

COMPARED

No. 1378

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

W. P. Phillips and Wife
do

Mortgage, with power of Sale, Realty,

L. W. Buffington,

Know all Men By These Presents: That W. P. Phillips, and his wife, J. A. Phillips for and in consideration of the sum of Seventy Five Hundred (\$7500.00) Dollars to him in hand paid, and the promise hereinafter set forth, do hereby grant, bargain and sell unto L. W. Buffington and unto his heirs and assigns forever an undivided one third interest in the following property:

W. 1/2 of S.W. 1/4 of S.E. 1/4 of Sec. 29, town 21, Range 13, E. 1/2 of NW 1/4 of NW 1/4 of Sec. 32, town 21, Range 13, the N.W. 1/4 of NW 1/4 of Sec. 32, town 21, Range 13 and the E. 1/2 of NW 1/4 of S.E. 1/4 of Sec. 32, town 21, Range 13

The N.E. 1/4 of N.E. 1/4 of S.W. 1/4 of Sec. 6, town 20, Range 13, the N.W. 1/4 of NW 1/4 of NW 1/4 of Sec. 5, Township 21, Range 13, the E. 1/2 of the N.W. 1/4 of NW 1/4 and the S.W. 1/4 of S.W. 1/4 of NW 1/4 of Sec. 6, Township 21, Range 13.

I hereby covenant with the said L. W. Buffington that I will forever warrant and defend the title to said property against all lawful claims. And J. A. Phillips, wife of the said W. P. Phillips for the consideration aforesaid does hereby release unto the said L. W. Buffington all her right of dower and homestead in and to the said lands.

The sale is on the condition that whereas W. P. Phillips justly indebted unto said L. W. Buffington in the sum of Seventy Five Hundred (\$7500.00) Dollars, evidenced by a certain promissory note of even date with this instrument, six months from date, bearing interest at the rate of eight per cent.

Now, if he shall pay said money at the times and in the manner aforesaid then the above conveyance shall be null and void and in case of non payment, then the said grantee or assignee shall have power to sell said property at public sale to the highest bidder for cash, at public vendue in the 28th Recording District, of the Indian Territory, public notice of the time and place of said sale having first been given ten days by advertising in some news paper published in said district, by at least two insertions, and by notices in ten public places in the district, at which sale the said grantee or his assignee may bid and purchase as any third person might do we hereby authorize the said grantee or assignee to convey said property to anyone purchasing at said sale, and to convey an absolute title thereto, and the catab of his deed of conveyance shall be taken as Prima Facie true. And the proceeds of said sale shall be applied, first, to the payment of all costs and expenses attending said sale, second, to the payment of said debt and interest, and the remainder, if any, shall be paid to said grantor. We hereby waive any and all rights of appraisement or redemption under the laws of the State of Arkansas, and especially of redemption under the Acts of General Assembly of the State of Arkansas, passed May 8, 1899.

Witness our hands and seals on the 17th day of October, 1906.

W. P. Phillips (Seal)

J. A. Phillips (Seal)

Acknowledgment. Indian Territory, Recording District 28. Be it Remembered that on this day came before me the undersigned a Notary Public within and for the district aforesaid, duly commissioned and acting, W. P. Phillips to me well known as the grantor in the foregoing deed, and stated that he had executed the same for the consideration and purposes therein mentioned and set forth. And on the same day also voluntarily appeared before me the said J. A. Phillips wife of the said W. P. Phillips to me well known and in the absence of her said husband, stated and declared that she had of her own free will executed said deed and signed and sealed the Relinquishment of Dower and Homestead in the foregoing deed for the purposes and considerations therein mentioned, contained and set forth, without any coercion or undue influence of her said husband.

Witness my hand and seal as such Notary Public this 17th day of October, 1906.

(Seal) Northern District, Ind. Ter.

My comm. Ex. 1/8/10.

Frank M. Collins,

Notary Public.

Filed for Record Nov. 8, 1906, at 8:00 a.m.

Chas. Lorton

Deputy Clerk & ex-officio Recorder.