

COMPARED

No. 1002

P.D.M.
P.L.
C.L.
C.D.
C.I.

Banka Brothers, by W. S. Banka.

To

Chattel Mortgage with power of sale.

Borvaird & Company,

This Indenture, made this 25th day of September 1906, between Banka Brothers (W. S. Banka and J. W. Banka) by W. S. Banka parties of the first part, and Borvaird & Company of Independence, Kansas parties of the second part, Witnesseth, that for and in consideration of the sum of eighteen hundred eighty eight and 5/100 Dollars \$1888.58 the receipt of which is hereby acknowledged, the parties of the first part have bargained, sold, granted, conveyed, by these presents do hereby bargain, sell and convey to the party of the second part, its successors and assigns, the following described property, the title to which they guarantee, to-wit: 1-25 H.P. Rayle Boiler, 1-25 H.P. Borvaird & Co. Engine, 1-2 1/2 x 1500 ft Phila Cable, 1-1/2 x 1800 ft Wire and Line, 1-7/8 x 1000 ft wire and Line, 1-4 1/2 x 88 ft stem, 1 set 2 1/2 B & Co Bits, 2-10" B & Co Bits, 2-6 1/4 B & Co Bits, 1 set Jaws, 2 Rope sockets, 2-4" Tool Wrenches, 1-2 Barnett Jack complete, 1-2" Hammer screw, 2 all gear Handles, 1 drill, 1 a pulley shoe and Ring 1-12" x 90 ft Belt 1 Link Crane complete with Hoist & Wrench, 1 Ratchet stock & line, 1000 ft 1" Pipe, 250 ft 2" Pipe, 1-5/2 x 25 ft Bailer, 1-7" x 25 ft Bailer, 1-9" x 20 ft Bailer, 1-1" Iron Mower Hoist, 1 set 6 1/8" Fishbone cleavertone, 1 Boiler Regulator, 1 Page Engine Pump, 1 Rope Hoist, 1 Rope Knife Jaws and linker, 1-4" x 16 ft driver, 1 set 36" dia Fishing Jaws, all of said property now being on what is known as the Frank Phillips Farm about 2 1/2 miles south of Okatoch, Cherokee Nation, Indian Territory, to have and to hold the same unto the party of the second part, its successors and assigns forever, conditioned, however, as follows: Whereas the parties of the first part are indebted to the party of the second part in the sum of eighteen hundred eighty eight and 5/100 Dollars, \$1888.58, as expressed by note of ^{Sept 19, 1906} date, due November 19, 1906, and more specifically described as: \$1888.58

Interest due, Sept 19, 1906.

Two months after date, we promise to pay to the order of Borvaird & Company, Independence, Kansas, eighteen hundred eighty eight and 5/100 Dollars with interest at 5 percent per annum from date until paid. The principal and interest herein severally waive notice of demand and payment protest or extension. Interest to bear interest if not paid annually. The payment of reasonable attorneys fees is agreed to as made from date.

Witness

Signed: Banka Brothers

P.D.

By W. S. Banka

No.

Now, if the parties of the first part shall well and truly pay to the party of the second part the sum hereinbefore mentioned, and all other indebtedness which may be due to the party of the second part, by the parties of the first part, together with the cost of this Trust, on or before the 19 day of November 1906, then this conveyance shall be void, otherwise to remain in full force and effect. And in case any default is made in the payment of said indebtedness, as herein set forth, or should the parties of the first part fail to the full payment of the above mentioned indebtedness, and attempt to sell, alien, remove or otherwise dispose of the property herein conveyed, or any part thereof, without the consent of the party of the second part, or in case the said party of the second part shall at any time deem itself insecure or deem that in order to properly protect itself and secure full payment of the above mentioned indebtedness, such action shall be necessary, then, in either ^{event} the party of the second part, agent or attorney, are hereby authorized and empowered to take charge of said property on demand, without process of law, and sell and dispose of the same or as much as may be necessary at public sale without advertisement, the advertisement required by law being hereby expressly waived, at the place where located for cash in hand, upon two weeks notice in some news paper published in the Western District, Indian Territory, or by written notices posted in five