

202384 C.J.

COMPARED

WAIVER OF PRIORITY

WHEREAS, under date of June 15th, 1920, W. C. Horn and Josephine J. Horn, his wife, and Harry Onan and Bell Onan, his wife, executed a certain real estate mortgage to Home Savings & Loan Association, a corporation, covering

Lots Twenty-three (23) and Twenty-four (24), in Block Eight (8), of Forest Park Addition to the City of Tulsa, in Tulsa County, Oklahoma, according to the recorded plat of said addition;

which said mortgage is recorded in Book 303 at page 290 in the office of the County Clerk of Tulsa County, Oklahoma, and

WHEREAS, thereafter, and under date of October 6th, 1920, A.H. Walk and Ethel Walk, his wife, executed and delivered to Harry Onan and W. C. Horn, a certain real estate mortgage covering the above described property, which said mortgage is recorded in the office of the County Clerk of Tulsa County, Oklahoma, in Book 353, at page 175, and

WHEREAS, the undersigned, H. W. Randolph, is now the owner of the last above described mortgage by written assignment made to him by Harry Onan and W. C. Horn under date of October 28th, 1921, which said assignment now appears of record in the office of the County Clerk of Tulsa County, Oklahoma in Book 383, at page 61, and

WHEREAS, the said A. H. Walk and Ethel G. Walk are desirous of borrowing money from J. C. Leonard of Oklahoma City, Oklahoma, Trustee, with which to pay the loan above described, secured by the mortgage from W. C. Horn, et al., to Home Savings & Loan Association, a corporation, and the said J. C. Leonard will make said loan for Twenty Two Hundred (\$2,200.00), and procure the release of the aforesaid mortgage to the Home Savings & Loan Association provided that the undersigned H. W. Randolph will acknowledge a certain real estate mortgage of even date herewith, executed by A. H. Walk and Ethel G. Walk, his wife, to J. C. Leonard of Oklahoma City, Oklahoma, Trustee, as prior and superior to the aforesaid mortgage made by A. H. Walk and Ethel Walk, his wife to Harry Onan and W. C. Horn on the 6th day of October, 1920, of which the said H. W. Randolph is now the owner.

NOW, THEREFORE, in consideration of One dollar (\$1.00) and other valuable considerations, the undersigned H. W. Randolph hereby waives the priority of the mortgage executed by A. H. Walk and Ethel Walk, his wife to Harry Onan and W. C. Horn under date of October 6th, 1920, recorded in Book 353, at page 175, in the office of the County Clerk of Tulsa County, Oklahoma, over the said mortgage executed by A. H. Walk and wife to J. C. Leonard, Oklahoma City Oklahoma, Trustee, under date of April 3, 1922, recorded in Book 398 at page 91 in the office of the County Clerk of Tulsa County, Oklahoma; both mortgages covering

Lots Twenty-three (23) and Twenty-four (24) Block Eight (8), Forest

Park Addition to the City of Tulsa, in Tulsa County, Oklahoma;

and agrees and consents that said mortgage to J. C. Leonard of Oklahoma City, Oklahoma, Trustee, shall be a prior and superior lien to the mortgage covering said property, now owned by the undersigned.

IN WITNESS WHEREOF I have hereunto set my hand the 3rd day of April, 1922.

H. W. Randolph

STATE OF OKLAHOMA)
County of Tulsa) SS On this 14th day of June, 1922, before me, the undersigned, a Notary Public in and for said County and State aforesaid, personally appeared H. W. Randolph, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.