. Statcher Jr. and unto his heirs and assigns forever, the following lands lying in the town of Lucia, Western District of the Indian Territory, to-wit: The north Three and one half ($3\frac{1}{2}$) feet of Lot Four (4) and the south seventeen feet (17) of Lot Five (5), all in Block One Hundred and Five (105), with this express provision however, that the grantee, their heirs and assigns, shall not erect any building on the east ninety-five and one half ($95\frac{1}{2}$) feet of the above described parcels of Lot, whose roof is more than twenty (20) feet above the street grade at the north side of the ground herein conveyed.

and provided further that whereas, a partition wall has been erected by D. C. Shelton on the south line of the north thirty-eight (38) feet of the aforesaid Lot Five (5),

grantee, their heirs and assigns, will pay to said D. C. Shelton ^{on the part of the grantee, the cost of that portion of the said partition wall that frames here to be used by grantee,} ~~his heirs and assigns~~ in any building that may be constructed on the parcels of lots herein conveyed,

said partition wall has been built wholly on the north thirty-eight (38) feet of the said Lot Five (5) with the exception of what space was reasonably required to furnish a footing for the south side of the foundation of said partition wall.

To have and to hold the same unto the said C. H. Statcher Jr. and unto his heirs and assigns forever, with all appurtenances thereto belonging.

and hereby covenant with said C. H. Statcher Jr. that they will forever warrant and defend the title of said lands against all claims whatever.

and I, Vera McBurney, wife of the said James H. McBurney for and in consideration of the said sum of money, do hereby release and relinquish unto the said C. H. Statcher Jr. all my rights of dower and homestead in and to the said lands.

Witness our hands and seal on this 18th day of March,